

SPECTRUM



Property rights Legal ease looks at land, water and air

The concept of property is generally quite straightforward. When you own something you are in a position to decide how it will be used. For example, if you own a car you may drive it yourself or lend it to someone else. Also, you can alter it in some way, such as painting it. You may also sell it, thus transferring these rights to another person. If you don't own the car, your rights to it are more limited. For example, if you lease the car or borrow it, you have the right to use it, but you do not have the right to sell it or alter it in any way.

Problems with property rights are easily resolved when the ownership of something is clearly defined. However, in some cases ownership may be unclear. As well, in some

cases the subject matters are not capable of being owned by anyone. The following are examples of things that cannot be owned:

LAND

It might come as a surprise that no one actually "owns" land. All land in Canada is owned by the Crown and is merely granted to people for their use. When you purchase land, you buy the right to use the land. This right belongs to you exclusively. This means that you control the land and no one may interfere with your use of it, unless you are doing something that is a nuisance to your neighbours. The Crown, however, does have the right to "expropriate" the land or take it away from you if necessary. You may also be forced to put

the land up for sale if you are unable to pay the mortgage or taxes on it.

AIR

No one owns the air above the land, although a person who owns the land has the right to make reasonable use of the airspace above the land.

WATER

Water is generally not owned by anyone, but it is possible to own the right to use it.

THE HUMAN BODY THE STORY OF "FRED THE SKELETON"

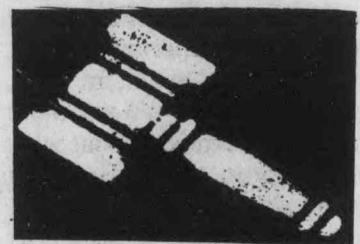
While you are alive, you own your body. You may do with it as you please. For example, you can donate your blood. You can also make provisions for parts of your body to be donated to science or medicine after you die.

However, when a person dies, no one else is entitled to that body. Generally, the right to possess that body is given to a parent or spouse in order that the body be properly disposed of. The possession is for this purpose only.

In this context, an interesting legal battle took place in Hartland, New Brunswick. In May of 1988, a skeleton was discovered in a warehouse by fire fighters who were called to put out a fire. The skeleton was the 100 year old body of a 30-40 year old male which had been used by the Knights of Pythias in their secret rituals. The Knights of Pythias were angered when the skeleton, which was nicknamed Fred, was seized. They were of the opinion that they were its

owners and should get it back. However, since it is not legally possible to own the body of a dead person, the Knights of Pythias agreed to have Fred properly buried in April of 1989.

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