

pronounced. If necessary it may be amended in the manner pointed out in the judgment in the North Perth and North Norfolk cases, recently before this Court, ante 1079.

Costs to be costs in the petition.

TEETZEL, J.

DECEMBER 21ST, 1903.

TRIAL.

ATTORNEY-GENERAL FOR ONTARIO v. WYNNE.

Water and Watercourses—River—License to Dam—Patent—Reservation—Interference with Navigation—Crown—Attorney-General—Pond Created by Dam—Easement—Sale of Lands according to Plan—Reservations in Deeds—Injunction to Restrain Obstruction of Pond—Continuous and Apparent Easement.

Action by the Attorney-General and the Trent Valley Woollen Manufacturing Co. for an injunction restraining defendant from proceeding with the construction of a building upon certain land adjoining the property of plaintiff company in the village of Campbellford, and for a mandatory order to remove the building material already placed thereon by defendant.

N. W. Rowell, K.C., George Kerr, and Joseph Montgomery, for plaintiffs.

G. T. Blackstock, K.C., and A. B. Colville, Campbellford, for defendant.

TEETZEL, J. . . . The plaintiff company and the defendant derive their titles under a patent of lot 10 in the 6th concession of the township of Seymour to one David Campbell, dated 25th August, 1852, which contains the following reservation: "Exclusive of the waters of the river front, which are hereby reserved, together with free access to the shores thereof for all vessels, boats, and persons."

On 25th February, 1856, Campbell conveyed the lands to James Cockburn and Nesbitt Kirchoffer (who afterwards signed a declaration of trust of an undivided one-third in favour of Robert Cockburn), and during the same year they constructed a dam across the river Trent where it intersected their property, and shortly afterwards built raceways on either side, connecting with the pond created by their dam,