

do and who will occupy these premises, it would be a large estimate to say that \$1 a month would be required as a reduction by reason of the darkening of the rooms in question by defendants' building, from the rent that would otherwise be obtained. That would be \$12 a year, and would represent interest at 4 per cent. on \$300 for all time, although the building may not stand for a long time. If damages, \$300 would be a very liberal assessment.

Action dismissed.

JUNE 18TH, 1907.

DIVISIONAL COURT.

DONALDSON v. TOWNSHIP OF DEREHAM.

Municipal Corporations—Construction of Road Ditch—Negligence—Flooding Adjoining Lands—Findings of Jury—Depriving Land-owner of Access to Highway—Remedy—Compensation—Rights of Purchaser of Land Affected—Injunction—Statute of Limitations—Undertaking.

Appeal by defendants from judgment of ANGLIN, J., upon the findings of a jury in favour of plaintiff in an action for damages for injuries caused to plaintiff's land by flooding, etc.

M. Wilson, K.C., for defendants.

J. M. Glenn, K.C., for plaintiff.

The judgment of the Court (FALCONBRIDGE, C.J., BRITTON, J., RIDDELL, J.), was delivered by

RIDDELL, J.:—Plaintiff resides in the township of Bayham, in the county of Elgin; this township adjoins the township of Dereham on the north, and plaintiff's land is in the last concession toward the north in Bayham. The road between the two townships passes to the north of plaintiff's land, and is admittedly a road under the joint jurisdiction of the two townships, within sec. 622 of the Municipal Act.

In 1893 representatives of the councils of the two townships met and found that a piece of this road was almost impassable. They made up their minds that they should dig a drain along the south side of the road and take certain sand from a knoll in the road and place it on a part of the