

facturing carbon for use in manifold writing with clean margins so that the paper could be handled without soiling the fingers.

*Held*:—That if the plaintiffs' patent was constructed to include the use of clean margins on carbon paper, as applied to counter-check-books, it failed for want of novelty; but that if the patent was limited, as it was thought it should be, to the means described therein for turning over such carbon leaves without soiling the fingers, that is, to the use of the tape, the defendants did not infringe the patent by using a clean margin for the like purpose.

*W. Cassels, Q.C., and Edgar* for plaintiffs.

*Johnston* for defendants.

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#### NOVA SCOTIA ADMIRALTY DISTRICT.

March 16, 1893.

MACDONALD (C. J.), L. J. A.

#### THE SANTANDERINO.

*Collision—Arts. 18 and 21 of the Navigation Act, R. S. C., c. 79, sec. 2—Undue rate of speed for steamer in public roadstead—Negligence in taking precautions to avert collision—Responsibility for collision where such occurs.*

The steamship *S.* was proceeding up the harbour of Sydney, C. B., at a rate of speed of about 8 or 9 miles an hour. When entering a channel of the harbour which was about a mile in width, her steam steering-gear became disabled and she collided with the *J.*, a sailing vessel lying at anchor in the roadstead, damaging the latter seriously. It was shown that the master of the *S.* had not acted as promptly as he might have done in taking steps to avoid the collision when it appeared likely to happen.

*Held*,—that even if the breaking of the steering-gear—the proximate cause of the collision—was an inevitable accident, the rate of speed at which the *S.* was being propelled while passing a vessel at anchor in a roadstead such as this, was excessive, and, in view of this and the further fact that the master of the *S.* was not prompt in taking measures to avert a collision when he became aware of the accident to his steering-gear, the *S.* was in fault and liable under Article 18 of sec. 2 of R. S. C., c. 79.

*Held*,—also, that the provisions of Article 21 of sec. 2, R. S. C., c. 79, should be applied to roadsteads of this character, and that