

sary machinery for two steamboats which the company is to construct at Victoria, B.C., by day labor during the current year. The vessels will be similar to the company's s.s. Distributor, built by A. Watson, at Victoria, last year, the machinery for which was also supplied by the Polson Iron Works, and they will also be operated on the Skeena River.

The Corinthian-Malin Head Collision.

Following is the full text of Justice Bargrave Deane's judgment, concurred in by Admiral Stewart and Capt. Acton Blake, Elder Brethren of Trinity House, delivered in the Admiralty Division of the High Court of Justice, London, Eng., in the case arising out of the collision between the Allan Line s.s. Corinthian and the Ulster Steamship Co.'s s.s. Malin Head, Sept. 13, 1908, near Grosse Isle, St. Lawrence River. In our Jan. issue, we published Commander Spain's judgment in the same case, and it will be seen that the English Court judgment is in entire agreement with that.

Justice Bargrave Deane, in his judgment, said: "I have to ask myself whether, in my opinion, the non-blowing by the Malin Head of a whistle when she hard-ported caused the possibility of this collision; in other words, was the non-blowing of the whistle a possible cause of this collision? I wish to put myself within the wording of the Lord Chief Justice in the case of the Anselm. That is a very difficult case for me to deal with; for this reason, that on looking at the Anselm case, which was a decision overruling this Court, I find this: The case is reported in 1907 P.D., at pg. 156, and in my judgment I said this: 'That was a case not of alteration of helm, but of reversing engines—no signal was sounded when those engines were reversed, although the rules say that when the engines are reversed three blasts shall be given on the whistle, denoting that fact. Here again was a definite breach of that rule, and a breach which I think it is my duty to say was a serious breach. It cannot be too strongly impressed upon officers in charge of ships that they must obey the regulations. If they do not obey the regulations, they run a very serious risk. Here again I have to ask myself the question—and I have the advantage of the Elder Brethren's advice. In our opinion his not obeying the regulations did not in this case contribute to the collision.' This is a definite finding of fact. I turn to the decision of the Court of Appeal, and in the judgment of the Lord Chief Justice I find this: 'Then there is the non-signalling that she was reversing. We are advised by our nautical assessors, who have also advised us with regard to the port helm signal, that the non-indicating to this vessel which was rapidly approaching, that the Anselm was reversing her engines, was abstaining from giving her information which might be useful, if only for the purpose of calling her marked attention to what was going on in front of her. That seems to me the essence and pith and marrow of the rule which indicates that these signals are to be given.' Then later on I find this: 'I therefore come to the conclusion that the Anselm was to blame in these three respects, and that as regards two of them, namely, neglect to give sound signals when porting and when reversing, it is quite impossible to come to the conclusion that they had no effect upon the collision.' Later still he says this: 'When persons are attacked, and it is proved against them that there is a serious breach of statutory rules, I have very grave doubt whether they can be said to fulfil the obligations upon them if they do not satisfy the Court by affirmative evidence that the breach of the rules has no possible effect.' That is distinctly

a question of fact. I had the advantage of seeing the witnesses in the case of the Anselm, the Court of Appeal had not. The Elder Brethren who sat with me also had an opportunity of seeing the witnesses, and they advised me in that particular case the non-giving of the signal had no possible effect upon the collision. The Court of Appeal, advised by two different gentlemen who did not see the witnesses, said that as a matter of fact I was wrong. It is a very awkward position which this Court is put into when it, being advised by two nautical gentlemen so competent as our Elder Brethren always are, should be overruled on a question of fact by two gentlemen of whom we know nothing, and who have not seen the witnesses. The Lord Chief Justice said this Court has to be satisfied that in fact the non-giving of the signal had no possible effect. I am advised in this case by the Elder Brethren, and I agree with them, that in this particular case the non-blowing of the signal when the hard-ported took place had no effect, because it is distinctly proved by the Corinthian's witnesses that they saw the vessel hard-ported for a considerable time before the collision. They put it at five minutes, and if that be so, who can say that the fact that a blast was not blown had any effect upon the knowledge of those who were navigating the Corinthian? I feel, as I have said, that I am in an awkward position with regard to the Court of Appeal, but I have to take my own line, and, as a matter of fact, I am advised and I find that the non-blowing of the signal by the Malin Head did not affect the collision, and that therefore she is not to blame for that. I start again with this, that I find these two vessels were approaching each other end on, or so nearly end on that it was the duty of each, under the rules, to port. The Corinthian starboarded, and I think that she was breaking the rule under the circumstances. If they were end on, or nearly end on, and the rule is clear, why did she starboard? I think it is clear from the evidence of the Corinthian. They say they wanted to make the Margaret Tail buoy, and they say it is not a narrow channel, and therefore they could go where they liked. They say they wanted to make the Margaret Tail buoy because the weather was sufficiently thick for them to anchor upon the north side of the channel if they did not find the buoy. They could not anchor in the middle of the river, but out of the channel on the north side, and it is perfectly clear that when the Corinthian saw the Malin Head, the pilot and master determined to go well to the north, and turned to go up to the north, and persevered in that, and then, seeing the other vessel was porting, there was nothing for them to do but to reverse the engines, and they reversed them, but it was too late, because it was then impossible to avoid the collision. The fact that this vessel meant to go to the north, emphasizes rather the fact of her starboarding than that she was on the starboard bow of the plaintiffs' vessel. Something has been said about the Malin Head being beached improperly. I think that the whole matter depends upon whether or not there was at that time a state of atmosphere which enabled her to proceed safely on up the river. It is true she went on and got as far as a place called Indian Cove, not far from Quebec, when she was overtaken by fog. If that is so, and I believe it is, then she did her best to get herself and her cargo up to Quebec, and she probably would have arrived at Quebec, or got into some safe place, before she sank. As it was, having to anchor before she got to Quebec, she was overtaken by circumstances as to which no blame attaches to her, and she was beached at the best place she could be beached at. I do not think any blame

