

COPY

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27th April, 1936.

Dear Sir:-

Referring to your request for an opinion on the question raised by Mr. Cahan in the House of Commons as to the insertion in the present Bill creating a National Harbours Board of subsection (2) of section 3 making the proposed Board a body corporate and politic and also making it, for the purposes of the Act, the agent of His Majesty, I may say that the instructions given for the drafting of the Bill provided that all the works and property of the various harbours were to be vested in His Majesty the King; that a Board was to be constituted to manage and administer the property on behalf of His Majesty and that in order that the Board should be able to carry on the business in a business-like way, it should be made a body corporate. The subsection under discussion was, therefore, inserted to carry out these instructions.

A similar section was inserted in the Farm Loan Acts and I note that Mr. Cahan states that as far as he can ascertain this Board was not empowered by any of the Acts dealing with it to sue in its own name.

The liability of a body created by statute must be determined upon a true interpretation of the statutes under

... ..

The Honourable C.D. Howe,
Minister of Marine,
O T T A W A.

MEIGHEN PAPERS, Series 5 (M.G. 26, I, Volume 160)

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