

Mr. FINLAY: —the answer to that question, Mr. Chairman, is that up to the moment we have always succeeded in recovering. However, I submit that that is no indication that we will necessarily continue to do so.

Mr. NICHOLSON: 18 years—that is pretty good.

Mr. FINLAY: Yes, but it could happen very easily.

The ACTING CHAIRMAN: Mr. Green has the floor.

Mr. GREEN: This bill has been in effect for 18 years, and under the provisions of this bill you have not lost one cent so far as damage done by vessels to harbour board property is concerned.

Mr. FINLAY: That is to say by reason of the existing machinery for seizure of the vessels.

Mr. GREEN: No, but all I want to know is whether you have lost any money by reason of damage done to your property by vessels since the National Harbours Board was set up in 1936?

Mr. FINLAY: We have certainly lost money in the sense that we have had to sue for it. We have recovered it at very considerable legal costs in a great many instances.

Mr. GREEN: You have been compensated for all the damage that has been suffered?

Mr. FINLAY: Because there have always been one or two factors involved. One or two circumstances have always prevailed in these cases. In the majority of cases we were able to seize the vessel and thus obtain security and in some other cases we were fortunate enough to have a Canadian owner whom we could immediately sue.

Mr. GREEN: You are in the position under your present statute, let alone any of these new amendments, to seize the vessel, in the first place, if there is any damage done to your property, are you not?

Mr. FINLAY: If the damage is done by the vessel; but, supposing the damage is done by the agent of the vessel.

Mr. GREEN: How on earth can an agent of a vessel damage your docks?

Mr. FINLAY: That can happen.

Mr. CONACHER: Has it happened up until now?

Mr. FINLAY: No, it has not happened by a party acting at that time as an agent of a particular vessel. But, it has happened in at least one instance that we have suffered considerable damage through the negligence of one company which does act for the most part as an agent of vessels. In this instance it was not acting as the agent of any particular vessel, it is true. We are instituting action against that company now.

Mr. GREEN: What sort of damage was that?

Mr. FINLAY: Fire damage.

Mr. GREEN: An agent acting under direction was responsible for starting a fire. Is that right?

Mr. FINLAY: That is so.

Mr. GREEN: What on earth has that got to do with the vessel?

Mr. FINLAY: The vessel is simply taken as security.

Mr. GREEN: You would be able to take a vessel belonging to somebody else to pay you for damage caused by fire started by an agent?

Mr. FINLAY: That is so, and, of course, if there never was an amendment to the Harbours Board Act, if the Harbours Board Act did not exist in its present form, we could proceed against the agent in a case such as I have cited—We could proceed against the principal or the employer for the damage done by his agent, and having succeeded in an action against him we could take his vessel.