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SUPREME COURT OF CANADA.

OTTAWA, 18 May, 1896.

Exchequer Court.]

MOSS V. THE QUEEN.

*Constitutional law—Navigable waters—Title to soil in bed of—Crown—Dedication of public lands by—Presumption of dedication—User—Obstruction to navigation—Public nuisance—Balance of convenience.*

The title to soil in the beds of navigable rivers is in the Crown in right of the Provinces not in right of the Dominion. *Dixon v. Snetsinger* (23 U. C. C. P. 235) discussed.

The property of the Crown may be dedicated to the public, and a presumption of dedication will arise from facts sufficient to warrant such an inference in the case of a subject.

Under 23 Vict., c. 2, s. 35 (Province of Canada) power was given to the Crown to dispose of and grant water lots in rivers and other navigable waters in Upper Canada, and under it the power to grant the soil carried with it the power to dedicate it to public use.

The user of a bridge over a navigable river for thirty-five years is sufficient to raise a presumption of dedication.

If a Province before Confederation had so dedicated the bed of a navigable river for the purposes of a bridge, that it could not object to it as an obstruction to navigation, the Crown as repre-