

THE "WAKENA" v. THE UNION STEAMSHIP
COMPANY OF BRITISH COLUMBIA.1918
*May 7.
*May 14.ON APPEAL FROM THE EXCHEQUER COURT OF CANADA,
BRITISH COLUMBIA ADMIRALTY DISTRICT.*Admiralty law—Collision—Narrow channel—Fog.*

APPEAL from the judgment of the Exchequer Court of Canada (1), reversing the decision of Martin L.J.A. (2), in the British Columbia Admiralty Division of the Exchequer Court of Canada and maintaining the respondent's action.

This is an action brought by the respondent, owner of the steamship "Venture," against the motor vessel "Wakena" for damages caused by the collision of the two vessels near the entrance to Burrard Inlet, in the First Narrows. The "Venture" was then on the south or proper side of the channel; the "Wakena" had got away to the north side and was trying to get back to the south which was also her proper side. It was common ground that the collision happened in a narrow channel and that the weather was calm but foggy at the time of the collision.

The Vice-Admiralty judge of British Columbia held the "Wakena" to be without fault; but on appeal to the Exchequer Court, Admiralty side, Audette J. with the assistance of a nautical adviser, held that the "Wakena" was the sole cause of the collision.

The Supreme Court of Canada, after hearing counsel and reserving judgment, dismissed the appeal with costs, Idington J. dissenting.

Appeal dismissed with costs.

Aimé Geoffrion K.C. for the appellant.

R. C. Holden K.C. for the respondent.

*PRESENT:—Sir Charles Fitzpatrick C.J. and Davies, Idington, Anglin and Brodeur JJ.