can be attributed to her for that, and I think she would have been wrong if she tried to beach herself at the other place which was suggested. As far as I know I have dealt with all the points, and I think the fact that the Malin Head kept on at full speed to try and avoid the collision was the right course for her to take. If she had reversed, she would probably have been struck further forward. I do not think any blame can be attached to her for any other matter, and therefore I must find the Corinthian alone to blame."

Georgian Bay Ship Canal.

The final report of the board of engineers appointed by the Dominion Government to ascertain the feasibility of construction and probable cost of a ship canal from Montreal to the Georgian Bay by the Ottawa River valley, Lake Nipissing and the French River, has been laid before Parliament. It states that a 22-ft. waterway, capable of carrying the largest lake freight vessels, 600 ft. in length, 60 ft. wide, and having a draught of 20 ft., can be established for about \$100,000,000 within a period of 10 years, and that the annual maintenance of the same would be, approximately, \$900,000, which includes the operation of storage reservoirs for the better distribution of the flood waters of the Ottawa River. The distance from Montreal to the mouth of the French River, on Georgian Bay, is 440 miles, and upon this waterway there would have to be constructed 27 locks, 18 main dams, 28 miles of canal excavation, and 66 miles of channel dredging. The remaining mileage consists of long stretches of deep-water navigation on the Ottawa and French Rivers and across Lake Nipissing. The report states that to make Lake Nipissing the summit level, and not the divide between the Mattawa River and Lake Nipissing, would cost an additional \$10,000,000, and involve an additional 10 miles of rock cutting.

It is stated that the current in the Ottawa River would not exceed three miles an hour, and practically slack water would obtain over a large part of the waterway.

It is estimated that the probable time taken by a lake freight steamboat, 12-mile maximum speed, from French River to Montreal, would be 70 hours, and that the season of navigation will average 210 days, from May to Nov. The engineers say that with a storage system as planned, and the tributary basins thereto, required for the navigation project, a reliable supply can be secured at various dams amounting to 1,000,000 h.p., which can be developed for about \$50 per h.p.

The report recommends that an understanding be arrived at between the Dominion, Quebec and Ontario Governments, governing the disposal and control of all water powers, water lots and islands on the proposed route, in view of the possible canalization of the rivers utilized. Recommendations are also made in regard to the conservation of forests in relation to water supply and for the appointment of a special commission to examine the great canals of the world before any further plans of construction are made. These great canals include the Suez Canal, between the Mediterranean and Red seas; the Corinth canal, which is a sea level canal cut for some miles through solid rock, in Greece; the Baltic ship canal in Germany; the Manchester ship canal in England; the Forth and Clyde ship canal in Scotland, and the canal under construction across the Isthmus of Panama.

The only question which is not fully treated of in the report, is that relating to the storage of the flood waters of the Ottawa River. "The study of this question," A. H. Laurent, the engineer in charge of the work, states, in a report to the Minister of Public Works, dated Jan. 9, "has to be continued, and supplementary reports will be issued as the collection of the necessary data progresses."