

mediate small island is negligible and immaterial on this inquiry).

Section 452 of the Municipal Act declares "that where a river . . . forms or crosses a boundary-line between a county and a city . . . it shall be the duty of the corporations of the county and the city . . . to erect and maintain bridges over such river."

The very point before me has been passed upon by Mr. Justice Kelly in *Ottawa and Gloucester Road Co. v. City of Ottawa* (1913), 24 O.W.R. 344 (4 O.W.N. 1015), after the city boundary had been extended to the Rideau river. He treats it as settled that the centre of the river was the actual boundary-line between the city of Ottawa (as so extended) and the township of Gloucester (which is part of the county of Carleton): 24 O.W.R. at p. 346; and at p. 351 he says: "The northerly portion of the bridge became the property of the city, on the extension of the city limits . . .; and the city and the county are together now liable for the erection, repair, and maintenance of the whole bridge."

It was urged before me that this case was dealing only with "a certain bridge from an island within the township of Nepean and thence across the main stream of the Rideau river to the shore of the township of Gloucester and commonly known as Billings Bridge;" but the case itself shews that this section was regarded as only a part of the whole bridge from bank to bank and not a separate bridge. Thus the Judge puts it: "The Rideau river, where this road crosses it, then formed the boundary line between the township of Nepean (on the north) and the township of Gloucester (on the south), and the bridge was the connecting link between the parts of the road to the north and south of the river respectively" (p. 345.) The learned Judge also held that the statute cited by Mr. Maclean, 42 Vict. ch. 48, did not change the statutory liabilities of the contestants.

The river is the natural boundary between city and county, though the exact line of territorial subdivision may be in the middle of the main channel (*ad medium filum aquæ*), according to the Territorial Division Act, R.S.O. 1914, ch. 3, sec. 9. In this view, the small island on the north would be the property of the city, but its situation would not detract from the effect of the Municipal Act as to bridges over rivers which bound two municipalities.

The whole question as to this same and a like locality was passed upon by the Queen's Bench Division in 1882: *Regina v. County*