

S. S. "SANTANDARINO" v. "VANVERT."

1893

*Collision at sea—Negligence—Defective steering gear—Question of fact—
Interference with decision on.*

*Nov. 20. 21.
*Mar. 13.

APPEAL from a decision of the local judge in Admiralty for the District of Nova Scotia, (1) finding the Santandarino to blame for a collision with respondent's ship.

In an action against the owners of the "Santandarino" for damages incurred by a collision with the respondent's barque, the "Juno," through the breaking down of the steering apparatus, the local judge in Admiralty, who was assisted on the trial by a nautical assessor, found that the steering gear was constructed on an approved patent and was in good order when the "Santandarino" started on her voyage but that the collision was due to want of prompt action by the master and officers when the wheel refused to work.

On appeal from that decision the Supreme Court held, Sedgewick and King JJ. dissenting, that only a question of fact was involved and though it was doubtful if the evidence was sufficient to warrant the finding the decision was not so clearly wrong as to justify an appellate court in reversing it.

Appeal dismissed with costs.

Newcombe and McInnes for the appellants.

Borden Q.C. for the respondent.

*PRESENT :—Fournier, Taschereau, Gwynne, Sedgewick and King JJ.

(1) 3 Ex. C. R. 378.