

that *prima facie*, the owner of the wreck must be the person to whom the wreck belongs, during the time when the harbor master chooses to exercise his statutory powers."

Lord Ashbourne said :—"I agree with my noble and learned friends who have preceded me, that the owner referred to in the section is the owner at the time the harbor master incurred the expense, and concurring as I do generally in the arguments they have expressed in support of this conclusion, I see no good purpose in repeating or attempting to add to them."

Contrasting the sections of the Imperial with those of the Canadian statute, we find that the former by its section 74 provides that "the owner of any vessel..... shall be answerable," and by its section 56, that the "expense of removing any such wreck..... shall be repaid..... by the owner of the same," while the Canadian act provides for responsibility on the part of "the owners of the vessel, craft or other thing which caused such obstruction or impediment." It is argued on behalf of the Crown that the difference between the words "wreck" and "vessel" emphasizes the purpose of our statute to make the original owner liable. I am unable to hold with this contention. There had to be a sale of the salvage. Its proceeds went in deduction of the amount for which the owner was liable. This cannot mean that the owner at the time of the disaster was to benefit by the net value of what he had sold to another, nor could the pretension prevail that he would be entitled to a surplus if surplus there were. It must refer to the person whose wreck was disposed of and removed. Moreover, the dates set forth in the information are of striking importance. The "Ottawa" foundered in November, 1880, and was condemned and sold in July, 1881, while the order in-council relied upon was only passed in January, 1886. Now, under the English statutes, an immediate right accrues to the harbor master, and an equally immediate obligation is imposed upon the owner. In this respect our statute offers a marked contrast. The mere existence and continuance of an obstruction or impediment to navigation does not of itself vest the Crown with the right to remove it, or impose upon the owner a correlative obligation to pay the net expenses. The opinion of the Minister of Marine and Fisheries needs executive expression in an order-in-council before either the one or the other exists. If then, under the Imperial Harbor and Piers statutes it can be held that only the actual owner at the time of removal may be