

DOMINION OF CANADA.

EXCHEQUER COURT.

NOVA SCOTIA ADMIRALTY DISTRICT.

APRIL 30TH, 1909.

WATT ET AL. v. THE SCHOONER "JOHN IRWIN."

*Admiralty Law—Collision—Steamer and Sailing Ship—Art.  
21 of Rules for Preventing Collisions—Breach.*

Morrison, K.C., for plaintiff.

Mellish, K.C., for defendant.

The facts are fully stated in the judgment.

DRYSDALE, DEPUTY LOCAL JUDGE.:—This action is brought by the owner, master, and crew of the "Regina B.," a schooner of 79 tons, which was sunk in a collision had with defendant steamer in Halifax harbour on the night of 19th October, 1908.

The "Regina B.," in charge of Captain Aucoin, was on said night, between nine and ten o'clock, coal laden, beating into Halifax harbour. The wind was north, or, according to the captain of the "Regina B.," a little east of north, baffling to the east, as he puts it. The contention of those on board the "Regina B." is that after coming inside of Meagher's Beach light at or near the point marked G/X on the chart used, the vessel commenced to starboard tack towards Middle ground buoy, and according to plaintiff's preliminary act, on a west north-west course; that this tack was continued until they passed the Middle ground buoy about 200 yards and passing to the south of it; that the schooner then tacked and stood to the north-east on the port tack; that before, at the time of and after the tacking, they had observed the red light of the steamer "Irwin" only as she was coming down the harbour; that after they had proceeded about 200 yards on the port tack, and when about abreast of Middle ground buoy, the "Irwin" suddenly opened her green light, altered her course, and bore down on them, striking the "Regina B." on the port side aft of the main rigging