

claim must be dismissed with costs. The plaintiff was entitled to the injunction, and the dissolving of it, in the circumstances under which the order for that purpose was made, does not conflict with that view.

I have taken occasion to refer to the learned Judge who made the order dissolving the injunction, and I have learned that he adopted that course, not because he believed that the plaintiff was not entitled to the injunction, but because he considered it convenient and desirable that the logs should be removed by means of the ladder (apparently then the most speedy means of disposing of them), even though it trespassed on the plaintiff's lands, rather than that they should remain untouched, and so continue to interfere with the use of the river and its branches.

During the trial, I became impressed with the belief—and a more deliberate consideration of the evidence confirms this—that, had the defendants been more heedful of the plaintiff's wishes, when in the early part of the summer he requested their representatives so to conduct their operations as not to deprive him of reasonable means of access to the water and of the right to navigate the river, an amicable working arrangement could easily have been arrived at. They acted, however, high-handedly, and without due regard for the inconvenience and hardships which their operations caused him, and thus brought about the dissatisfaction on his part which resulted in the present proceedings.

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MASTER IN CHAMBERS.

APRIL 17TH, 1913.

SWALE v. CANADIAN PACIFIC R.W. CO.

*Third Parties—Order Giving Directions for Trial of Third Party Issue—Amendment—Leave to Third Parties to Appeal in Name of Defendants against Judgment in Favour of Plaintiff—Terms—Indemnity—Con. Rules 312, 640.*

Motion by the third parties, Suckling & Co., to amend an order of the Master dated the 4th March, 1912, giving directions as to the trial of the third party issue.

M. L. Gordon, for the third parties.

Shirley Denison, K.C., for the defendant.

W. M. Hall, for the plaintiff.