

the subject of grant or sale to settlers, militiamen and others, and consequently no clause or words properly adapted to ports and the beds of rivers is to be found in the Act,—the provision made for “public places” seems clearly to exclude land between high and low water mark, being for the site of market places, gaols, &c., and for other like public purposes.

That this is the proper interpretation to be given to the Act; I beg most respectfully to refer to the proclamation or notice published by the Governor General and Council under the authority by which the price of such public lands has been fixed to wit, in Canada West 8s. per acre—Canada East 6s.;—no mention whatever being made of lands sold by the foot in the bed of the river.

If this Act is to be held applicable to the beds of rivers and havens, this inconvenience would follow that any District Agent might sell them, and the Crown be obliged to convey them by its Letters Patent.

I would here, sir, beg leave to call your attention to a most important point in considering this subject. That the right of the Crown to the soil of the navigable rivers, lakes, and estuaries in Canada, is of *Imperial* as well as Provincial interest, and is so subservient to the rights of all Her Majesty's subjects throughout the Empire, that unless the Act contain certain express terms peculiarly applicable to the Beach between high and low water mark, it would, I humbly conceive, be most unreasonable and inconvenient to introduce by construction such an application.

A Sovereign and Imperial prerogative in which all subjects have an interest, should not, by the interpretation of such an enactment be transferred to a Colonial Council.

I have the honour to be

Sir,

Your most obedient humble Servant,

C. R. OGDEN.