

As it was pointed out, in carrying on the ordinary business affairs of the Board, that it would be inconvenient if such a decision were arrived at and it became necessary to obtain a fiat in every case where the Board was sued, I suggested that to make the matter clear, subsection 3 be inserted in order to make clear that a contrary intention did not appear and that in the ordinary business dealings of the Board it could sue and be sued in its own name.

In arriving at the conclusion that this corporate agent of His Majesty should be specifically empowered with the power to sue and be sued, the following cases were taken into consideration:

Bainbridge v. Postmaster General,  
(1906) 1 K.B. 178, 191, 192;

Reper v. Commissioners of H.M's Works,  
(1915) 1 K.B. 45;

Quebec Liquor Commission v. Moore,  
(1924) 4 D.L.R. 901, 911;

Wheeler v. Commissioners of Public Works,  
(1902) 2 Ir. Rep. 202, 247;

Gallagher v. Minister of Health,  
(1932) 1 Ch. 86;

Mersey Docks v. Gibbs,  
(1866) 1 H. & L. A.C. 93, 110.

The position of Boards such as that proposed under the present Bill is very fully considered in the case of the City of Halifax v. Halifax Harbour Commissioners, 1935, S.C.R., page 215. In his judgment the Chief Justice, Sir Lyman Duff, goes into the matter very fully at page 226. He says:

"To state again in a more summary fashion, the nature of the powers and duties of the respondent: their occupation is for the purpose of managing and administering the public harbour of Halifax and the properties belonging thereto which are the property of the Crown; their powers are derived from a"

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