

Hon. Mr. REID: I understood the honourable gentleman to this extent: that the Engineering Boards were to get together, but they have never held a joint meeting—

Right Hon. Mr. GRAHAM: Oh, yes.

Hon. Mr. CASGRAIN: Oh, yes, but they did not agree.

Hon. Mr. REID: But they did not meet before submitting their final report to both Governments.

Right Hon. Mr. GRAHAM: My honourable friend did not get that from anything I said, as he will see if he will read it carefully. I said that they had made a joint report, but so far as the appendices were concerned they had not been submitted to the Governments before the American Advisory Board made its report. The Canadian Advisory Board waited until it got the full report of the Joint Engineering Board, with the appendices that completed the report.

Hon. Mr. REID: I do not want to misrepresent the honourable gentleman.

Right Hon. Mr. GRAHAM: I know.

Hon. Mr. REID: This is what he said—I will read it from Hansard:

Now, this is what I would suggest to the Government. The National Advisory Board was appointed for a purpose. The United States Government appointed a Board of the same kind—

that is, an advisory board—

—with Mr. Hoover at its head; but—I say it with all respect—Mr. Hoover's committee made a report before it had the report of the joint engineers in its entirety.

Right Hon. Mr. GRAHAM: With the appendices.

Hon. Mr. REID: That is what I mean.

There were two Engineering Boards, one for the United States and one for Canada, but these met together and formed a joint board of investigation. The respective National Advisory Boards, on the two sides of the line, were absolutely different, and they never met together.

Perhaps I did not understand it aright, but that is the statement to which I was referring.

I have kept the House much longer than I expected. There will be an opportunity at a later date to take up this matter, but I say that until we can get those reports before us we should take no action. The Government should go slow and should give us that information, and if there has been any variation from the report made by those two engineering committees there should be some explanation offered to justify it. I desire to thank the House for giving me the opportunity

to say these few words, and I hope that at a later date, when the matter comes up again, I shall have an opportunity of discussing it.

On motion of Hon. Mr. Robertson, the debate was adjourned.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Friday, February 3, 1928.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

CONTROL OF WATER POWERS

REFERENCE TO SUPREME COURT

Hon. Mr. DANDURAND: I desire to lay upon the Table a certified copy of a report of the Committee of the Privy Council, which reads:

Certified copy of a Report of the Committee of the Privy Council approved by His Excellency the Governor General on the 18th January, 1928.

The Committee of the Privy Council have had before them a report, dated 17th January, 1928, from the Minister of Justice, submitting that at the Dominion-Provincial Conference, held at Ottawa in the month of November, 1927, the Premiers of certain of the provinces questioned the right of the Dominion to dispose of water powers brought into being by the erection of Dominion works for the improvement of navigation, and asserted a right on the part of the provinces to dispose of any such water powers within the limits of the province; and

That in the discussion which followed regarding this claim, and also with regard to the whole question of the division of legislative control over and proprietary interest in water powers, it was found impossible to reach any general agreement as between the Dominion and the provinces, and in the result a request was made by the Premiers of Ontario and Quebec that the Dominion undertake to refer the whole matter to the Supreme Court of Canada for hearing and consideration.

The Committee, therefore, on the recommendation of the Minister of Justice, advise that, pursuant to the powers in that behalf conferred by section 60 of the Supreme Court Act, Your Excellency may be pleased to refer to the Supreme Court of Canada for hearing and consideration the following questions:

1. Has the province any proprietary interest in flowing waters within the province, and, if so, what is the nature of such interest?

2. Does the ownership by the province of the bed of any stream, whether such bed be level or sloping, give to the province the ownership of water powers:

(a) created thereupon by Dominion works for the improvement of navigation; or