which building was conducted into the gutters and spouts of the one occupied by defendants, and these spouts were inadequate to carry off so much water as was so thrust into them; and finally the defendants deny having cut the spouts or gutters, &c. In 1871 the defendants' original tenancy under plaintiff ceased, but defendants, it seems, are there still under some fresh agreement. The building referred to is of brick, and the outside wall was very much decayed from the summit downwards to about ten feet from the ground, so says McDonald; but this does not mean that the whole of it was so; in parts the degraded part did not extend far downwards from the cornice or spout horizontal line, but along it about 50 or 60 feet, and descending from two feet to three and more in places. The brick wall was repaired by McDonald in April, 1872. In 1870 a tinsmith repaired the spouts and gutters, and found axe cuts in them; other bricklayers' works were in 1870; for all these things defendants are sued. The plaintiff has proved the expenditures alleged. Have the damages been caused or done by defendants? Are defendants to be condemned? That some cuts with an axe were made in the gutter and for which defendants are blameable, is clear. As to the steam engine being the cause of the damage, this is not proved. The evidence is much stronger for defendant than for plaintiff upon this point. The defendants contend that they are not liable. They say that the damages were the fault of plaintiff himself, and result of defective construction of his spouts and gutters, and of the insufficiency of these. It must be admitted that some strong proofs have been made by the defendants. Several witnesses swear that the gutters and spouts as erected by plaintiff were cheap and bad; the tin gutter was in two places not soldered, whereas the apron piece ought to have been soldered to the gutter proper; or, better yet, both ought to have been in one piece. Some witnesses say the defective gutters were the cause of the whole trouble. But I do not hold so. There was some axe cuts in the spouts, as I have said before. But as to these it must be remarked that they all were within the limit of 15 or 16 feet length, while the wall damage was 72 feet in length, according to one