

these respectively relate to fishing in waters, the beds of which do not belong to the Dominion, and are not Indian lands?

12. If not, has the Dominion Parliament any jurisdiction in respect of fisheries, except to pass general laws not derogating from the property in the lands constituting the beds of such waters as aforesaid or from the rights incident to the ownership by the Provinces and others, but (subject to such property and rights) providing in the interests of the owners and the public, for the regulation, protection, improvement and preservation of fisheries, as, for example, by forbidding fish to be taken at improper seasons, preventing the undue destruction of fish by taking them in an improper manner, or with improper engines, prohibiting obstructions in ascending rivers and the like?

13. Had the Legislature of Ontario jurisdiction to enact the 47th section of the Revised Statutes of Ontario, chapter 24, intituled "An Act respecting the sale and management of Public Lands," and sections 5 to 13, both inclusive, and sections 19 and 21, both inclusive, of the Ontario Act of 1892, intituled "An Act for the Protection of the Provincial Fisheries," or any, and which of such several sections, or any and what parts thereof respectively?

14. Had the Legislature of Quebec jurisdiction to enact sections 1,375 to 1,378, inclusive, of the Revised Statutes of Quebec, or any and which of the said sections, or any and what parts thereof?

15. Has a Province jurisdiction to legislate in regard to providing fishways in dams, slides and other constructions, and otherwise to regulate and protect fisheries within the Province, subject to, and so far as may consist with any laws passed by the Dominion Parliament within its constitutional competence.

16. Has the Dominion Parliament power to declare what shall be deemed an interference with navigation, and require its sanction to any work or erection in, or filling up of navigable waters?

17. Had the riparian proprietors before Confederation an exclusive right of fishing in navigable non-tidal lakes, rivers, streams and waters, the beds of which had been granted to them by the Crown?

The Supreme Court having answered some of the questions adversely to the Dominion and some adversely to the provinces, both parties appealed.

*C. Robinson, Q.C., R. B. Haldane, Q.C., and D. B. McTavish, Q.C.,* for the Dominion *Edward Blake, Q.C., Emelius Irving, Q.C., and J. M. Clark,* for the Province of Ontario. *Coward and Cannon,* for the Province of Quebec. *J. W. Longley, Q.C., and Coward,* for Nova Scotia.

The judgment of their Lordships was delivered by

THE LORD CHANCELLOR.—Before approaching the particular questions submitted, their Lordships think it well to advert to certain general considerations which must be steadily kept in view, and which appear to have been lost sight of in some of the arguments presented to their Lordships.

It is unnecessary to determine to what extent the rivers and lakes of Canada are vested in the Crown, or what public rights exist in respect of them. Whether a lake or river be vested in the Crown as represented by the Dominion or as represented by the province in which it is situate, it is equally Crown property, and the rights of the public in respect of it, except in so far as they may be modified by legislation, are precisely the same. The answer