

Mr. RYAN: We have a similar section in legislation for the Saint John harbour.

Mr. CAHAN: I am not familiar with Saint John harbour, but I understood that the projection of harbour lines was controlled by the Navigable Waters' Protection Act, chapter 140 of the Revised Statutes, and particularly by section 4 which reads:

4. No work shall be built or placed in, upon, over, under, through or across any navigable water unless the site thereof has been approved by the governor in council, nor unless such work is built, placed and maintained in accordance with plans and regulations approved or made by the governor in council.

Is that not sufficient? It applies to all navigable waters and to all harbours which are navigable waters. Why is the new section 9, which, as I understand it will be new and novel so far as the harbour of Montreal is concerned, now being inserted so as to apply to all harbours?

Mr. HOWE: I think the hon. member is mistaken. The harbours in which I have worked,—and I have worked in many of them,—have harbour headlines determined by order in council. As Montreal is on a navigable stream it may be a little different.

Mr. CAHAN: I am speaking simply from my personal memory and experience.

Mr. HOWE: I know that the ports of Halifax, Saint John, Vancouver, Port Arthur, Fort William and other ports have harbour headlines. That does not interfere with the Navigable Waters' Protection Act. The work inside the harbour headlines has to receive, so far as site is concerned, approval in accordance with the provisions of the Navigable Waters' Protection Act, but it is the usual custom in most harbours to establish the harbour headlines beyond which work cannot go in any event, either with or without consent under the provisions of the Navigable Waters' Protection Act.

Mr. CAHAN: Will the enactment of section 9 be as effective as the minister suggests? If enacted will section 9 override the Navigable Waters' Protection Act?

Mr. HOWE: To this extent, that regardless of the Navigable Waters' Protection Act nothing can be built beyond the harbour headline. That is true to-day. It is only a technical matter, because the department administering the Navigable Waters' Protection Act would not approve any construction extending beyond a harbour headline. It is not our intention in any way to stultify the

working out of the Navigable Waters' Protection Act. The hon. member will find that this act is mentioned later on in the bill we are now discussing.

Mr. CAHAN: I shall not discuss the matter at length, because I have not looked up the information, but I am not clear that the enactment of section 9 would not reduce or preclude rights which have already been acquired by riparian owners in the city of Montreal.

Mr. HOWE: I may not be familiar with many features of the act, but I can assure my hon. friend that I am familiar with harbour headlines and with the Navigable Waters' Protection Act. I spent a great part of the last twenty years in building in harbours, and I am sure that nothing in this bill will in the slightest degree interfere with private property in the harbour of Montreal or elsewhere.

Section agreed to.

On section 10—Acquisition of real estate or personal property.

Mr. CAHAN: The minister is reconsidering a definition of "works," to include roads, railways and their equipment, warehouses and their equipment and so on. If a sufficiently broad definition is given to "works," this section would be satisfactory to me. I notice that subsection 2 reads:

2. All property acquired or held by the board shall be acquired and held in the name of His Majesty in his right of the Dominion of Canada.

That would be proper. I should like the minister, however, to reconsider that subsection when it is compared with section 37. I do not see how the two can be deemed compatible. The transfer of the property of the seven harbour boards to the new board will undoubtedly be an acquisition of that property by the new board. But section 37 provides that the new board, namely the board hereby declared as one corporation, shall:

... possess and be vested with all the works and undertakings and all other the powers, rights, privileges, franchises, assets, effects and properties, real, personal and mixed, belonging to, possessed by or vested in each of the corporations at or before the coming into force of this act.

How can section 10 prevail, which vests all these works and other property, real and personal, in his majesty in the right of the Dominion of Canada, if section 37 is to prevail, whereby the same works and the same