That case goes a long way in support of defendants' contention. But Lord Coleridge, C.J., concurs only in the result arrived at by Lindley, J. He thinks the safer ground appears to be "that the language of the grant conveys the rights to take fish, and to take it irrespective of the ownership of the soil over which the water flows and the fish swim. The words appear to me to be apt to create a several fishery, i.e., as I understand the phrase, a right to take fish in *alieno solo* and to exclude the owner of the soil from the right of taking fish himself; and such a fishery, I think, would follow the slow and gradual changes of a river, such as the changes of the Lune in this case are proved or admitted to have been."

There is a reference in the argument, and in the judgment in this case, to some of the old authorities, for example, "Bracton, Book 2, ch. 2, sec. 7, Nichols' translation, p. 218: 'But if the increase has been so gradual, that no one could discover or see it, and has been added by length of time, as in a course of many years, and not in one day or in one year, and the channel and course of the water is itself moving towards the loser, in that case such addition remains the purchase and the fee and freehold of the purchaser, if certain bounds are not found."

Lindley, J., seems to think that in *In re Hull and Selby Railway*, to which I have already referred the Court, declined to recognise this principle.

As against the authorities in the United States which I have cited, there is a very strong case of *Widdecombe* v. *Chiles* (1903), 73 S. W. R. 444, a judgment of the Supreme Court of Missouri. The head-note is as follows: "Defendant was the owner of the south half of a section of land between which and the river bed there was originally a strip of 8 acres, forming the fractional north half, which had not been patented. The river changed its bed until it had washed away the 8 acre strip, and flowed through defendant's land, when it began to rebuild to defendant's land all that it had washed away, and about 200 acres additional. Plaintiff then received a patent for the fractional north half of the section as described by the original survey. Held, that the accretion being to defendant's land, plaintiff took no title by his patent." And Valliant, J., says, p. 446: "This Court has not said in either of those cases, and we doubt if any Court has ever said, that land acquired under a deed giving metes and bounds which do not reach the river—