

Mr. DUPRE: This is what my hon. friend said:

The question of what interest, if any, the province may have in any water-powers which may come into existence by the erection of works for the improvement of navigation beyond what is required to operate the works has not yet been judicially determined.

Therefore in 1927, my hon. friend was less severe and exacting than he is to-day.

Mr. LAPOINTE: Why this attack?

Mr. DUPRE: Just to prove to my hon. friend that he is not the only one who may rise to champion the rights of the provinces. If my hon. friend wants to know the other reason it is that he rose in his place to-night just to assert himself as the champion of provincial rights in order to help his party in the next provincial election in Quebec.

Mr. LAPOINTE: The hon. member is still young.

Mr. DUPRE: My hon. friend said this also:

When the question comes to be determined, I believe the court will have to take cognizance of the fact that the provincial title to the bed of the river is burdened by the public right of navigation, which considerably decreased its value; that upon payment to the province of compensation for its proprietary interest in the bed of the stream, such interest according to the judgment of the Privy Council in the Montreal Harbour Commissioners' case, will be extinguished. Furthermore it has been held that the ownership of the bed of a river does not carry with it any proprietary interest in the waters which flow over it.

May I draw the attention of the hon. member for Quebec East to his own words, which are exactly the opposite of what he said a few minutes ago. I will repeat them:

Furthermore it has been held that the ownership of the bed of a river does not carry with it any proprietary interest in the waters which flow over it. The surplus waters in question do not exist by nature but are brought into being by the Dominion in the exercise of its powers.

That is just the contrary of what my hon. friend said a few minutes ago.

Mr. LAPOINTE: But that was before the judgment of the supreme court. May I say to my hon. friend that those contentions were submitted to the supreme court? The Attorney General of Canada by his representatives there submitted the very point my hon. friend is reading, but the supreme court has decided otherwise and I am abiding by the judgment of that court.

Mr. DUPRE: Shall I, being an ignoramus in these matters and my hon. friend being an expert, abide by the opinion given by my hon. friend in 1927 or by the opinion he expressed to-night?

Mr. LAPOINTE: That is childish.

Mr. BENNETT: Which—the opinion?

Mr. DUPRE: To continue, this is what my hon. friend said as reported on page 1621 of Hansard of March 28, 1927:

It follows that until the matter is judicially determined, the Dominion must regard the provincial interest in such water-powers as not being so considerable as some hon. gentlemen in the course of this debate have claimed.

That is the contrary of what my hon. friend said to-night. Provincial rights were not considerable in 1927, but to-night, on the eve of a provincial election in Quebec, they are of very considerable importance.

Mr. RALSTON: Does my hon. friend notice the words "until the matter is judicially determined?"

Mr. DUPRE: Yes, but "until it is determined," the hon. member for Quebec East took the opportunity then to express his own views. What I am quoting to-night, may I say to the hon. member for Shelburne-Yarmouth is not the judgment of the supreme court but the personal opinion of the hon. member who was Minister of Justice in 1927.

Mr. BENNETT: Which the privy council said was of equal validity and reliance to that of a court itself to which the matter might be referred.

Mr. RALSTON: Until judicially determined.

Mr. BENNETT: Yes, and it is not yet determined.

Mr. LAPOINTE: In the matter of the Carillon power where the federal government has rights because the canal existed at confederation. There is a difference in the situation.

Mr. DUPRE: I do not care whether my hon. friend changes his mind or not. Why should he not do so? He has a perfect right to do so; but when I hear him say he is going to challenge the words "if any" which we use in clause 4 of Bill No. 144, I take the liberty of reminding him that we are using the very words he himself used in 1927, when speaking of the rights of the provinces. He talked of those powers and rights and