

suitors or they may be submitted by the Governor-General in Council as questions arising in the course of governmental administration, under powers for that purpose contained in the Constitutional Act and the Supreme Court Act. This power has been exercised on a number of occasions, as in the reference to determine whether the power to enact Lord's Day legislation resides in the Provinces or in the Dominion. A most notable use of it illustrating the classes of matters requiring elucidation under the law in Canada was made by Orders in Council in 1894 and 1895 when several cognate questions relating to our fisheries and waters were submitted for the opinion of the court and subsequently on appeal to the Judicial Committee of the Privy Council. One of these questions was: "Did the bed of all lakes, rivers, public harbours, and other waters, or any and which of them, situate within the territorial limit of the several Provinces and not granted before Confederation, become under the British North America Act the property of the Dominion or the property of the Province in which the same respectively are situate?" A further question was whether there was any, and, if any, what, distinction between the various classes of waters—salt or fresh, tidal or non-tidal, navigable or non-navigable waters—between the great lakes, such as Superior, Huron and Erie and other lakes: between great rivers such as the St. Lawrence, Richelieu and Ottawa and other rivers. The questions also covered an inquiry as to the power of the Dominion Parliament to pass legislation relative to works, navigable rivers, and fisheries, and to the granting of licenses to fish, and also as to the rights of riparian proprietors before the Act of Confederation. The opinion of the Supreme Court was reviewed and substantially confirmed by the Judicial Committee.

A court charged with a final voice upon the questions of the public importance of the foregoing (and questions of an equally grave and complex nature under our Constitution are constantly arising) could not fail to gather to itself not only a distinguished reputation but a position of commanding influence as a great national institution. That fame and authority do not at the