

Even with this protection, over 40 acres of the land covered by the Crown grant have washed away during the past century, and doubtless without the shore or beach, and with the direct action of the waves upon the clay banks, a great deal more land would have been lost during that time. A narrow highway runs down to the beach, and in December last, and again in May of this year, defendant drove down the highway and removed gravel from the shore opposite the lands of plaintiffs. Objection was taken to this by one of the plaintiffs, and he ordered defendant off. Again on 29th May defendant returned, with a number of his neighbours, and drew away 17 or 18 loads of gravel from a point some distance from where the road touches the beach, and opposite plaintiffs' lands. Plaintiffs then had defendant notified in writing to desist; he drew two loads after receiving the written notice, and in his examination for discovery says he intends to draw more as soon as his farm work will permit him. So defendant claims the right to remove this gravel from opposite the lands of plaintiffs, and the point for determination is whether plaintiffs can prevent him.

Plaintiffs contended that the point of commencement in the description in the Crown grant being now some 10 or 11 chains out in the lake, they are the owners of the land out that far covered by the lake waters, but I do not think that to be the case. The grant relates to land on the shore of Lake Ontario, and as the lake widens the boundary of plaintiffs' lands recedes. But, to entitle plaintiffs to maintain this action, it is not necessary for them to make title to any of the lands covered by water. They are riparian proprietors, and have the right to have the beach or shore maintained in such manner as will best protect their lands. Carrying away this gravel gives the water easier access to plaintiffs' cultivated lands, and renders them liable, during storms, to encroachment they would not otherwise be liable to. It is, as it were, a natural wall between the waters of the lake and plaintiffs' banks, and defendant, proposing to tear that wall down, may be restrained: *Attorney-General v. Tomline*, 14 Ch. D. 58.

In *Stover v. Lavoia*, 8 O. W. R. 398, 9 O. W. R. 117, it is held that the shore of a navigable inland lake is now well understood to mean the edge of the water at its lowest mark, and that a grant to the lake shore "carries to the edge of the water in its natural condition at low water mark." If this