

Section 7 : — " In case any damage to person or property arises from the non-observance by any vessel or raft of any of the rules prescribed by this Act, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of such raft, or the deck of such vessel at the time, unless the contrary be proved, or it be shown to the satisfaction of the court that the circumstances of the case rendered a departure from the said rules necessary ; and the owner of the vessel or raft, in all civil proceedings, and the master or person in charge as aforesaid, or the owner, if it appears that he was in fault, in all proceedings, civil or criminal, shall be subject to the legal consequences of such default."

It appears that during the night of the 19th of June 1874, the barge *Cléopée* was moored at anchor in the channel of La Pointe aux Trembles, opposite Varennes, having a white light in a square lantern of about eight inches in diameter.

The respondents' steamer *Victoria* was steaming down having a tow of some twenty three barges ; as the light of the *Cléopée* was not very visible, her distance was mistaken and her true situation was not made out till the steamer and tow were almost on the barge. Captain Delisle, of the *Victoria*, at once ordered the engine to be reversed as the only means of avoiding collision, but all efforts were in vain ; the barge had no look out, she was struck by the tow and sunk a few hundred feet below. Hence the present action in damages for repairs, delay, etc.

The respondents denied the facts alleged in the Plaintiff's declaration and especially pleaded that the *Cléopée* did not have the white light prescribed by the statute and that the want of this light was the cause of the accident.

There is no doubt that the *Cléopée* was in violation of the rules of navigation in not exhibiting *where it could best be seen* a light in a globular lantern, and so constructed as to show a clear, uniform and unbroken light visible all round the horizon, and at a distance of at least one mile ; and as is to be observed from the text of our statute, the Appellants are held to be in fault and responsible so-