

Hon. C. D. HOWE (Minister of Marine): Might I say just one word of reassurance from a layman to the other laymen of the committee? I am reasonably sure of this, because I got a report on it from an officer of the Department of Justice. The legal position of Montreal harbour and of every other harbour under this legislation will be exactly what it was, is now and has been ever since the harbour boards were created.

Mr. CAHAN: That is not so. In reply to that I would refer to the act relating to the harbour commissioners of Montreal, chapter 48 of the statutes of 1894 which, by section 21, subsection 4, provides:

The corporation may institute and defend all suits, actions and proceedings in any court of justice in respect of the said property and the land comprised within the harbour as fully as can be done by proprietors holding lands by valid title, or as might be done by or on behalf of Her Majesty in respect of the bed or beach of the river St. Lawrence.

That is an entirely different position from anything contained in the present bill.

The CHAIRMAN: Shall section 37 pass?

Mr. FINN: Mr. Chairman—

The CHAIRMAN: Order.

Mr. FINN: I would like to ask the chairman of the committee in what way I am out of order. I would like to know the reason.

The CHAIRMAN: The hon. member is not out of order providing he confines his remarks to section 37.

Mr. FINN: I had not started to say anything before I was called to order. If I am to observe the rules of the house, the rules of the house should be properly interpreted.

When the Minister of Marine speaks as one layman to another, he is not speaking to hon. gentlemen who are of the legal profession. But this is a legal question. If it were a medical matter that was before the house we should look to members of the medical profession for guidance, and in legal matters we should look to the legal profession. When this question is raised by the former Secretary of State (Mr. Cahan) and by such an astute lawyer as the right hon. leader of the opposition (Mr. Bennett), I think it is worthy of consideration on the part of the government and on the part of the Minister of Justice (Mr. Lapointe). I understand I am confined by the ruling of the chairman to the discussion of section 37, and I want to say that it seems to me

[Mr. Finn.]

that the further we get into this, the more confused we are. Whether the confusion comes from the chair or from the floor, I do not know, but I think we should have an opinion from the Minister of Justice.

Mr. LAPOINTE (Quebec East): I have given it twice.

Mr. FINN: All I can say is that we get one opinion from one court, and another opinion from another court, and that is why there is so much litigation in Canada and other countries. That is why in the United States the NRA is higher than the American flag ever flew. We should deal with these actualities from a legal standpoint and suggestions of a reasonable kind at least should be looked into and the bill held up in order that an intelligent interpretation may be made of the clauses and a further opinion obtained from the Deputy Minister of Justice, but whether that would be worth while I am not at the moment in a position to say. I have not had an opportunity of reading the other opinion, nor have I had an opportunity of seeing the amendment moved by the hon. member for St. Lawrence-St. George. I want to say—and I say it quite kindly—that there must be some sort of understanding in this house between hon. gentlemen. A few moments ago I was not permitted to see the amendment moved by the hon. member. When I sent a message to the Chairman I was told I could see it if I went up to the table. I do not think any hon. member should be placed in that position.

The CHAIRMAN: The hon. member for Halifax is entirely out of order. I read the amendment from the chair.

Mr. FINN: I could not hear it.

The CHAIRMAN: Is the committee ready for the question? The question is on the amendment.

Amendment (Mr. Cahan) negatived.

Section 37 agreed to.

On section 16, subsection 4—Vessel may be sold.

Mr. CAHAN: Last Wednesday I directed attention to this subsection and the hon. gentleman said that he would take into consideration the suggestion I made in connection therewith. This subsection reads:

Such vessel may be seized and sold under any writ or warrant of execution or of distress issued by any court of record upon the judgment or conviction at the suit of the board against the vessel, the master, owner or person in charge thereof.