

When we come to consider the probable reasons why rivers were made to serve as municipal boundaries, may we not conclude that they were so utilized for the facilities they offered for communication between the settlers both in summer and winter? That this was so in one case we know to be the fact. Thus, in the instructions issued by the Land Board to Jesse Penoyer, P.L.S., for laying out the township between the south and west branches of the River Rideau it was said: "As it is the opinion of us as well as the gentlemen interested in the vicinity that the Rideau River is navigable for *canoes and small boats* in that part in which the Township of Oxford will fall *and may be of public utility* you are ordered to survey and take the general course of that river so far as to fix a base or first line of the township which you are to lay out, and to run the side lines perpendicular to the general course of that part of the river on which it may fall." Ont. Arch., 1905, pp. 394-5.

Here we see the navigability of the stream for canoes and small boats, which would not constitute it a navigable stream in law, was considered a sufficient reason for making it a boundary, and for the expressed reason that it would be of public utility, a reason which, we may remark, would be absolutely frustrated if the river was not intended to be constituted a public river and highway.

The like consideration it appears to us may not unreasonably be deemed to have governed the selection of other rivers as municipal boundaries. In the instructions to Governor-General Murray, 7 Dec., 1763, we find, s. 45: "You are therefore to lay out townships of a convenient size and extent in such places as you in your discretion shall judge most proper . . . and that each township so consist of about 20,000 acres *having as far as may be natural boundaries* extending up into the country and comprehending a necessary part of the River St. Lawrence where it can conveniently be had." Ont. Arch. 1905, p. lvii., and see plan *Ib.*, p. cxviii.

These instructions were no doubt intended to apply more particularly to the lands bordering on the St. Lawrence, but the