

THE

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NOVA SCOTIA.

SUPREME COURT.

TRIAL.

GRAHAM, E.J.

DECEMBER 2ND, 1910.

HUNT v. THE DARTMOUTH FERRY COMMISSION.

*Navigation—Obstruction—Wharf—Nuisance — Abatement—
Damage to Ship by Colliding with Wharf—Constitutional Law.*

Action claiming damages for injuries done to plaintiff's wharf as the result of defendant's ferry steamer "Chebucto" colliding with it in a fog, and carrying away part of the wharf.

W. B. A. Ritchie, K.C., and T. R. Robertson, for plaintiff.

J. J. Ritchie, K.C., for defendant.

GRAHAM, E.J.—The defendant's ferry steamship "Chebucto" in a dense fog collided with the plaintiff's wharf, situate on the shore of Halifax Harbour, about 180 feet south of the landing dock, and this action is brought to recover damages.

The grant of the water lot on which this portion of the wharf was constructed is dated the 7th day of January, 1858. And this extension was constructed apparently in 1859. The balance of the water lot on which the market wharf is constructed was conveyed by a very much older grant from the Crown.

It is contended on the strength of *Cunard v. The King*, 12 Ex. (Can.) 414; 43 S. C. R. 88, on appeal, and *Wood*