

(b) existing thereupon by nature?

3. Has the province any proprietary interest in or legislative control over:

(a) the canals, with lands and water power connected therewith, and the lake and river improvements which were conveyed to the Dominion by section 108, Schedule 3, of the British North America Act, 1867, or in or over the disposal of any water powers created thereby or existing thereupon from time to time; or

(b) water powers created by works for the improvement of navigation constructed by or under the authority of the Dominion since Confederation; or

(c) works constructed wholly for power purposes by the Dominion out of moneys appropriated by Parliament for such purpose?

If so, what is the nature of such interest or control?

4. Has the Dominion exclusive legislative power to regulate waters for the purposes of navigation:

(a) in navigable waters; and

(b) in non-navigable waters?

5. Where the Dominion, for navigation purposes, expropriates or uses any part of the bed of any stream vested in the province, is the province entitled to any compensation for such expropriation or use?

6. Has the Dominion the exclusive legislative control over and proprietary interest in water powers brought into being by works authorized by Parliament to be erected in an international stream for the purpose of carrying out an agreement between Canada and any foreign country looking to the erection of joint works for the improvement of navigation in such stream?

If not, what are the powers and rights of the province with regard to such water powers?

7. Where the bed of a navigable stream is owned by the province or by a private individual, is the title of such owner subordinate to the public right of navigation, and to the provisions of any statute which may be enacted from time to time by Parliament, within the powers conferred by section 91 (10) of the British North America Act, 1867?

E. J. Lemaire,

Clerk of the Privy Council.

This is the Order in Council upon which is based the reference to the Supreme Court of Canada with respect to the right of the Dominion of Canada and the Provinces in the matter of water power.

Hon. W. B. ROSS: That will be printed for to-morrow, will it?

Hon. Mr. DANDURAND: Yes.

THE ST. LAWRENCE WATERWAY PROJECT

REPORT OF THE JOINT BOARD OF ENGINEERS

Hon. Mr. DANDURAND: I desire to lay on the Table the report of the Joint Board of Engineers for the St. Lawrence Waterway project, with appendices, accompanied by plates giving an outline of the work.

Hon. Mr. DANDURAND.

Hon. Mr. REID: I would like to ask the leader of the Government if any attempt was made to bring about a meeting between the Governments of the Provinces of Ontario and Quebec and the Dominion Government with a view to coming to some arrangement in regard to the waterpowers, instead of having the matter referred to the Supreme Court. It seems to me that some arrangement might be come to, thus avoiding the delay incident to a reference to the Supreme Court.

Hon. Mr. DANDURAND: There have been numerous discussions between the Provinces and the Federal authorities, extending over a considerable length of time, but no agreement has come of them. I do not know whether they were carried on in writing or orally, but I do know that in the last conference with the Dominion Mr. Taschereau made a very clear request that the matter be referred to the Supreme Court. I am under the impression now that the Prime Minister of Ontario joined in that request, and it is upon that request that the Dominion authorities have acted.

Hon. Mr. REID: I quite understand that if such a suggestion was made, and no attempt was made to settle the matter by arbitration, it must necessarily go to the courts. But what I had in mind was that perhaps the suggestion had been made and urged by one of the three Governments that they should meet and try to settle the matter in the way that I believe it could be settled satisfactorily. It would save a great deal of time in proceeding with the work, and would save also a great deal of money. These questions, in which the Governments alone are interested, could probably be settled by arbitration if a serious attempt were made.

Hon. Mr. DANDURAND: Well, it is mainly a question of the interpretation of the clauses of the Constitution. It is of such vast importance that I fear the contending parties would not be satisfied unless their rights were clearly defined by the highest judicial authority in the land, or by the Privy Council. The provinces claim the waterpowers, and the Federal authorities claim that they belong wholly or in part to the Dominion of Canada. It would be very difficult to arbitrate such a matter, which has a wholly juridical aspect. I believe that it is one of those questions that have to be decided by a judicial tribunal.

ACCOMMODATION IN THE SENATE CHAMBER

NOTICE OF MOTION

Hon. Mr. DANDURAND gave notice of the following motion: