

have that effect, inasmuch as they apparently are not repugnant to the provisions of any Imperial statute.²

Part XVII. of The Canada Shipping Act is not referred to in The Water-Carriage of Goods Act, either by a repealing clause or otherwise. Consequently The Canada Shipping Act is affected by the recent Act, only in so far as it is inconsistent with and repugnant to any of the provisions of the latter. In other words, The Canada Shipping Act must be read with The Water-Carriage of Goods Act, to the extent that one may be consistent with the other. In the event of inconsistency, the new Act must govern.³

II. APPLICATION AND SCOPE OF THE NEW ACT.

1. *As to goods.*—Section 2 provides:—

2. In this Act, unless the context otherwise requires:—

(a) "goods" includes goods, wares, merchandise, and articles of any kind whatsoever, but does not include live animals;

(b) "ship" includes every description of vessel used in navigation not propelled by oars;

(c) "port" means a place where ships may discharge or load cargo.

This section is not found in the Harter Act. It appears from it that the Act applies to all goods and articles of any kind, except live animals. The Canada Shipping Act applies to "goods, wares or merchandise and articles of any kind whatsoever," without exception. The Harter Act applies to live animals, except section 1, excluding the contracts limiting liability for negligence, and section 4, imposing a duty to issue a bill of lading in accordance with the Act.

2. *As to ships.*—Section 3 provides:—

3. This Act applies to ships carrying goods from any port in Canada to any other port in Canada, or from any port in Canada to any port outside of Canada, and to goods carried by such ships, or received to be carried by such ships.

2. Colonial Laws Validity Act, 23-24 Vict. (Imp.), c. 63, ss. 2 and 3.

3. Maxwell, Statutes, p. 233.