

matter how much it may be needed for harbour purposes, without a strict compliance with the conditions contained in Section 24 of Cap. 61, 36 Vic., which says: Whenever the Harbour Commissioners of Montreal desire to acquire any immovable property for the improvement or extension of the harbour, or the accommodations thereof, they shall cause to be prepared a plan of such immovable property in triplicate, one triplicate whereof shall be deposited in the office of the Clerk of the Peace of Montreal, another in the office of the Minister of Marine and Fisheries, and the third in the office of the Minister of Public Works. And such plan shall be submitted to the Governor-in-Council, and upon being duly approved the Corporation may then, and only then, acquire the same, but no power is given to them, as was given in the 18 Vic., to sell any portion of the property so acquired. On the contrary they are forbidden to do so. Can it then be supposed that Commissioners who could not purchase a foot of ground without the direct sanction of the Governor-in-Council, could cede or dispose of any part or portion of the harbour property described in the Statutes, without the permission and authority of the Government or of Parliament. It is beyond all doubt certain that they could not legally do so, and because it is the property of the Crown, and because as Section 25 of the Act from which I am quoting distinctly enacts that all the land lying within the limits of the harbour of Montreal, as defined by law, is declared to be vested in and to be the property of the said Corporation *in trust* for all purposes for which the said Corporation was created.

I could adduce many other reasons to support my opinion, but I think enough has been said to show that it is well founded, and that the cession of harbour property complained of was and is an illegal act, *ultra vires*, and one which in no way commits the present Commissioners to its observance, as they could not, even if they were disposed by their own act to ratify it, do so without falling into the error which has made a nullity of the proceedings adopted by their predecessors.

I have the honor to remain,

Your obedient servant,

(Signed)

B. DEVLIN,