

formed part of lot 38 in the 4th concession of the township of Brantford, and was conveyed to him on the 30th April, 1913, by Maria Harriman, the then owner of it. In 1908, proceedings were taken under the Ditches and Watercourses Act, R.S.O. 1914 ch. 260, at the instance of the respondent Greenwood for the drainage of his land, lying to the west of the appellant's land. The respondent Grummett, Martha Harriman, a other neighbouring land-owners, were duly notified of Greenwood's requisition; and in due course an award was made by the engineer, dated the 17th November, 1908. The award provided for the making of a drain in three sections across the lands of the persons who were parties to the proceedings. Section A. was located on the south half of a lot in the 4th concession, and had "outlet through culvert leading from Echo Place to the Grand Trunk Railway crossing said lot." This culvert was shewn on a plan, and was situate in or near the land of the appellant; the plan shewed a drain, partly open and partly tiled, running north-easterly through it to the culvert. The award provided that Martha Harriman should make and complete that portion of section A. commencing at 10 feet west of the west end of the culvert, on the side-road, through lot 38, to a point 14 feet westerly from stake No. 1 (70 feet) etc. The culvert in the side-road was shewn on the plan. The award made no provision for continuing the drain north-easterly beyond the point of commencement mentioned in it. The culvert in the side-road was, at the time the award was made, an ordinary road-culvert, put in by the defendant township corporation. The drain was constructed according to the award, and Martha Harriman constructed her part.

The appellant complained that the respondents Greenwood and Grummett had lowered the culvert in the side-road, and thereby caused more water flowing from the upper land to pass through the culvert and on to his land; and the appellant sought to make the township corporation liable because it had suffered the culvert to be lowered.

The appellant based his claim also on the ground that the drain constructed in 1908 was not continued to a proper outlet, but was brought down to and left at the side-road, from which the water brought down to it flowed to and upon his land.

The appellant also contended that, having registered the conveyance to him from Martha Harriman, without notice of the rights conferred by the proceedings under the Ditches and Watercourses Act, his land was not affected by them.

Dealing with this last point, the learned Chief Justice said