

net and shouted, but did not waive his lantern which showed only a white light and placed in the bow of the boat, the boat being north of the net, which thus drifted into the ship's channel, along which the steamer's course lay. It was too dark to make it possible to see a net in the water at any distance beyond a few feet from the point of observation. The steamer came along, passed plaintiff's boat on the south side, running within about 30 fathoms thereof when the accident complained of occurred. The captain of the tug swore that although on the look out for fishing boats, he heard no shouts and saw no signal that would indicate that he was too close to plaintiff's boat or that there was a net out and that in fact he did not know he had injured the net till plaintiff so informed him the following morning. The defendants claimed that there was contributory negligence on the part of the plaintiff and a non-observance of the provisions of R.S.C., c. 79, s. 2., article 10, which (a) requires fishing boats and open boats to have ready at hand a lantern with a green glass on the one side and a red glass on the other side, (c) a fishing vessel when employed in drift net fishing shall carry on one of her masts two red lights in a vertical line one over the other not less than three feet apart, and that plaintiff had not complied with article (a) or article (b), on the contrary he only exhibited a white light which according to article (c) of s. 2 would simply indicate he was at anchor. Sec. 7 of the Act, sub-s. (a) says that "vessel" includes every species of vessel used in navigation.

Held, that plaintiff was guilty of contributory negligence in not waiving his lantern and in displaying a signal which merely indicated a boat at anchor, not then engaged in drift fishing, and the defendants could not by the exercise of ordinary care and diligence have avoided causing the injury complained of. See *Radley v. L.N.W.R.W. Co.*, (1877) 46 L.J. Ex. (H.L.) 575.

Myers Gray, for plaintiff. *F. W. Howay*, for defendants.

Book Reviews.

A Treatise on the Law of Landlord and Tenant in Canada. By EDWIN BELL, LL.B., of Osgoode Hall, Barrister-at Law, joint author of Bell & Dunn's Law of Mortgages; 997 pp. Half-calf, \$7.50. Canada Law Book Company.

As a result of the increase in values, following upon the growth of population, lands in this country are now held upon lease much more extensively than formerly, and the law of landlord and tenant has become one of the most important of legal subjects. No book on this branch of the law has been published in Canada for upwards of ten years, and