

JUDGE v. THE TOWN OF LIVERPOOL.

1918
Nov. 7
Nov. 18

ON APPEAL FROM THE SUPREME COURT OF NOVA SCOTIA.

*Municipal corporation—Negligence—Drainage—Damage to property—
Extraordinary rainfall.*

APPEAL from a decision of the Supreme Court of Nova Scotia (1), maintaining the verdict for the defendant (respondent) at the trial.

The appellant claimed damages by reason of water entering his cellar when the drain overflowed during a heavy rain. He contended that a stand-pipe placed in the drain was the cause of the overflow.

The trial judge gave judgment for the defendant, holding that the damage suffered was entirely due to the extraordinary fall of rain and that the stand-pipe was not a contributing cause. The full court affirmed this judgment.

The Supreme Court of Canada, after hearing counsel and reserving judgment, dismissed the appeal, Idington J. dissenting.

Appeal dismissed with costs.

Burchell K.C. for the appellant.

Hall K.C. for the respondent.

(1) 28 D.L.R. 617; 49 N.S. Rep. 513.