

VOLUNTARY CONVEY- ANCE.

See FRAUDULENT DEEDS.

WAGONS.

See MUNICIPAL CORPORATIONS, 1.

WAIVER.

Of forfeiture.]—See LANDLORD
AND TENANT.

See SALE OF GOODS.

WATERS AND WATER- COURSES.

Riparian proprietors.]—A riparian proprietor has not the absolute right to the natural and unobstructed flow of the water of a stream over his lands, but his right is a qualified one, and subject to the lawful and reasonable user of the waters by a mill owner above him on the same stream, and this although the user above him may be at times for an extraordinary purpose. *Dickson v. Carnegie*, 110.

See MUNICIPAL CORPORATIONS, 6.
—WAYS, 1.

WAYS.

1. *River between municipalities—Boundary—Middle of main channel—Cumming's Island—County of Carleton—Bridge—Liability to repair.*]—The township of Gloucester and the city of Ottawa, which was part of the township of Nepean, are on the easterly and westerly sides

respectively of the river Rideau, and both within the county of Carleton. In the river at this point is situate Cumming's Island, and a bridge extended from the Ottawa side to the Island, and from the opposite side of the Island to the Gloucester shore. A line drawn down the middle of the river, equidistant from the banks, without regard to any islands, would leave the greater part of Cummings' Island on the Gloucester side, but the channel between the Island and Gloucester is the most navigable, while the largest amount of water passes through the other channel.

Held, that a line so drawn properly ascertained the limit between the adjoining municipalities, for the words "middle of the main channel," used in 14 & 15 Vic. ch. 5, sec. 11, and R. S. O. ch. 5, sec. 10, have their common law signification of the middle of the stream, and therefore the Island formed part of the township of Gloucester, and that part of the bridge from the Island to the latter township was wholly within that township.

Per ARMOUR, J.—If this be not the true construction, then, as the Legislature were dealing with territorial and proprietary rights, and not with navigation, the words "main channel" mean the widest and not the deepest or most navigable channel, in which case also the Island would be wholly within Gloucester.

The county was found guilty on an indictment for not keeping the bridge in repair, which had been removed into this Court, but the indictment described the bridge as being in the townships of Gloucester and Nepean.

Held, that by 12 Vic. ch. 81, sec. 201, schedule B 4, the easterly limit of Ottawa is the middle of the river,