

COLLISION.—*Continued.*

were condemned in damages and costs. *The Maggie M.*, 185.

12. Two vessels—the M. P. and the P.—came into collision in the Bay of Fundy, whereby the former was badly damaged. The wind at the time was blowing strong from south south-east. The M. P. was hove to on the port tack, under a reefed mainsail; and the P. was close-hauled on the starboard tack. The weather at the time was foggy. The M. P. did not have a regulation fog-horn on board, but had a tin one blown by the mouth. When the P. was first seen by the M. P. she was from a quarter to a half mile distant. The M. P. was loaded with piling, bound for New York. The P. did not change her course, and ran into the M. P. and caused the injury. *Held*, That although the M. P. was on her port tack, she was practically hove to, and could execute no manœuvre to avoid the collision; that the absence of a regulation fog-horn on board did not occasion or contribute to the collision; but that the collision was occasioned by the want of a proper lookout on board the P., and she was therefore condemned in damages and costs. *The Paramatta*, 192.

CONVENTION OF 1818.—See *The White Fawn*, 200.

COSTS.—When both parties in fault, and damages are divided, each party must bear his own costs. See *contra The General*, 86.

2. Costs are not given against the Crown. *The Minnie Gordon*, 95.

3. For cases as to security for costs, see p. 128.

See SECURITY FOR COSTS.

DAMAGES—Division of. *The General*, note, 91.

2. — Measure of. The owner is entitled to have his loss made good. See note to *The Maud Pye*, 104.

3. — to Property. See *Collision*, 4, 11; *The Teddington*, 45; *The Maggie M.*, 185.

4. — to Person. See *The Enrique*, 157, and note to that case.

EVIDENCE.—It must support the allegations in the pleadings. *The Emma K. Smalley*, 106, and note to case.

FEES.—Are now regulated by Rules of 1893, 527.

FISHERY ACTS.—As to the meaning of the words "preparing to fish." *The White Fawn*, 200.

FOG HORN.—See *The Paramatta*, note, p. 199; *Collision*, 10, 12.

HABEAS CORPUS.—*The Chesapeake*, 208.

INEVITABLE ACCIDENT.—See *The Emma K. Smalley*, 106; *The Minnie Gordon*, 95, and note to last case.

INLAND NAVIGATION.—See R. S. C. c. 74, p. 361; R. S. C. c. 79, p. 372.

INTEMPERANCE.—As it affects right to wages, 127.

INTERPRETATION OF TERMS.—See pp. 395, 413.

JUDGE.—Appointment now governed by Admiralty Act, 1891, 402.

JUDICIAL COMMITTEE—Law as to Appeals to. 65.

JURISDICTION.

See ADMIRALTY JURISDICTION.

LIEN.

See MARITIME LIEN.

LIGHTS.—Where the lights of the complaining vessel were not properly burning, and were not visible on board the other vessel, *Held*, That in the absence of proof that this latter was also to blame, the suit must be dismissed. *The Arklow*, 72.

2. An omission to exhibit a masthead white light will render a tug liable to a moiety of the damages, although the collision was mainly caused by the other tug being on the wrong side of the channel of a river. *The General*; *ante*, 86.

For existing regulations respecting the navigation of Canadian waters, see *ante*, p. 372. (R. S. C. c. 79.)

LOOKOUT.—See *The Maud Pye*, 101, 104; *The Emma K. Smalley*, 106.

Digest, *Collision*, 118, 126, 134, 138, 156, 161, 162, 163.

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