

The declaration in this section that the Act applies also to the carriage of goods "from any port in Canada to any port outside of Canada" is not found in The Canada Shipping Act provisions, but the section does not go so far as section 1 of the Harter Act, which applies that Act as well to all ships carrying goods to the United States from any foreign port. The broad application of the Harter Act in this respect has resulted in practically every line, transporting goods between American and foreign ports, incorporating the Harter Act in their respective bills of lading.

A discussion occurred, while the bill was before the Committee of the Senate, as to whether the new Act would apply to the carriage of goods, which originated in the United States, on a through bill of lading executed there and shipped from a Canadian port. It was considered that it would so apply. Section 3, applying the Act, as it does, to ships carrying goods from any port in Canada would appear to be broad enough to cover the point, particularly in view of the definition of the term "port" in section 2 (c). The Harter Act would not apply to such a shipment, though originating in the United States, inasmuch as it would not be the "transportation of merchandise or property from and between ports of the United States and foreign ports."<sup>4</sup> There would, therefore, be no conflict of law in this respect.

3. *In general.*—It has been held that the Harter Act does not apply as between charterer and shipowner;<sup>5</sup> nor to the relations of one ship to another, particularly in respect to collisions;<sup>6</sup> nor to passengers and their baggage.<sup>7</sup> It is possible that this jurisprudence would be followed by our own and the English courts.

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4. Harter Act, s. 1.

5. *Golar SS. Co. v. Tweedie Co.* (1906) 146 Fed. Rep. 563.

6. *The North Star* (1882) 106 U.S. 17; *The Manitoba* (1895) 122 U.S. 97.

7. *The Rosendale* (1898) 88 Fed. 324; *The Kensington* (1899) 94 Fed. Rep. 885; also (1902) 183 U.S. 263; *La Bourgogne* (1906) 144 Fed. Rep. 781 (C.C.A.).