

tiff for all the years since 1895 has received the directors' reports and statements, and notices of meetings of shareholders, and has made no complaint until this action.

From any point of view, this does not appear to me to be a case in which an account should be ordered. This case was spoken of as a test case. It is one which interests all shareholders of the same class of stock as that held by the plaintiff; and, having regard to the want of clearness in the representations made to the plaintiff when she purchased, the dismissal of the action should be without costs.

KELLY, J.

APRIL 15TH, 1913.

IRESON v. HOLT TIMBER CO.

Trespass—Floatable and Navigable Stream—Lumbering Operations—Riparian Owner—Injury to Lands—Chain Reserve—High Water Mark—Access to Water—Saw Logs Driving Act, R.S.O. 1897 ch. 43—Unreasonable Obstruction of Stream—Timber Licensees Exceeding Statutory Rights—Status of Plaintiff—Special Damage—Encroachment on Plaintiff's Land—Location of Boundaries—Flooding of Lands—Trifling Value—Damages—Injunction—Removal of Logs—Amendment—Counterclaim—Damages by Reason of Interim Injunction.

Action for damages for wrongful entry by the defendants upon the plaintiff's lands in the township of Burton, in the district of Parry Sound, and using the same without the consent or authority of the plaintiff; for an injunction restraining the defendants from further entering upon or in any way making use of the plaintiff's lands, or any part thereof, and from destroying or otherwise injuring trees and timber; for a mandatory order for the removal of a jack-ladder, engines, and hoisting apparatus; to recover possession of the plaintiff's lands occupied by the defendants; and for other relief.

The defendants were the holders of a license from the Province of Ontario for the year ending the 30th April, 1912, to cut timber on certain lands in the township of Mackenzie, upstream from the plaintiff's lands. It was in taking down their logs that they came upon the plaintiff's lands.