

Mr. GREEN: You could not do that unless the agent was acting in the specific business of the owner of the ship and started a fire for the owner.

Mr. FINLAY: Yes.

Mr. GREEN: You have your rights under the present Act to seize the vessel for any damage it does.

Mr. FINLAY: That the vessel does.

Mr. GREEN: Yes. That is a big security, is it not?

Mr. FINLAY: It may be.

Mr. GREEN: And if your people were on their toes it would be mighty hard for a vessel to get out of port where it has done damage to your property.

Mr. FINLAY: We have had several instances where a vessel has sailed without the damage being discovered until after the vessel had sailed.

Mr. GREEN: And you have always got all the money?

Mr. FINLAY: Yes, but again in those cases the owner happened to be in Canada.

Mr. GREEN: You have collected in every case to date?

Mr. FINLAY: That is right, but of course it could have happened this afternoon that a foreign ship did that damage.

Mr. GREEN: Whether a foreign ship or a Canadian ship you have never lost a penny because of damage done by a vessel to any of your docks?

Mr. FINLAY: No, but because of the very obvious possibility of it happening we are attempting to guard against that.

Mr. GREEN: The trouble with that is you put up barriers to ships going to come into Vancouver, Halifax, St. John, or Montreal, if they are faced with all these provisions. As you know we are in very keen competition with ports like Seattle and Portland, and a port cannot carry on business if the National Harbours Board is going to take all these powers which it does not need.

Mr. FINLAY: I might say that there is one power which is far more extensive than anything actually which we are seeking here. At least more extensive in one sense. That is, under the Harbours, Docks and Piers Act of the United Kingdom, in that the vessel can be seized and retained for charges incurred by a shipper.

Mr. GREEN: You have the right to seize the vessel for damage done and in addition to that you have the right to sue in the ordinary course.

Mr. FINLAY: Yes.

Mr. GREEN: And you have the right as a litigant has, or as anyone else has, to have the ship libelled so that it cannot leave the port until security is obtained.

Mr. FINLAY: That is the right we are attempting to provide.

Mr. GREEN: You have that right now. If a vessel damages your docks you have the right to seize it.

Mr. FINLAY: If the vessel does the damage. But, suppose the damage is not done by the vessel as a physical instrument?

Mr. GREEN: Why should the vessel be responsible for the damage not done by the vessel?

Mr. FINLAY: For the same reason the property of any person may be responsible for the damage.

Mr. GREEN: If you sue just as any other litigant would do you can have that ship seized before it leaves port and you can force security to be put up for the damages before the ship can clear.

Mr. FINLAY: Of course so can the agent.