

Powers and By-laws of Harbor Commissioners

The Corporation of the Vancouver Harbor Commissioners Comes Into Possession of All Crown Lands in the Harbor and Has Power to Enter Upon a Comprehensive Scheme of Harbor Improvement With Powers of Regulation and Control.

(The subject of the Board of Harbor Commissioners and the new harbor regulations imposing a new schedule of harbor dues, which came into force by proclamation of the Governor in Council, on May 21st last, looms so large on the horizon of the business interests of Vancouver, of the Province of British Columbia and to a considerable extent of the business interest of the Prairie Provinces, that we have deemed it advisable to publish a short summary of the Act incorporating the Vancouver Harbor Commissioners and a digest of the by-laws enacted by the Commissioners together with the full text of the Tariff Charges and License Fees.

A perusal of this Act will acquaint the reader with the very large powers given to the Commissioners. The Corporation, the name given to the Board of Vancouver Harbor Commissioners have what is tantamount to a transfer of all property rights possessed by the Crown in Vancouver harbor to itself. The Corporation has the right to acquire, appropriate, hold, sell, etc., real estate or personal property as it deems necessary for the development, improvement, or maintenance of the harbor. In these powers are involved the right to expropriate and acquire real property for the construction of wet and drydocks, warehouses, elevators, wharves and railways, and to maintain and operate them. With the approval of the Governor in Council the Corporation may borrow money at such rates as it deems expedient and may issue debentures secured by the property vested in it, and such debentures may be sold at such rates and on such terms as the Corporation deems advisable. The Corporation may impose tariffs and license fees, rates of which are fixed by by-law, and of the reasonableness of which it shall be the sole judge.

These powers are in addition to the powers to regulate and control navigation within the harbor, and the regulation of anchoring, berthing, loading and unloading of ships within the harbor.

These very broad and comprehensive powers should not have a tendency to hamper the activities of the Corporation in any plans of harbor improvement, however comprehensive they may be. The question arises: Will the Board of Harbor Commissioners always have the good judgment to use these powers for the best interests of the harbor? Mistakes in judgment and ill-advised undertakings may cripple this port by requiring the imposition of dues, which may be very onerous to shipping, without giving compensating advantages.—The Editor.)

The authority vested in Board of Harbor Commissioners is derived from Act 3-4, George V., Chapter 54, the important features of which involve the following:—

The harbor of Vancouver is defined to include Burrard Inlet, with the North Arm and Port Moody, False Creek and English Bay, and all other tidal waters lying east of a line drawn from the Point Atkinson lighthouse, southerly to the most westerly point of Point Grey.

The board shall consist of three commissioners who may be remunerated for their services out of the revenue of the harbor as the Governor in Council may determine.

The board may appoint a harbor-master and other officials and deputies thereof, fix salaries, take security for faithful performance of duty and such officials shall have the same powers as if appointed under the Canada Shipping Act.

The Corporation of Vancouver harbor may acquire, appropriate, hold, sell, lease and otherwise dispose of such real estate or personal property as it deems necessary or desirable for the development, improvement, maintenance and protection of the harbor, and possess same powers with regard to

movable property, vessels, plant and machinery, and take out registers for such vessels.

The Corporation has power to receive rights and revenues from the government of British Columbia or from any other government corporation or person and apply them for purposes of the Act.

All lands and interest in lands within the limits of the harbor and heretofore vested in His Majesty, in the right of Canada shall by virtue of this Act be vested in and held by the Corporation, subject to leases or other rights granted by His Majesty and subject to riparian or littoral rights of frontage owners and the Corporation shall have all the rights and powers now vested in His Majesty; Provided that at the expiration of every term of five years His Majesty may become repossessed of said lands and interest in land upon the passing of an order-in-council upon six months' notice, re-possession not to affect rights and powers conferred by the Act.

The Corporation may convey lands or interest in land for a period not to exceed twenty-one years.

Revenue from water lots heretofore leased or disposed of shall be paid to the Corporation.

The Corporation may construct or acquire and operate railways and tramways for conduct and development of the business of the harbor and may enter into agreement with railway corporations and may acquire plant and machinery for purpose of increasing usefulness of harbor.

The Corporation may make by-laws for the conduct and government of the Corporation and of its properties; to regulate and control navigation within the harbor, to regulate construction of docks, piers, quays and buildings; to regulate anchoring, wharfing, loading and unloading; to expropriate and acquire, such real property as the Corporation deems necessary for construction of wet and drydocks, warehouses, elevators and railways, to fix rates upon all goods landed or shipped in the harbor; to impose such tolls, rates, fees, dues, excepting pilotage, sick mariners and steamboat inspection dues, as would be payable in the case of a harbor to which The Canada Shipping Act applies, to collect and impose penalties.

The Corporation may levy rates as are fixed by by-law, and may commute any rates authorized by the Act.

For the general purpose of harbor improvement the Corporation may borrow money at such rates as it finds expedient and may issue debentures payable in not more than forty years, secured by property vested in or controlled by the Corporation. Such debentures may be sold at such rates and on such terms as the Corporation deems advisable.

The principal and interest of money borrowed shall be repaid out of revenue of the harbor and the lawful charges shall be in the following order:

Payment of expenses of collection, payment of keeping harbor clean and wharves and other works in state of repair, payment of interest on all moneys borrowed, provision for sinking fund, payment for operation of docks and wharves, and otherwise carrying out the objects of the Act.

Then follows provisions for recovery of dues and penalties and legal procedure.

DIGEST OF BY-LAWS.

After reciting definitions, proceedings of commissioners, duties of officers, the by-laws proceed: Harbor Master shall give copy of regulations to each master on entering harbor. Master shall report to Harbor Master—colors to be shown—proceedings in case of sickness—allotment of space on wharves—assignment of berths—Harbor Master may berth at privately owned wharf when not in use and the charge shall be no more than the usual rate of private wharf. Water gauge, name and tonnage to be shown on every vessel—speed of steam vessels restricted to twelve knots per hour. Master in charge of vessel towing boom of logs shall, within twelve hours of tying up report to the Harbor Master, failing which a penalty of fifty dollars will be imposed.

Regulations for Departures of vessels and vessels lying in the harbor, vessels loading or unloading; regulations regarding explosives; regulations regarding encroachments and encumbrances, per-