

five different cases: first of all if the damage is done through the fault or negligence of the owner of the vessel which is quite proper and I do not criticize this part; secondly if the damage is done through the fault or negligence of the agent of the vessel; thirdly if the damage is done through the fault or negligence of the charterer of the vessel; fourthly, if the damage is done through the fault or negligence of the master of the vessel. There, again, I do not think one can criticize this provision. Fifthly, if the damage is done through the fault or negligence of the crew of the vessel acting in the course of their employment or on the orders of their superior officers. There, again, the rule of *respondiat superior* should apply, and there is no criticism directed against this provision.

The two provisions that we most strenuously oppose are the right to seize a vessel for damage done by the negligence of an agent and for damage done by the negligence of a charterer, because in either of these two cases the vessel owner may have had nothing to do with the act complained of. The vessel herself might be entirely unconnected with the damage done; the vessel might be out to sea or in Japan as far as we know, and there is no reason to make a vessel liable to seizure when she arrives in a harbour in Canada because the agent of that vessel has committed some negligence that has caused damage to the board's property. The right of seizure is a very serious remedy, so serious that in a good many maritime countries of the world now—and I refer particularly to France, Belgium and Italy—whenever a ship is seized in one of the ports of these countries the party seizing, if his claim is found unfounded, will be liable to pay a minimum of four days' detention, whether the ship was detained at all or not through the seizure, and four days' detention or demurrage of the vessel means a penalty ranging from \$6,000 to \$15,000 altogether. This shows the serious view that is taken in maritime countries of the right to seize.

Now, there is more, and I revert to the brief that is before you. The amendment says, "the agent of the vessel". These are the words used, but nowhere is there a definition of this expression, "the agent of the vessel". Therefore we must understand by it what is commonly known in marine circles as the vessel agent or husbanding agent. A vessel agent or a husbanding agent is in no way the representative of the owner of the vessel. He is simply, to use the expression I have coined for this purpose, a co-ordinator of services. When a vessel comes into a port, an agent will be appointed whose duties will be to make arrangements with the stevedores to load and discharge the ship, with the shipping master to sign on or sign off a crew, with the oil merchant to fill in the ship's bunkers, and with the customs officer to clear the vessel. He does that for a modest fee, and I will say to the committee that the usual fee is about \$200 for these services, and I do not think an agent ever considers the possibility that he would be held liable, say, if the ship coming into the harbour should collide with some of the installations, say a wharf. The right to seize before existed only if the vessel was the instrument of the damage, and I repeat this is the way it should be and has always been. The result of this definition is very far-reaching, because it makes the ship or vessel owner liable for the agent and the charterer, and it also plays in such a way as to make the owner liable for the agent and the charterer. Let us take the case of a charterer. The amendment that is sought before this House does not define the charterer. There are many types of charterers in marine parlance. You may have a voyage charterer; you may have a time charterer; and you may have a demise charterer. The demise charterer is the one who operates the vessel, furnishes a crew, and he is really in the shoes of the owner, and there is no objection to making him liable for the damage that might be done by the vessel or by the crew, because the crew are his servants, and the vessel