

Driving Act, R. S. O. 1897, ch. 43, relates to the duties of persons floating logs and their obligations to break jams and to clear the logs from the banks and shores of the water with reasonable despatch, and to run and drive them so as not to unnecessarily obstruct the flow or navigation of the waters.

It is unquestionable that defendants did so obstruct the river as to render it extremely dangerous and at times impossible for it to be used by those having the right to navigate it; and conceding the rights given by statute to float logs and use the water for that purpose, I am of opinion that the evidence establishes that the defendants exceeded their rights and unreasonably obstructed this river.

In reaching this conclusion I have not disregarded the statement that permanent settlers and those residing in this region during the summer months are but few, and are located at considerable distances from each other. To these any interference with or improper use of the river, which obstruct their passage over it, is a serious matter, especially as other means of transport are not readily available.

In the early stages of defendants' operations in 1912, and prior to the commencement of this action, discussion took place between plaintiff and defendants' representatives about modifying the conditions created by the defendants so far as was necessary to enable plaintiff to safely navigate the river and to pass through the booms with his boats. Though promises were given him nothing was done that resulted in any improvement. True, defendants provided a means by which the booms, or some of them, could be opened in the centre; but to do this required skill and experience on the part of the persons using the boats, and while men accustomed to river work and log driving might find it a satisfactory means of passing the booms, it was a most dangerous attempt to be made by persons not so accustomed. Even Simpson, an experienced man, whose frank and straightforward evidence I accept, considered it highly dangerous.

It is also urged that plaintiff did not suffer any special damage such as to entitle him to maintain this action. My view is quite the contrary. He was deprived of the reasonable and proper means of using the river as well as of reaching places where it was necessary for him to go. His own statement is that for days at a time he and his family were practically prisoners on his property. He had such special