

MCDONALD, (C. J.) L.J.A.]

[March 16.]

NOVA SCOTIA ADMIRALTY DISTRICT.

THE SANTALDERINO.

Collision—Arts. 18 and 21 of the Navigation Act, R.S.C., c. 79, s. 2—Undue rate of speed for steamer in public roadstead—Negligence in taking precautions to avert collision—Responsibility for collision where such occurs.

The steamship S. was proceeding up the harbour of Sydney, C.B., at a rate of speed of about 8 or 9 miles an hour. When entering a channel of the harbour which was about a mile in width, her steam steering-gear became disabled and she collided with the J., a sailing vessel lying at anchor in the roadstead, damaging the latter seriously. It was shown that the master of the S. had not acted as promptly as he might have done in taking steps to avoid the collision when it appeared likely to happen.

Held, that even if the breaking of the steering-gear—the proximate cause of the collision—was an inevitable accident, the rate of speed at which the S. was being propelled while passing a vessel at anchor in a roadstead, such as this, was excessive; and in view of this and the further fact that the master of the S. was not prompt in taking measures to avert a collision when he became aware of the accident to his steering-gear the S. was in fault, and liable under Article 18 of s. 2 of R.S.C., c. 79.

Held, also, that the provisions of Article 21 of s. 2, R.S.C., c. 79, should be applied to roadsteads of this character; and that inasmuch as the S. did not keep to that side of the fairway or mid-channel which lay on her starboard side, she was also at fault under this article, and responsible for the collision which occurred.

W. B. A. Ritchie for the plaintiffs.

A. Drysdale for the defendants.

SIR MATTHEW B. BEGBIE, (C. J.) L.J.A.]

[April 28.]

BRITISH COLUMBIA ADMIRALTY DISTRICT.

THE SHIP "CUTCH."

Maritime law—Collision—Responsibility for, where uninjured ship declines to assist helpless one—The Navigation Act, R.S.C., c. 79, ss. 2 & 10.

Under the provisions of section 10 of the Navigation Act (R.S.C., c. 79), where a collision occurs, the ship neglecting to assist is to be deemed to blame for the collision in the absence of a reasonable excuse.

Two steamships, the C. and the J., were leaving port together in broad daylight, and a collision occurred between them. The J. received such injury as to be rendered helpless. The C. did not assist, or offer to assist, the disabled ship, but proceeded on her voyage. The excuse put forward by the master of the C. was that the J. did not whistle for assistance, although the evidence showed that he must have been aware of the serious character of the damage