

# REVUE CRITIQUE

DE

## Législation et de Jurisprudence.

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### THE NAVIGATION LAWS OF CANADA.

The subject of maritime law has lately attracted considerable attention before the several Boards of Trade of the Dominion. The creation of a Court of Vice-Admiralty in Montreal was considered necessary to the commercial interest of that district. Complaints were made of the present diversity in the registry laws, and our pilotage system was declared to be based "upon unsound principles" and leading "to serious consequences." Finally, in January last, a memorial was presented by the Dominion Board of Trade to the Canadian Government, who promised to give the matter due consideration. A brief review of the principal features of the laws concerning the responsibility of shipowners will suffice to show that it is highly important to Canada that its navigation laws should be thoroughly remodelled.

#### I.—RESPONSIBILITY OF SHIPOWNERS.

Under the Common Law of England, in force in most of the British Provinces and in the United States, shipowners, like common carriers by land, are insurers of the persons and goods entrusted to them, and as such are liable for any loss or damage to any extent whatever, unless it is occasioned by the King's enemies or by an act of God, such as storms, tempests, lightning, &c.\* They are responsible even for armed robbery, fire or any other accident, unless proved to be an Act of God or exempt by the express terms of the bill of lading or contract.

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\* Maude & Pollock, p. 48; Chitty, on Carriers, p. 154; Angell, on Carriers, p. 133.