

27 and 29), requiring each vessel to watch and be guided by the movements of the other." See further, as to "special circumstances," The "*Prince Leopold de Belgique*," [1909] P. 108.

This view of the rule as to "special circumstances" did not appear to have been entertained by the captain of the "*Magedorna*," who contended before me that it was not his duty to go ahead and get out of the way of the "*Caspian*," and so he allowed his yacht to continue her stern-way on backing towards the course the "*Caspian*" was taking, at the speed proved, instead of making her engine move her ahead and away from that course, and so giving the "*Caspian*" the right of way which his wave of the hand to her seems to have indicated. And as to the duty to exercise reasonable skill in such an emergency see The "*Sunlight*," [1904] P. 100; and as to the duty where there is a "chance of escape from a collision" and an "actual necessity" for escape, it is admitted that a captain is justified in taking the benefit of the chance, although it necessitates a departure from the rules: see The "*Benares*," 9 P. D. 16. And in The "*Rock-away*," 43 Fed. Repr. 688, the Court said in another backing-out case: "The collision in this case was caused by the fault of the tug backing directly under the bows of the steamboat, then approaching in plain sight, without any signal having been given to the steamboat to shew an intention on the part of the tug to cross her bow. I see no fault on the part of the steamboat. There was no time, after the intention of the tug to cross the bow of the steamboat was manifest, for the steamboat to do more than she did." See also The "*Koenig Willem*," [1907] P. 125.

Before the note to Rule N. and the Rules 27 and 29 were adopted, Dr. Lushington in The "*John Buddle*," 5 Notes of Cases 387, said: "All rules are framed for the benefit of ships navigating the seas; and, no doubt, circumstances will arise in which it would be perfect folly to attempt to carry into execution every rule, however wisely framed. It is at the same time of the greatest possible importance to adhere as closely as possible to established rules, and never to allow a deviation from them, unless the circumstances which are alleged to have rendered such a deviation necessary, are most distinctly proved and established; otherwise vessels would always be in doubt, and doing wrong."