and notorious possession:" Sherren v. Pearson, 14 S.C.R. 585. The lawful owner was not prevented from taking peaceable possession, and there was no trespasser against whom he could have maintained an action to recover the land. For about one-half of each year the possession was vacant, and on each such occasion the right of the true owner would attach and the Statute of Limitations cease to run, beginning again, but only from a new starting-point, when the plaintiff took possession each spring. His withdrawal during each winter lost to him the benefit of his possession up to the time of such withdrawal: Coffin v. North American Land Co., 21 O.R. 81. The action was dismissed with costs. M. R. Allison and P. C. MacNee, for the plaintiff. E. G. Porter, K.C., for the defendant.

Baldwin v. Township of Widdifield—Britton, J.—June 1.

Municipal Corporation—Construction of Road Ditch—Surface Water—Flooding Lands—Absence of Negligence.]—The plaintiff, the owner of part of lot 19 in concession B. of the township of Widdifield, comprising $4\frac{95}{100}$ acres, complained that the defendants, about the year 1899, diverted the water from a certain stream or creek which ran across another part of lot 19, and, for the purpose of carrying off the water so diverted, constructed a ditch running easterly along the old Trout Lake road, which ditch was entirely unfit and inadequate for the purpose intended, and so the water flowed from it over the plaintiff's land, to her damage. The learned Judge, in his written reasons for judgment, stated the facts briefly; and then said that there was no sufficient evidence to establish the existence of any creek, properly so-called. All the water that was diverted was surface water, and would, had the road ditch not been made, have flowed upon lot 19, and would in great part have found its way to the place where the flooding complained of occurred. The defendants were not guilty of any negligence. Action dismissed without costs. G. L. T. Bull, for the plaintiff. G. H. Kilmer, K.C, for the defendants.