

tion. But we have no power to do otherwise. This section gives us power. While I am on my feet I beg to say that when the Bill goes into committee I do not propose to ask that it shall be taken out of committee at the present time because there are other amendments to the Dominion Lands Act which we find necessary and which will be embodied in a new Bill to be introduced. I hope to get the next Bill into committee and then consolidate the two Bills. But there seems to be no reason why we should not go into committee to-day and go through the clauses of the present Bill.

Mr. McKENZIE: I noticed that the minister touched on an important question of law in connection with the receding of a lake. I presume the land came down to the lake at the time the land was sold. The common law is that if by accretion or otherwise there is more land in front of a man's property, or if the lake recedes, so much the better for the man who owns the land adjoining because he also owns the land caused by the recession of the lake. If, on the other hand, the lake becomes larger and the water encroaches upon the man's property, he has to put up with it. He does not get any more land from the Government because the lake swelled up, or filled up, and took a piece off his property. The common law is that he has to give and take. If the lake recedes and he gets more land it is his land, whereas, if the lake encroaches and takes away his land, he has no recourse. I would like to know why that principle of common law is not followed in the west in connection with the sale of land adjoining waters.

Mr. MEIGHEN: First of all, Mr. Speaker—

Mr. SPEAKER: Hon. gentlemen must not forget that the House is not yet in committee. Is it the pleasure of the House to adopt the motion?

Motion agreed to and the House went into committee—Mr. Boivin in the Chair.

On section 3—disposal of unsold portion of school lands to be after valuation by official of department.

Mr. MEIGHEN: Referring to the remarks of the hon. member (Mr. McKenzie) I believe the common law is as he states. My only remark is that there is still a controversy as to whether land that is recovered from a lake by pressure, as distinguished by land that is recovered from a lake by recession of water, accrues to the

advantage of the riparian owner. There is a controversy, I know, as to that. But assuming the law is as the hon. gentleman states, and I believe it is, it does not apply in this case for the reason that the Department of the Interior in its sales defines by plan the lands sold. Wherever there is an accession to that land on account of water the plan is referred to in the patent and all the patentee gets is the land shown on that plan. If by accession there is more land added, then he is not entitled to that land and we wish the power to sell it to him because it is not a case where the suction system is applicable at all. There are other cases too. For example suppose a portion of land is required for a rifle range, or for other purposes of the Government, and afterwards that land is no longer required we desire the right to sell that to the owner of the rest of the land at a valuation to be fixed after inspection rather than by auction.

Mr. McKENZIE: I quite understand that the boundaries named in a lease do not always define how much land a man may get. According to the English common law a man may take the boundaries of his land down to the edge of a river but his ownership goes to the middle of the stream unless of course it is a very large body of water, as for example land bordering on the Great Lakes. I am not aware from the decisions of the courts whether there has been a definition as to how far that principle is carried, but it would be absurd to say in case of a man owning land on the shores of lake Superior that his land goes to the middle of the lake. But in the case of a small lake or an ordinary sized river, although his land may be patented only to the edge of the river, under the decisions in the English courts his ownership extends to the centre of the stream. In the case of these lakes in the West it is a very nice question whether the Government could step in and cut him off from the water rights he has in any of those lakes because of course, the privilege with respect to land going down to the water is of very great importance. If that water recedes you are depriving that man sometimes of the great advantage of having a water frontage, and is one of the principles of English law that you cannot take away a man's water frontage because the water has receded.

Mr. MEIGHEN: This Bill does not take anything from anybody. If a case arose in which a man had a right to the accession of land, he already has that land and we