

That is the latest description from the engineering staff of the harbour of Montreal. I do not intend to suggest any amendment to the definition of the area as given in this schedule to this section, but I am simply asking that the minister, who is himself an engineer and experienced in such matters, should be satisfied that the area as at present defined by statute should be included in the schedule with respect to Montreal.

Mr. HOWE: On that point I may say that I expressed some reluctance at putting this schedule in because we were not satisfied with the descriptions we had. The descriptions we have are the legal outlines as determined by the present harbour acts.

Mr. CAHAN: If that is so I am satisfied.

Mr. HOWE: The matter was carefully considered and that is the best we can do.

Mr. CAHAN: If that is so I am satisfied.

Mr. HOWE: It is the statutory description.

Mr. CAHAN: I am satisfied if it conforms, but the language is different from the language employed in the act. It also embodies the language employed in an act defining the harbour antecedent to the date of confederation. However, the minister is expert in such matters and I accept it. I do think however there is very serious objection to the last three lines of subsection 2 of section 6. In every case heretofore the boundaries of harbours have been defined and declared by statute. I do not think that the government should take by order in council the power to change those statutory boundaries either by increasing or by decreasing the area which they cover. In Montreal we have very special conditions. The harbour over which the new board will have jurisdiction extends to the natural banks of the river St. Lawrence at high water mark. Then with respect to the foreshore it will be found that grants have been given beyond the high water mark in a number of cases, and the bed of the stream, that is the bed of the harbour, is vested in fee simple in the crown in the right of the province. The extension of these boundaries by order in council will affect very many interests along the harbour front, if I may say so, or along either one or other of the banks of the river St. Lawrence, and I suggest that the government should not take power by order in council to increase or to reduce the statutory area. It would be a very simple matter to introduce at a later date a statute dealing with this question of boundaries. The extension of boundaries by order in council

affects so many private and vested interests as well as interests of the government of the province of Quebec that I suggest to the minister he should go slowly in this matter and come to parliament if he wishes and by statute to redefine these boundaries.

Mr. HOWE: I think section 7 protects private interests against any jurisdiction there:

... nothing in section 6 hereof contained shall be deemed to give the board jurisdiction over or control of private property or rights ...

The Canada Shipping Act, which will be in force in August, and also the Government Harbours and Piers Act, give the government the right to determine harbour boundaries by order in council. The only reason this is mentioned here is that these harbours were excluded from the operation of those acts.

Mr. CAHAN: Are those bills which have not yet been introduced?

Mr. HOWE: No, they are both in effect. The Canada Shipping Act was passed last year, and it is in the old act as well and is in effect at the moment; so that we really have power to change harbour boundaries by order in council, unless in this bill we exclude ourselves from that power.

Mr. ILSLEY: In order to make the section comply with the bill as reprinted, I move that subsection 2 of section 6 be amended by striking out the words "the several acts constituting the corporations" in the seventh and eighth lines and substituting therefor the words "schedule B to this act." That is in the reprint now.

Sir GEORGE PERLEY: With respect to the authority by order in council to fix boundaries, I understand there is an act which gives authority in a general way but that these harbours are excluded from that act.

Mr. HOWE: Yes.

Sir GEORGE PERLEY: Is not my colleague correct when he says that heretofore the boundaries of these harbours have always been fixed by statute?

Mr. CAHAN: In every case, as far as I can discover.

Mr. HOWE: That is correct, yes.

Sir GEORGE PERLEY: Why not leave it that way? Parliament meets every year and it is easy to bring in a bill. Most of these harbours are important, and with all