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JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

OCTOBER 29TH, 1909.

THE STEAMSHIP "PRESCOTT" v. THE STEAMSHIP "HAVANA."

*Shipping—Collision—Ships Entering Canal at Same Time—
Undue Speed—Defective Equipment—Liability.*

Present at the hearing: LORD MACNAGHTEN, LORD COLLINS, LORD GORELL and SIR ARTHUR WILSON.

Nautical Assessors: ADMIRAL SIR ARCHIBALD L. DOUGLAS, G.C.V.O., K.C.B., COMMANDER W. F. CABORNE, C.B., R.N.R.

Delivered by LORD MACNAGHTEN.

This is an appeal from the Supreme Court of Canada.*

The action which has given rise to the appeal was brought by the owner of the S.S. "Havana," a lake freight steamboat, or "coarse freighter," as such boats are called in the Upper Lakes, to recover damages for injuries sustained in a collision with a passenger steamer called the "Prescott." The action was tried before the Deputy Local Judge for the Admiralty District of Quebec, assisted by a nautical assessor.

The Trial Judge, concurring with the assessor, found the "Prescott" solely to blame, and gave judgment on all points in favour of the "Havana."

* EDITOR'S NOTE.—See the report of the case at first instance reported in 5 E. L. R., 219, and on appeal to the Supreme Court of Canada, reported in 6 E. L. R., 100.