

however, is not a right coming to him qua owner or occupier of any lands on the bank, nor is it a right which, per se, he enjoys in a manner different from any other member of the public. But when this right of navigation is connected with an exclusive access to and from a particular wharf, it assumes a very different character. It ceases to be a right held in common with the rest of the public, for other members of the public have no access to or from the river at the particular place; and it becomes a form of enjoyment of the land, and of the river in connection with the land, the disturbance of which may be vindicated in damages by an action, or restrained by an injunction. . . . The taking away of river frontage of a wharf, or the raising of an impediment along the frontage, interrupting the access between the wharf and the river, may be an injury to the public right of navigation; but it is not the less an injury to the owner of the wharf, which, in the absence of any Parliamentary authority, would be compensated by damages, or altogether prevented."

The right of access to one's property by water and by land is governed by the same principle. This Court recognized that doctrine in *Byron v. Stimpson*, 1 P. & B. 697, where it was held that a riparian owner whose land was bounded by high water mark was entitled to an unobstructed access from his land to the navigable waters of the sea. In the *Attorney-General v. The Conservators of the Thames*, 1 H. & M. 1, Wood, V.-C., at page 31, is thus reported: "The plaintiff, an innkeeper on the banks of a navigable river, complained that the access of the public to his house was obstructed by timber which the defendant had placed in the river; and it would be the height of absurdity to say that a private right is not interfered with, when a man who has been accustomed to enter his house from a highway, finds his doorway made impassable so that he no longer has access to his house from a public highway. This would equally be a private injury to him, whether the right of the public to pass and re-pass along the highway were or were not at the same time interfered with."

Has the city any better right to take from the plaintiff his right of access by water than they have to take away his right of access by land from Charlotte street by some structure in no way connected with the street maintenance? *Rose v. Groves*, 5 Man. & G. 613.