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HON. MR. JUSTICE BRITTON.

JULY 16TH, 1913.

RAINY RIVER NAVIGATION CO. v. WATROUS  
ISLAND BOOM CO.

4 O. W. N. 1593.

*Waters and Watercourses—Boom Company—Alleged Obstruction of River by—Evidence—Reasonable Conduct by Defendants—Dismissal of Action.*

BRITTON, J., dismissed an action by a steamship company against a boom company for damages for alleged obstruction of a navigable river with booms, holding that plaintiffs had not established that there was any unreasonable obstruction of the river.

Action by plaintiff company for damages on the ground that the defendant company, on or about the 18th of June, 1911, by their sawlogs floating on Rainy River, and by their booms used to gather and keep said sawlogs in control, delayed the steamer "Agwinde," belonging to the plaintiff, for several hours when on her regular route in navigating Rainy River. Tried at Fort Frances without a jury.

The plaintiff company says further, the same steamer on her return trip was in this way delayed for several hours; and, again, that the same steamer was similarly delayed on 23rd, 24th, 25th and 27th days of June.

It is charged that the defendant placed piers in the middle of the channel which further obstructed and delayed the "Agwinde," by reason of which the plaintiff company sustained damage and claims \$10,000.

This case was tried with one by the same plaintiff against the Minnesota and Ontario Power Company and the Ontario and Minnesota Power Company.

In that case damages were claimed from these other defendants by reason of their so interfering with the natural