

concerned, it is clear from the statutory provisions above referred to, that the middle thread of the main channel constitutes the dividing line between the adjoining municipalities, and that as regards islands in any such rivers their territoriality depends on which side of such line they happen to be situated.

With regard to the ownership of the bed of such rivers a difficulty arises. If such rivers are public rivers, then it would seem to follow that the bed or soil and freehold of such rivers is governed by the general law relating to highways, and that, though at one time vested in the Crown, they are now under the Municipal Act, s. 433, vested *ad medium filum* in the adjoining municipalities of which such rivers constitute the boundaries. If, on the other hand, such rivers are governed by the general law relating to rivers, then the rights of riparian owners may intervene, according as such rivers may, or may not, be in fact navigable.

In considering the rights of riparian owners the provisions of the Surveys Act (R.S.O. c. 166) have to be taken into account. s. 18 (2) provides: "Where in any survey of Crown Lands made under the authority of the Minister, any lot or other sub-division bordering upon a lake or river is given an acreage covering only the land area such lot or other sub-division shall include the land area only, and not any land covered by water of such lake or river." But, by s-s. 3, s-s. 2 shall not affect the rights, if any, of any person where such rights have been heretofore determined by a Court of competent jurisdiction. This provision was first enacted in 1913 by 3 & 4 Geo. V. c. 33, but it would seem to be intended to be retrospective in its operation, otherwise the saving clause of s-s. 3 would have been unnecessary. But in cases where no definite acreage is mentioned in the grant of land abutting on a river, according to the decision in *Keewatin Power Co. v. Kenora*, 16 O.L.R. 184, the grant would include the bed of the stream *ad medium filum* in the case of unnavigable rivers, unless the river were a public river. Where the river is a navigable river, or otherwise a public river, the grant does not include the bed of the stream: see R.S.O. c. 31, s. 2, and such a river being a highway the soil and freehold of the river would appear to be governed by the general law relating to highways in that respect.