

BRITISH COLUMBIA ADMIRALTY DISTRICT.

1914

June 12.

PICHON

v.

THE SHIP "ALLIANCE NO. 2."

Shipping—Lien for necessaries—Fishing schooner—"Fishing-stores".

Held, that "fishing-stores" or tackle, such as hooks, gaffs, nippers, and knives, used by a schooner employed in the business of halibut fishing are to be considered as necessaries.

CLAIM on an alleged lien for necessaries supplied to a fishing vessel.

Heard at Victoria, B. C., before the Honourable Mr. Justice Martin, Local Judge of British Columbia Admiralty District, June 9, 1914.

Patton, for plaintiff.

T. C. Elliott, for the ship.

MARTIN, Loc. J. (June 12, 1914) delivered judgment.

This is a claim for fishing tackle such as hooks, gaffs, nippers and knives used by the fishing Schooner "Alliance No. 2" in her business as a halibut fishing boat, which, it is alleged, come within the term "necessaries," lately considered by me in the case of the *Victoria Machinery Depot Co. v. The "Canada"*¹ wherein the leading authorities are collected. After a further consideration of them and others, cited chiefly in *Roscoe's Admiralty Practice*

¹ (1913) 18 B.C.R. 515, 14 D.L.R. 318, 15 Can. Ex. 142.

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Reasons for
Judgment.

(3rd ed.) 266, I have reached the conclusion that these fishing-stores, as they are properly called, are just as much necessaries as are sailing-stores, to a vessel engaged in that occupation. In the case of the whaler *Dundee*¹ the fishing-stores she had on board, *viz.*, "boats, fishing tackle, such as harpoons, "lines and rockets, casks and various other imple- "ments," independently of her sailing-stores, were held to be "appurtenances" within the meaning of the 53 Geo. III., cap. 159, and there is no distinction, for the purposes of the present case, between neces- saries and appurtenances, because unless she was provided with them she could not sail for the fishing- grounds. The subject is considered by Lord Stowell at pp. 126-7 with his customary lucidity, and he summarizes it in saying that—

"A ship may have a particular employment "assigned to her, which may give a specialty to "the apparatus that is necessary for that employ- "ment. A ship built for the reception of galley "slaves must have such a peculiar apparatus. "Whether a whaler is originally built with any "peculiarity of construction for that service, is "more than I know; but this is clear, that unless "she has various appurtenances not wanted in "other ships, as well as a crew peculiarly trained, "she had better stay at home, than resort to the "Arctic regions, where alone her function can be "exercised."

I hold, therefore, that these fishing-stores are necessaries to this fishing vessel, and judgment will be entered for the amount already agreed upon.

Judgment accordingly.

¹ (1823-7) 1 Hag. Ad. 109, 2 Hag. Ad. 137.