

was of such a nature that it would be a suitable ancillary provision to a bankruptcy law. But the ground of this decision was that the law in question did not fall within the class "Bankruptcy and Insolvency" in the sense in which those words were used in section 91.

For these reasons their Lordships feel constrained to hold that the enactment of fishery regulations and restrictions is within the exclusive competence of the Dominion legislature, and is not within the legislative powers of provincial legislatures.

But whilst in their Lordships' opinion all restrictions or limitations by which public rights of fishing are sought to be limited or controlled can be the subject of Dominion legislation only, it does not follow that the legislation of provincial legislatures is incompetent merely because it may have relation to fisheries. For example, provisions prescribing the mode in which a private fishery is to be conveyed or otherwise disposed of, and the rights of succession in respect of it would be properly treated as falling under the heading "Property and civil rights" within section 92, and not as in the class "Fisheries" within the meaning of section 91. So, too, the terms and conditions upon which the fisheries which are the property of the province may be granted, leased or otherwise disposed of, and the rights which consistently with any general regulations respecting fisheries enacted by the Dominion Parliament may be conferred therein appear proper subject for provincial legislation, either under class 5 of section 92. "The management and sale of public lands" or under the class "Property and civil rights." Such legislation deals directly with property, its disposal and the rights to be enjoyed in respect of it, and was not in their Lordships' opinion intended to be within the scope of the class "Fisheries" as that word is used in section 92.

The various provisions of the Ontario Act of 1892 were not minutely discussed before their Lordships, nor have they the information before them which would enable them to give a definite and certain answer as to every one of the sections in question. The views however which they have expressed, and the dividing line they have indicated will they apprehend afford the means of determining upon the validity of any particular provision or the limits within which its operation may be upheld, for it is to be observed that section 1 of the Act limits its operation to "fishing in waters and to waters over or in respect of which the legislature of this province has authority to legislate for the purpose of this Act." Secs. 1375, 1376, and the 1st sub. s. of 1377 of the Revised Statutes of Quebec afford good illustrations of legislation such as their Lordships regard as within the functions of a provincial legislature.

Their Lordships entertain no doubt that the Dominion Parliament had jurisdiction to pass the Act intituled "An act respecting certain "works constructed in or over navigable waters." It is in their opinion clearly legislation relating to "navigation."

Their Lordships must decline to answer the last question submitted as to the rights of riparian proprietors. These proprietors are not parties to this litigation or represented before their Lordships and accordingly their Lordships do not think it proper when determining the respective rights and jurisdictions of the Dominion and Provincial Legislatures to express an opinion upon the extent of the rights possessed by riparian proprietors.