

in all cases be public highways, for otherwise there would be no need of any such law, any more than there is any necessity for a statute to forbid private individuals digging up streets so as to injure drain pipes laid by the municipality having authority over such streets. On the other hand, the Act seems to assume that the municipal authority has control over such rivers, because it assumes that it may lay public drains in the beds of such rivers, which it would have no right to do if the river beds were private property.

In the construction of this section the same difficulty arises as was felt by the Court of Error and Appeal in *Harrold v. Simcoe*. 18 C.P. 1, viz., how can a river be "between" townships divided by a mathematical line? and the section must, no doubt, be construed according to the popular understanding of the term. We have also to note that R.S.O. c. 245 enables the Ontario Railway and Municipal Board to make orders permitting the removal of sand and gravel, etc., from river beds subject to certain restrictions, but there is nothing in that Act inconsistent with the fact that river municipal boundaries are public highways.

It is provided in the Municipal Act, s. 453 (1): "Boundary lines between municipalities including those which also form county boundary lines shall be maintained by the corporations of such municipalities, and they shall also erect and maintain all necessary bridges on such boundary lines." And by s. 455: "All boundary lines, and all bridges over rivers . . . forming or crossing a boundary line between two or more local municipalities in a judicial district shall be erected and maintained by the corporations of such municipalities and their councils shall have joint jurisdiction over them . . ."

In these provisions it will be seen "boundary lines" are used as a generic term of which a river is a specific kind, and the enactments apply to such lines without any distinction as to whether they be on land or on land covered by water and they seem to lead to the conclusion that a river boundary line is to be regarded as standing on the same footing as the land boundary line. As to the meaning of boundary lines "between" townships see *Harrold v. Simcoe*, *supra*.