

to the Government, and especially to the hon. Minister of Public Works, who, I will avail myself of the occasion to remark, has always treated this subject in a correct light, and not whether Quebec or Montreal had more or less interest in the question; but, raising above the local interests under consideration, recognized the paramount duty of considering the great question of deep navigation. I did all in my power to impress on the Government to consider this subject whilst there was time, in order to arrive at a solution of this question, which is becoming more and more important for the commerce of the country.

Mr. FORTIN. Allow me to allude to a remark made by the hon. gentleman who has just sat down. According to him it is only the people of Montreal who should be interested in the deepening of the St. Lawrence. Allow me to say that the people of the whole country, from Halifax to British Columbia, are interested in that question. The deepening of the St. Lawrence should not be a local work, and should not be a job, as many people seem to think.

Mr. MACKENZIE. Is this in order?

Mr. SPEAKER. The discussion of the question is hardly in order, unless the hon. gentleman is going to conclude with a motion.

Mr. FORTIN. I am not going to discuss it, Sir, but I wanted to explain.

Some hon. MEMBERS. Chair, chair.

BOOMS AND OTHER WORKS IN NAVIGABLE WATERS.

Sir HECTOR LANGEVIN, in moving for the second reading of Bill (No. 96) respecting booms and other works constructed in navigable waters, whether under the authority of Provincial Acts, or otherwise, said: This Bill is for the purpose of meeting a difficulty that has arisen in the Province of New Brunswick. It has been decided in the Courts of New Brunswick that the power given by the Local Legislature to certain parties for the erection of booms in a certain river was *ultra vires*. This Bill is for the purpose of giving a legal status to the proprietors of those booms, and thus to legalize what has been done; but it will not interfere with the suits now pending. When we come to the different clauses of the Bill I shall explain its details more fully. The reason I bring this matter up immediately is that the rivers in New Brunswick are opening up rapidly, and this Bill, if it is to become law, should be passed without delay, in order that the parties in question may not be disturbed in their possession, and in the collection of their dues.

Mr. WELDON. The hon. Minister has quite correctly stated that this Bill has been suggested because of certain difficulties which have arisen in New Brunswick with regard to the possession of booms in navigable streams. In fact, there was a dispute in the courts, and the matter is now in appeal to the Supreme Court of Canada. I believe it was at the instance of members from New Brunswick that the Bill was introduced, a very important one, affecting the great staple industry of the Province. With the general principle of the Bill I am entirely in accord; but there are some features of the Bill to which I would call the hon. Minister's attention. There are two classes of booms in our Province, and possibly in other Provinces—those which existed prior to Confederation, and which were legalized, and a very few booms, the charters of which have expired since Confederation, and which come under this Act.

Sir HECTOR LANGEVIN. When we go into Committee, I intend to move a clause, which will meet the case the hon. gentleman mentions, to the following effect:—

“Nothing herein shall apply to any boom or any such work as aforesaid, constructed under the authority of any Act of the Parliament of Mr. DESJARDINS.

Canada or the Legislature of the late Province of Canada, or the Legislature of any Provinces now forming part of the Dominion of Canada, passed before it became part thereof.”

Mr. WELDON. With regard to litigation, it strikes me that this proviso is very insecurely worded. I assume the intention of the proviso is that, after the litigation is settled, the Governor in Council can authorize the legalizing of a boom or dam, or aboiteau, which has been approved; but, according to the wording of the proviso, it applies only to cases in litigation settled within twelve months, and there might be a difficulty with regard to booms concerning which the litigation was not settled within that time, although the booms might be approved of.

Sir HECTOR LANGEVIN. I propose to add at the end of the second sub-section these words: “During the said twelve months.”

Mr. WELDON. When the litigation goes beyond twelve months there might be difficulty in legalizing the boom. According to the ninth section the word “aboiteau” includes dykes. Aboiteaus and dykes are very extensive in our Province. In the Bay of Fundy the tide rises very high, in some places thirty feet, in some places sixty or seventy feet, so that on the coasts there are immense tracts of very marshy lands, which if not protected would be covered with water at high tide. At a very early period, even during the French occupation, these tracts were protected from the sea by dykes and aboiteaus, the dykes being built on the shore and the aboiteaus across the creeks and rivers. Dykes do not interfere with navigation at all. On the Annapolis River there are dykes that have been in existence since the French occupation, and the same may be said in regard to many of the aboiteaus, which are mostly placed in streams practically unnavigable. There have been only one or two instances where they could interfere with navigation. Under this Act many small dykes and aboiteaus in different parts of the country might be cut, to the great injury of property, by allowing the sea to overflow marshy lands. The dyke lands throughout the Province are regulated by Commissioners, who are elected by the proprietors of marshes, who possess a common, joint property in the dykes, which no one is allowed to open except under certain regulations. This Bill, in its present shape, would interfere with this system.

Mr. BLAKE. I wish to point to the attention of the hon. member and the House, what seems to be an objectionable provision. No doubt a peculiar state of circumstances has arisen which requires exceptional temporary legislation. So far I am quite in accord with the hon. Minister. For a long number of years past, the Provinces have been authorizing certain dealings with rivers navigable in a more or less extended sense of that word, and now it is seriously argued that, so far as such action involves interference with the right of navigation, the Local Government had no right at all to take such action; that consequently the persons who have built these various obstructions are exposed to the ordinary process of law at the suit of those aggrieved, and the obstructions may be destroyed. Now, there are a great number, as I understand, of these constructions, so many that it has ceased to be an individual or minor interest, but it has become a very large one. It would be a misfortune that the question should remain pending in the courts of law from now till next Session of Parliament; but so far as this Bill proposes, during the next twelve months, or for whatever other reasonable period might be assigned, to legalize, so far as the question of navigation is concerned, these erections, I dare say this is a sensible mode of dealing with the matter, making provision for application to the proper authority for their legislation in so far as the question of navigation is concerned. But the right of navigation is a public right enjoyed by the subject, and which the Crown cannot alienate or depart with;