

Section 311 enacts that every person shall be liable to a penalty, not exceeding \$2,000 and imprisonment for twelve months in default of payment, who illegally or maliciously, either by violence or stealth takes from any officer or person having the lawful custody thereof, or from the place in which they have been deposited, any ballot box, list of electors or other document or paper prepared in conformity with this Act or who illegally or maliciously destroys, injures or obliterates them, or who makes or causes to be made any erasure, addition, or interpolation of names in any such documents or papers, or aids or abets in these things being done.

Those provisions, or some of them, relate to offences which are already punishable under the Criminal Code, 1892. The constitutionality of such provisions by a Provincial Legislature is on that account open to consideration and doubt, but the undersigned does not recommend that the Act containing them should be disallowed.

Chapter 73. "An Act to incorporate the Drummondville Hydraulic and Manufacturing Company."

Section 2 authorizes the Company to construct dams along the rapids of and across the River Saint Francis, and to conduct water therefrom by canals or flumes, to construct locks, piers and other works on the river, enter upon and take possession of the bed and beach of the said river at the entrance of the canals or flumes, and otherwise to occupy the bed of the river and construct works therein.

Chapter 74. "An Act to incorporate the Coulonge and Crow River Boom Company, Limited."

Section 6 authorizes the Company, upon payment of compensation to any one injured or affected thereby, to construct or maintain booms, dams, slides, piers, wharves, or other works necessary to facilitate the transmission of timber in the Coulonge and Crow Rivers, and to blast and remove shoals and other impediments and otherwise improve the navigation and floatibility of the said waters.

It has been pointed out on several occasions by preceding Ministers of Justice in their reports upon the legislation of the various Provinces that provisions similar to the above are objectionable in so far as they relate to rivers which are claimed on behalf of the Dominion to have become the property of the Dominion under the British North America Act. The objection has also been made that it is not within Provincial authority to authorize the construction of works in navigable water.

The Supreme Court of Canada has recently given its opinion upon certain questions referred to that Court for determination by Your Excellency in Council. Some of the questions involve the respective legislative authority of the Dominion and the Provinces with regard to rivers and navigable waters. Your Excellency's Government intend to have these questions submitted to the Judicial Committee of Her Majesty's Privy Council upon appeal, and pending their final determination there, the undersigned considers that it would not be proper to disallow either of the Statutes containing these questionable provisions.

The undersigned recommends, therefore, that none of the Statutes mentioned in this report be disallowed.

The undersigned further recommends that if this report be approved, a copy of the same be sent to the Lieutenant Governor of the Province for the information of his Government.

Respectfully submitted,

O. MOWAT,
Minister of Justice.

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