

and some other parts of the boundary may be a mere mathematical line; whereas if the whole course of the stream so far as it constitutes a municipal boundary is held to be a public river no such difficulty would arise.

If a river which is constituted a municipal boundary is thereby made a public river, then the law relating to highways in general would apply to it. The fact that it may not be traversible, or only so in part, or at intermittent periods in the year, constitutes no reason, as we have shewn, why it may not nevertheless be a legal highway, that is, if we apply to this kind of highway the law which applies to highways on land. The fact that a road is bisected by a pond or a lake, or that its course leads over a precipice does not make it any less "a highway," although it is true it may be made thereby an impracticable one, and therefore, as we have said, the non-navigability of a stream does not in law offer any obstacle to its being dedicated as a public highway.

In regard to highways on land it is not necessary that they should be actually laid out by work on the ground, the fact that they are shown on the plan of survey adopted by the Crown is sufficient: *Reg. v. Hunt*, 16 C.P. 145, 67 C.P. 443, unless the actual work on the ground is inconsistent therewith: *Reg. v. Lees*, 29 U.C.R. 221, and other cases cited in Biggar's *Mun. Manual*, p. 864.

Assuming a river designated as a municipal boundary to be *ipso facto* constituted a public river, to what extent should it be so regarded? It would seem that the proper conclusion is that the whole river lying between its banks if defined or from the water's edge on the one side to the water's edge on the other would constitute the way; islands within that area should be deemed to be part of the way, within that area private rights could not be acquired, and any interference with the flow of the stream, or any obstruction of the way, would give ground of action by the individual injured, or by the Crown on behalf of the public.

Attention may now be called to some of the provisions of the Municipal Act regarding boundary lines. By s. 436 (1) the council of a county shall have jurisdiction over every (a) highway, bridge and boundary line assumed by the council, (b) bridge