

*Proceedings on Adjournment Motion*

which is being done despite the provisions of the Navigable Waters Protection Act. It is two years ago last March, which is 26 months ago, when I first began to ask cabinet if it would make this a matter of reference to the Supreme Court of Canada. I asked for clarification for the Minister of Public Works as to what is the meaning of "patented waterlots".

Mrs. LeBourdais wrote a small paperback book on the Truscott case and sent the whole cabinet into a tizzy. Perhaps we in the ridings of York-Humber and York West should get a paperback writer to set out the facts of this illegal fill being dumped into lake Ontario between the Humber river and Etobicoke creek. Possibly if we pile up record sales of the book dealing with this illegal fill we may get the matter before the Supreme Court. Mrs. LeBourdais even got the cabinet to put up the money for the lawyer who will take the Truscott appeal to the Supreme Court of Canada.

We, in the ridings of York-Humber and York West ask for a reference to the Supreme Court of Canada. We do not want an explanation by the Minister of Public Works, who has said that "I should explain where the responsibility of this lies." We have not accepted his explanation. We want an explanation by the Supreme Court as to what is meant by a patented waterlot, and what the rights of the proprietors holding them are. We do not want some interpretation by the Minister of Public Works.

The last minister said that this was not a hazard to navigation. Then he ordered navigation lights to be put on this spit of mud in lake Ontario to protect navigation. But it was not a hazard, because he said so.

You will be interested to know that last week the owners of this spit of mud sticking 470 feet into lake Ontario had bulldozers on the property, and were putting in an electric cable, and were putting up two lights which were much more powerful than those they had last year. If this is not a hazard to navigation why are the owners of this spit of mud putting up these lights?

When you have to put up navigation lights, obviously it is a hazard. We should like to have a reference to the Supreme Court of Canada so that we may know exactly what are the rights of owners of patented waterlots. We ask that this be done, because the

[Mr. Cowan.]

bill affects the right of residents of York-Humber and York West. Must we have something like the LeBourdais book before we can get some action by the cabinet on this situation?

**Hon. G. J. McIlraith (Minister of Public Works):** Mr. Speaker, the hon. member made reference to the town of New Toronto which is concerned with building a park on the shore of lake Ontario. No complaints have been received that the town is proceeding with this work, or that it will interfere with navigation on a navigable water.

When we found out that fill was being dumped into lake Ontario we immediately sent a man down to find out precisely what was being done. We also gave to the town information relating to the Navigable Waters Protection Act with respect to the type of permit required, and that sort of thing. So far as I know, the conduct of the representative who went to investigate at all times was courteous, and I am not aware of any dissatisfaction on the part of the town. We have not in any way stopped the town from putting the fill in.

• (10:10 p.m.)

This is very much an active matter at the moment. I regret I was not aware until after six o'clock, when the department was closed, that this discussion would be raised tonight. Had I known, I would have found out what messages have passed back and forth today, if any. There may or may not have been any; I did not have an opportunity to check. Had I known this matter was to be discussed tonight I would have checked and been able to give full information.

As to the other matter, the suggested reference to the Supreme Court, I indicated on a previous occasion exactly what action we were taking in this field generally. I believe this to be the right course of action. I do not think it is proper to attempt to repeat what I said then, even in an abridged form.

HOUSE OF COMMONS—INQUIRY AS TO HOLDING OF BY-ELECTION IN  
NICOLET-YAMASKA

[Translation]

**Mr. Auguste Choquette (Lotbinière):** Mr. Speaker, yesterday the Speaker officially announced the resignation of Mr. Clément Vincent as member for the constituency of Nicolet-Yamaska.

I should like to put the following question tonight to the Prime Minister or his spokesman: will a by-election be held soon in this riding? It is imperative, in my opinion, that a by-election be held as soon as possible.