

Public Harbours

loading and unloading of goods and the embarking and disembarking of passengers. However, there are obvious reasons why at this time, nearly 100 years after confederation, the uncertainties inherent in this situation can be resolved only by way of agreement between Canada and the individual provinces directly concerned. In the case of Ontario, the earliest settlements were along the St. Lawrence river and the shores of the great lakes and, over a long period, the waterways were the only effective means of transportation. For many years prior to 1867 ships plying the river and the great lakes would make regular calls at each settlement to deliver or pick up passengers and cargo and each such port of call could properly be designated as a public harbour within the meaning of the British North America Act.

However, over the years other means of transportation have been developed and traffic patterns have changed, and now there are many small places in Ontario along the river St. Lawrence and on the great lakes which, doubtless, were used as public harbours at the time of confederation but which today and for many years past have had no significant commercial water traffic. The other, and perhaps more important, difficulty is in respect of the limits of those public harbours which are now recognized as such within the meaning of the British North America Act. In many cases traffic has increased considerably and the areas of particular locations used for harbour purposes have become increasingly larger. As there were no cadastral plans at most of these places in 1867 it is, at this late date, impossible in many cases to determine with any degree of certainty the original limits. This difficulty has resulted in claims and counterclaims in respect of ownership of harbour beds and has been the subject of discussions between Canada and Ontario extending over many years.

This problem was settled between Canada and British Columbia in 1924 by way of complementary orders in council; it still has to be dealt with in respect of Quebec and the other maritime provinces, including Newfoundland. In the province of Ontario there are 27 harbours which, on the basis of their importance in respect of water transportation, now qualify as public harbours within the meaning of the British North America Act. These harbours make a significant contribution to the economy of Ontario and, indeed, of the whole of Canada and it is highly desirable that the present uncertainties which confuse the administration of the foreshore and the land under the waters of these harbours be eliminated. These 27 harbours are as follows; I am giving the list in alphabet-

ical order: Amherstburg, Belleville, Brockville, Chatham, Collingwood, Fort William, Gananoque, Goderich, Kincardine, Kingston, Kingsville, Leamington, Oshawa, Owen Sound, Penetanguishene, Port Arthur, Port Burwell, Port Hope, Port Stanley, Prescott, Rondeau Bay, Sarnia, Sault Ste. Marie, Southampton, Toronto, Whitby and Windsor.

The harbour of Hamilton is omitted from the list because, pursuant to a pre-confederation statute, the city of Hamilton has a good title to the bed and foreshore of the harbour. Following a long period of negotiations agreement has been concluded with the government of Ontario which determines the limits of these harbours and which confirms all grants and quit claims by Ontario and by Canada of the water lots listed in the agreement. The agreement further provides that all mines and minerals within the said limits are the property of Ontario. The only known mines and minerals are salt beds under Goderich and Windsor harbours, and iron under Kingston harbour. The agreement has been signed by the ministers of lands and forests and of mines on behalf of the Ontario government, and by myself on behalf of Canada. It is dated September 27, 1962. It has been determined by the law officers of the crown that the appropriate method of implementing this agreement would be by legislation and this bill, which includes the agreement as a schedule, would ratify it. The province of Ontario is taking complementary action, which when completed will give effect to the agreement.

(Translation):

Mr. Lucien Lamoureux (Stormont): Mr. Speaker, I want to deal only briefly with this bill which, I am sure, everybody in this house will wish to support.

The purpose of the bill is to ratify the agreement reached between the federal government and the province of Ontario to specify which Ontario harbours are public harbours under section 3 of the British North America Act.

In my opinion, Mr. Speaker, the matter is not one for purely academic discussion, but deals with a problem of a practical nature, especially when the question is to determine whether federal funds may legally and constitutionally be spent on harbour improvements.

Of course, there is also a question of an historical nature which many consider to be of the utmost importance.

It is to be noted, Mr. Speaker, that 27 harbours have been enumerated in this bill. There can be no doubt at all that each one of those harbours deserves to be included in