

non-tidal lakes, rivers, streams, and waters, the beds of which had been granted to him by the Crown?

3. At the hearing of the case before the Supreme Court of Canada, composed of the Chief Justice, Sir Henry Strong, and Justices Taschereau, Gwynne, King, and Girouard, Counsel appeared for the Dominion and for the several Provinces of Ontario, Quebec, Nova Scotia, and British Columbia.

4. The judges who heard the case were unable to agree in opinion, and delivered separate written opinions as to the answers which ought to be given to the said questions.

The written opinions of the judges will be found in the Record at pages 85 to 129.

5. The opinions of the majority of the judges were to the effect that the beds of all ungranted waters situate within the territorial limits of a Province were the property of such Province and not of the Dominion, with the exception only of public harbours, as to which the decision in *Holman v. Green*, 6 S. C. R. 707, was binding; that the Provincial Governments alone had power to grant leases and licences as to fishing in such waters; that the jurisdiction of the Dominion as to Fisheries was limited to passing general laws, which, without derogating from the property in the beds of such waters, or from the rights incident to the ownership thereof, might provide in the interest of the owners and the public for the regulation, protection, improvement, and preservation of Fisheries; and that the Provincial Legislatures had jurisdiction to make regulations as to Fisheries within their respective Provinces so far as such regulations were not inconsistent with and were not superseded by Dominion legislation.

6. With reference to the Statutes referred to in questions 2, 10, 11, 13, and 14 the majority of the judges were of opinion that the Revised Statutes of Canada, chap. 92, "An Act Respecting Certain Works Constructed in or over Navigable Waters," was *intra vires*, and that the Dominion Parliament had power to declare what should be deemed an interference with navigation