

Thames, and alleges that in 1879 and 1880 the defendants obstructed the flow of the river by erecting and maintaining a dam and flash-boards in the river bed which forced back the water so that it was prevented from flowing away from his land and remained at his mill and in his tail-race, compelling the use of steam instead of water power at times. He claims damages for these alleged wrongs, an injunction to prevent a continuance of them and a mandatory order directing the removal of the dam and flash-boards.

I. F. Hellmuth, K.C., and C. H. Ivey, London, for plaintiff.

A. B. Aylesworth, K.C., for city of London.

T. G. Meredith, K.C., for Water Commissioners.

FALCONBRIDGE, C.J., held, that the defendants are in the wrong, and have not acquired a prescriptive right. Plaintiff is entitled to damages both as riparian proprietor and mill-owner. Judgment, accordingly, for plaintiff with costs and reference as to damages, to be confined to the six years prior to the commencement of this action. Injunction granted. Thirty days' stay.

Hellmuth & Ivey, London, solicitors for the plaintiff.

T. G. Meredith, London, solicitor for the defendants.

FALCONBRIDGE, C.J.

SEPTEMBER 3RD, 1902.

TRIAL.

HOGG v. TOWNSHIP OF BROOKE.

*Way — Non-repair — Injury to Person — Accumulation of Snow—
Responsibility of Township Corporation.*

Action for damages for injuries received by plaintiff owing to non-repair of a highway in the township. The snow accumulated on the highway, and the plaintiff's sleigh stuck in the snow, and in endeavouring to extricate it the plaintiff was injured.

T. G. Meredith, K.C., for plaintiff.

G. F. Shepley, K.C., and J. Cowan, Sarnia, for defendants.

FALCONBRIDGE, C.J.:—It would be unreasonable to hold the defendants liable owing to the unprecedented fall of snow at the particular season when the accident occurred, it being