

"laid out," *e.g.* see 14-15 Vict. c. 39; but there was no question whatever that the road "laid out" and referred to in that Act was the highway, though absolutely impracticable for travel. Such difficulties are of constant occurrence and provision is now made in the Municipal Act for remedying them without any application to the Legislature. Such being the law as regards highways "laid out" on land between townships, ought it not to be concluded that where, instead of two parallel lines on a map to indicate a road as the township line, a river is selected as a township boundary the same rule must be applied to it? Is not, for all practical purposes, the river "laid out" or established in the place and stead of a road upon the land? Is it not thereby *ipso facto*, and entirely regardless of any question as to its navigability or non-navigability, constituted a public river and therefore a public highway?

But for the decision which will be presently referred to, we should think that there could be no reasonable doubt that that question should be answered in the affirmative. One of the most recent cases in which a river constituting a municipal boundary was in question is that of *Williams v. Pickard*, 15 O.L.R. 655, 17 O.L.R. 547. The river in question in that case was the River Thames, which at the locus in question constituted the boundary between the townships of Howard and Camden. The plaintiff was a riparian proprietor and claimed as part of lot 5 abutting on the river a bar or deposit of sand below the bank of the river. This sand bar retained the characteristics of the bed of the stream; for the greater part of the year it was entirely covered with water, and during the remainder it was frequently under water, and during freshets it was covered to the depth of 20 or 30 feet, and the water sometimes overflowed the bank which was at least that height. The action was brought to restrain the defendant from trespassing on the bar or deposit of sand, and from removing sand or gravel therefrom. It was assumed throughout both by counsel and the Court that the case turned on whether or not the plaintiff as a riparian owner was entitled to the bed of the stream *ad medium filum*, and that that question was to be determined by the general law relating to ordinary rivers. Clute, J.,