

arrived off Law Point in Sydney Harbour about 7.30 p. m., and stopped for a pilot, who came aboard and headed her up channel at full speed on a course towards the northerly side, her proper course in a narrow channel. After proceeding awhile the mast-head light of a vessel was seen over the southeast bar moving in a northerly direction across the mouth of the harbour. Presently both side lights became visible also, and all three were seen for about ten minutes a point, or a point and a half, on the port bow. This vessel was the "Cuba," outward bound, and she saw the "Elliott's" red light about two miles off a point or point and a half on her starboard bow. Each vessel soon made out the other's course.

The "Elliott" seeing that the "Cuba" kept her bearings for some time, with both side lights always visible, further ported her helm, and the "Cuba" went further to starboard. When they were about a quarter of a mile apart, the "Elliott's" helm was put hard to port, and the "Cuba" turned sharply to port, shutting out her red light. When about two cable lengths away the "Cuba" signalled by two blasts of her whistle that she was going to port. The "Elliott" then reversed her engines, but perceiving almost immediately that the bow of the "Cuba" was turned to starboard, instead of to port, set them going again at full speed, hoping to cross clear of the "Cuba's" bow. The vessels were, however, too close together, and the "Cuba's" bow struck the "Elliott" a little abaft amidships.

*Held*, that from the evidence and finding of the local judge in Admiralty, Nova Scotia District (5 Ex. C. R. 135), the vessels were not end on or "meeting" ships nor "crossing" ships with the lights red to green or green to red, but they were "passing" ships, one side-light of the "Elliott" being seen dead ahead of the "Cuba." In such case there is no statutory rule imposed as unless the course is changed, the vessels must go clear of each other; it is governed by the rules of good seamanship. The "Elliott," therefore, violated no statutory rule in porting her helm, and acted consistently with good seamanship.

*Held*, further, that the "Cuba" was in fault in persisting, without good reason, in keeping on the wrong side of the fairway; in starboarding her helm when it was seen that the "Elliott's" was hard to port with the vessels rapidly approaching; and, after signalling that she was going to port, in reversing her engines whereby her head was turned to starboard.