

admit this distinction. But in either case the appellants here are within the rule, as their title to one of their lots; that adjoining the property of the respondent, gives them 37 feet in depth *ou environ, et plus s'ils s'y trouvent en allant du côté de la grève* which was given as the boundary in the rear, and their title to the other lot gives them 74 feet or thereabouts in depth which, according to the plans produced would cover about the same extent in depth as the first mentioned lot. The titles of the respondent convey to him a similar right of extent in depth of his lot to the beach, and he has shown a disposition to avail himself of his right, by shutting up the communication or passage over his lot on the N. E. side, contriving thereby to secure to himself alone, the right which he says, the public has of a way and passage over the lots of the appellants. As the waters of the river gradually receded, the beach or *grève* (or that space adjoining the river which the law appropriates for the necessary communication with it,) necessarily receded in like manner, and the ground thus recovered from the river became a renewed and different soil, and the property of the adjoining proprietor. But the beach, being in its nature public property, and the right of the Crown, became vested in the same corporation of the Trinity House, by virtue of the said statute. It could be upon this part alone that the public right of a passage or communication could be maintained, and this part has been appropriated by a particular law, to a particular purpose. By this law the Trinity House now hold and possess what constitute the beach and other public communications with the river for the utility and convenience of the commerce and navigation of the province. This portion of the public property so vested in that corporate body has been ascertained, and a fence has been erected which establishes a separation between it and the property of individuals. This fence is acknowledged to be the rear boundary of the property of the appellants, it is acknowledged by the King, by the Trinity House, and by those officers who are charged with the care and inspection of public property; and what right