Mr. LANGLOIS (*Gaspé*): Could we ask counsel for the board to briefly give the board's position regarding the last suggestion. Apparently we have only one point before us now, and perhaps counsel for the board could give us a word of explanation on it.

Mr. NICHOLSON: Agreed. We are making progress!

Mr. FINLAY: I think it is agreed then there is only one point which concerns the federation and that is the matter of proceeding against an agent for damage done by the vessel. That is the only serious point remaining. Am I correct?

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. FINLAY: The only remaining point so far as the federation is concerned is that of proceeding against an agent of the vessel for damage done by the vessel. Now, as has already been pointed out, this is not new. The comment has been made on several occasions by counsel for the federation that ordinarily an agent is not held responsible for the acts of his principal. The principal for the acts of the agent, yes; but not the agent for the acts of the principal. That is absolutely correct. That is not disputed. This is a special statutory power which has existed, as was pointed out by the parliamentary assistant to the minister, since 1913 in Canadian harbour legislation. Ordinarily one cannot proceed against an agent for damage done by his principal, but that protection was considered necessary and has apparently been considered necessary since 1913. There is nothing new in that respect. We are merely reiterating—merely repeating what already exists in the present Act. Now, the prime point of counsel for the federation in that regard—I think I am correct in saying this—is that he says that before (under the existing Act, that is) it would have been necessary for us to seize the vessel before we could proceed against the agent, whereas now under the proposed amendment he says the situation has changed. That is, it would now be possible for us to immediately sue the agent without bothering to seize the vessel. His contention is that that constitutes a change and that previously it was necessary to seize the vessel before we could proceed agains the agent. Now, it is on that point that the board very definitely disagrees and I can only refer the members of the committee to the express terminology of section 16, subsection 2 of the present Act and to the corresponding sections which were quoted by the parliamentary assistant in the harbour commission statutes. There is nothing there that says that the board must seize the vessel and can go after the agent for the balance. That is the interpretation which Mr. Brisset has placed upon it, but I suggest it is absolutely impossible to find any case in the history of Canadian or English courts where it has ever been held that a person is obliged to exercise both recourses. You very often have a case where two remedies are available to the Crown and the courts have held that if the Crown has exercised one it may be precluded from exercising the other. But, I have never heard of a case where you are obliged to exercise both. That is what was argued here. We are told that unless we seize that vessel we have no recourse against the agent. But we are merely reiterating what already exists.

Mr. LANGLOIS (*Gaspé*): If the board proceeds against the agent without bothering with the owner, the agent can call the owner in warranty.

Mr. FINLAY: I was coming to that point. A good deal of emphasis has been laid upon the unfortunate position of the Canadian agent in that respect. He has been represented as rather an unfortunate chap who for a pittance represents the vessel in Canadian waters.

Mr. LANGLOIS (*Gaspé*): That is an understatement.

Mr. FINLAY: Yes, it is an understatement. If there are any pittances involved it is the pittance paid to the port authority whose property may suffer half a million dollars damage. In any event, the Canadian agent is in a far