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HON. MR. JUSTICE KELLY.

APRIL 15TH, 1913.

IRESON v. HOLT TIMBER CO., LIMITED.

4 O. W. N. 1106.

Waters and Watercourses—Obstruction of River by Logs—Saw Logs Driving Act—R. S. O. 1899 c. 43—Crown Grant—Reservation of One Chain on Bank—Riparian Rights—High Water Mark—Location of—Trespass—Evidence — Injunction — Damages — Reference—Costs.

Action by plaintiff, owner of certain lands upon the South Magnetawan River in the township of Burton, for an injunction restraining defendants, a lumber company, from trespassing upon his lands, from unreasonably booming and blocking the river with logs, and from damming up the river so as to overflow his lands, and for damages.

KELLY, J., *held*, that the Crown reserve of one chain along the bank of the river did not preclude plaintiff from obtaining the relief asked.

Metropolitan Board of Works v. McCarthy, 7 H. L. C. 243, referred to.

That the plaintiff's lands should not be measured from the high water mark and in any case the high water mark was not the point to which the waters of the river had been raised by the actions of defendants.

County of York v. Rolls, 27 A. R. 72, followed.

Judgment for plaintiff for injunction as prayed, \$15 damages for trespass, a reference as to damages for the obstruction of the river and costs.

Action by plaintiff who had built a summer home on the South Magnetawan river on lands purchased from the Crown, for damages for wrongful entry and trespass on his lands and an injunction restraining defendants, a lumber company, from further entry and from destroying and injuring his trees and timber and from storing logs in the river, and for an order compelling them to remove the booms or so arrange them as not to interfere with his use and enjoyment of the river.

W. G. Thurston, K.C., for the plaintiff.

E. B. Ryckman, K.C., for the defendant.