

defence denying commission of the alleged wrongful acts by him. The town had passed a by-law allowing sewers to be constructed "to be exclusively used for carrying off water from cellars, baths and sinks, and that no connections shall be made with the said drains for other than the purposes aforesaid, and only under the supervision of the Inspector of Streets of said town, who shall have power to prevent any water closets being used in connection with the said drains, and it shall be his duty to do so." The statement of claim alleged that the plaintiff owned lands through which flowed a stream which was connected with one of the said sewers, and that the individual defendants, with the knowledge and consent of the town corporation, and with their written permission, used the sewer for the discharge of their water closets, and so were polluting the stream and creating a nuisance, depreciating the plaintiff's property, and were thereby joint trespassers. The relief asked was (1) an injunction, restraining any further improper user of the sewer by the present defendants; (2) restraining the corporation from granting any similar permits; (3) declaration that plaintiff is entitled to the uninterrupted use of the stream in its former purity; and (4) damages. The Master thought that the language of *Boyd, C.*, in *Evans v. Jaffray*, 1 O.L.R. at p. 621, was very applicable to the case, and that "there is such unity in the matters complained of as between all parties as justifies the retention of the defendants" in one action, even if they are not technically joint trespassers. Motion dismissed. Costs to be in the cause, and the moving defendant to have six days' further time to plead. E. N. Armour, for the town corporation. John Macgregor, for the plaintiff.

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FOISY v. LORD—SUTHERLAND, J.—MAY 18.

*Statute of Limitations—Deed to Several Grantees as Tenants in Common—Exclusive Possession by One Grantee—Pleading—Amendment at Trial.*—Action for the rectification of a deed. At the conclusion of the trial judgment was given dismissing the plaintiffs' claim, and also the claim of the defendants for an order rectifying the deed by striking out the names of all the grantees therein except that of the defendant Angele Lord. The learned Judge reserved the question of the claim of the defendants for a declaration establishing a title by possession in the said Angele Lord, as to which branch of the case he has now