

with the stem and starboard bow of the "Irwin." The master of the "Regina B." has drawn a diagram marked G/1 to illustrate his contention as to the manner of collision.

The contention of the "Irwin" is that they were coming out of the harbour on the fairway, heading south with the Middle ground buoy always on their starboard bow; that they saw the "Regina B." standing to the west on the starboard tack and shewing her green light; that she was then about three-quarters of a mile distant and bearing a point and a half on the "Irwin's" port bow; that they then starboarded their helm so as to bring green to green and pass astern of the schooner; that whilst they were so proceeding with the intention of passing astern and having brought green to green, the "Regina B." suddenly came up in the wind and tacked close ahead; that although they then at once ported their helm and reversed their engines, the "Regina B." was struck aft of the main rigging, but by the stem and port bow of the "Irwin." Under the evidence I have to consider which of these contentions is supported. There is no dispute as to where the collision occurred, it was in the main ship-channel very near the fairway. The "Irwin" was admittedly going out of the harbour and it is fair to assume on the usual course in the fairway. Her officers so state and she would, as they state, naturally be keeping Middle ground buoy on her starboard bow. And if this were so I cannot understand the statements of those on the "Regina B." when they say they were west of the buoy mentioned, some 200 yards, when they tacked, and still saw only the red light of the "Irwin." If they were as far west as the buoy, the "Irwin" keeping the fairway, as I have no doubt she did, would be shewing her green light, and I think when the "Regina B." undertook to tack she could not have been as far west as her captain alleges.

A steamer, it is true, must keep out of the way of a sailing vessel when such vessels are proceeding in such directions as to involve risk of collision, but it is also true that where, by the rules, one of two vessels is to keep out of the way, the other shall keep her course and speed. And under this rule I take it to be stated that a sailing ship must not, outside of narrow channels or other places where she is compelled to, go about close ahead of a steamer so as to embarrass the steamer and make it difficult for her to keep out of the way, and that where risk of collision exists, a sailing ship is not entitled to go about until compelled to. The