who tried the action, held that the plaintiff as riparian proprietor was entitled to the bed of the river *ad medium filum*. The Divisional Court, Meredith, C.J., and Mabee and Magee, JJ., held that he was not, and the Court of Appeal, Moss, C.J.O., and Garrow and Maclaren, JJ.A., held that he was, and restored the judgment of Clute, J., Meredith, J.A., dissenting. If the River Thames at the locus in question is in fact a public river by virtue of its being a municipal boundary that would be an answer to the plaintiff's claim, because at that time the soil and freehold of the river as a highway was in the Crown; but that point was not raised by either counsel, nor even by any of the Courts which dealt with or considered the case. Meredith, J.A., considered that the circumstances of the river and the possibility of its being made navigable furnished reasons for assuming that the Crown did not intend to, and did not in fact grant the river bed to the riparian proprietors, which inference he deemed to be borne out by the terms of the Crown grant itself which merely extended to "the top of the bank" and "to the river," but even he did not base his conclusion on the fact that the river at the point in question was a public river. Every public river or stream is *alta via regia:* "The King's Highway," 2 Coke's Inst., p. 38; and assuming a river which is constituted a municipal boundary is thereby made a public river then it acquires the status of a highway, and is governed as far as may be by the law of highways so far as the same can apply to a way covered with water. If the river therefore in question in the case above referred to was in fact a public highway, the plaintiff would have had no right of action except in so far as he could shew special damage by reason of the act complained of: see *Small* v. *Grand Trunk Ry. Co.*, 15 U.C.R. 283, not certainly on the basis of any proprietary right in the bed of the river. In *The Keewatin Power Co.* v. *Kenora*, 13 O.L.R. 237; 16 O.L.R. 184, the general law relating to rivers was defined by the Court of Appeal and it was there held that the English Common Law relating to property and civil rights introduced into Ontario in 1792 (see R.S.O. c. 101), except so far as the same is varied by provincial legislation is the rule for decision and that where a grant of land is made bordering on a river,