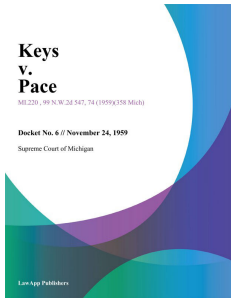


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Author: Supreme Court of Michigan

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Under doctrine of Sheehan v. Flynn, 59 Minn. 436, 61 N.W. 462, surface water is regarded as a common enemy which a landowner may, within reason, appropriate to his own use or may expel from his land as he chooses. Reasonable use is the test of liability. Rights and liabilities of a municipality in respect to surface water are the same as those of a private landowner. Evidence held to support jurys verdict that defendant city was legally responsible for constructing its street without making reasonable provision for the disposal of surface water, to the plaintiffs damage.

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