

alienable right to use that water so far as he needs it for his own purposes, provided he does not pollute it, and provided he does not interfere with the right of navigation on the river. I hold in my hand the pronouncement on the Law of Waters, by H. J. W. Coulson, and it gives at great length articles upon that question which I will not weary the House with reading. It lays down as a fundamental principle that the riparian rights belong to the individual whose property adjoins the water of the river, that they are inalienable so far as he is concerned, so far as certain conditions exist, and so far as he observes them. Now the province of Ontario in itself owns the land right up to the banks of Niagara, and that being the fundamental law upon which the use of all waters is based, I submit that this government is safe in accepting the principle that the province of Ontario has an alienable right to the waters of the Niagara river so far as they need them for their own industries. I trust that no treaty will be entered into, that no negotiations will be entered into, with the United States or any other country, that will withdraw from us those rights we have exercised for years past in the province of Ontario, and that we believe are inalienable, namely, the rights to use as much of that water as we require for domestic, industrial and traction purposes in that part of the province that is tributary to the waters of Niagara. I thank you, Mr. Chairman, and the ministers in particular, for the courtesy they have extended to me in allowing me to make these few remarks upon this important question.

Hon. CHARLES S. HYMAN (Minister of Public Works). I regret in the first place that the debate on so important a matter should have been brought up upon a mere question of the withdrawal of a Bill, not that I am suggesting that the hon. gentleman should not have made his speech, but because I have not, unfortunately, before me either the report of the International Waterways Commission, nor have I at hand some figures that I would like to have quoted. The hon. gentleman hardly recognizes the importance of the subject when he asks that there should be made at this moment some declaration of policy on behalf of the government, although it is but a short time since the report of the International Waterways Commission has been received. But I trust that before I sit down I will be able to announce the policy of the government, a policy which I hope will be in accord with the policy the hon. gentleman himself will be in accord, so far as I am in a position to announce a policy under the circumstances. The hon. gentleman seems to have settled in his own mind the question of jurisdiction. Now in my opinion the question of jurisdiction is one that is not so easily settled; and I may say on behalf

of the government that the government hesitate very much at the present moment to take any action involving the question of jurisdiction over Niagara Falls, because that is a matter that interests not only Ontario alone, or the Dominion government alone, but it is a matter in which every province is possibly interested, although not to so great an extent as the province of Ontario. Now I think the policy of the government is shown by the withdrawal of this Bill. This Bill was brought into the House by the Minister of Justice for the purpose of putting under a license parties desiring to export, not only electric power, but gas and other substances. The Minister of Justice very properly, and after consultation with myself, thought it was better that this matter should be referred to Mr. Whitney, the premier of Ontario, and that he should have an opportunity of passing upon the merits of the Bill. A copy of the Bill was sent to Mr. Whitney. There was no comment by Mr. Whitney upon the Bill itself as originally introduced into the House, and I presume the Minister of Justice was right in taking it for granted that there was nothing in the Bill as originally introduced which was not in accord with the opinions of the Ontario government on this matter. But when we came to deal with the Bill in the House, it was found that only one, the name of which I do not remember, out of the three companies, had a Dominion charter, and in that charter they were empowered to enter into an agreement with the Niagara Falls Park Commission to export power. When they made representations to the Minister of Justice and to myself, the question arose as to how far we would be justified in interfering with the vested right which they had acquired in the charter they had obtained from this House, and by reason of the agreement they had entered into. So an amendment was prepared and sent to Mr. Whitney, who corresponded with the Minister of Justice, and after that correspondence it was thought better, in the interest of all concerned, that the legislation should be withdrawn. I wish to say further that I am informed that the chairman of the Canadian section of the International Waterways Commission has had several conferences with Mr. Whitney in reference to the whole matter. The position this government takes in the matter is this: Recognizing the importance to Ontario, adopting the view which the hon. gentleman himself has laid before the House, the government has thought better, before entering into a contest in regard to the question of jurisdiction at all, to see if it is not possible to arrive mutually at some settlement on this question which would be beneficial to Ontario, to the other provinces, and to the Dominion itself. Now the House is aware that during the coming recess of parliament it is the intention to