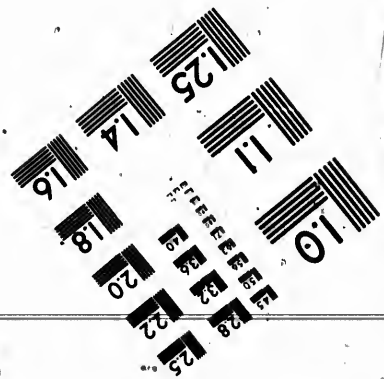
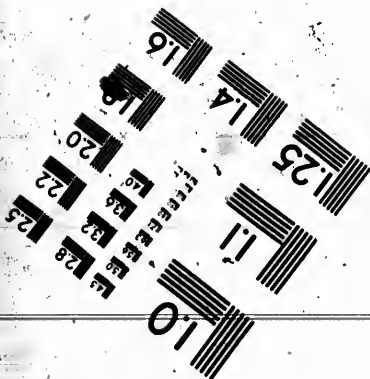
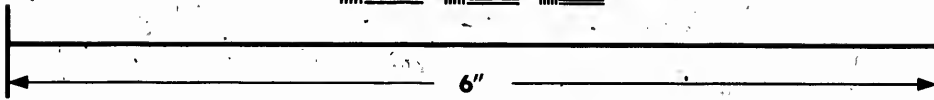
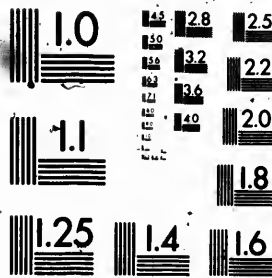


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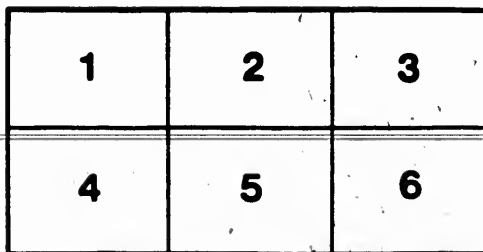
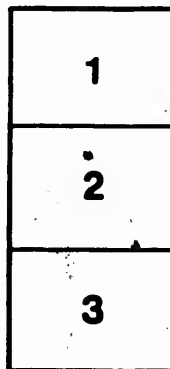
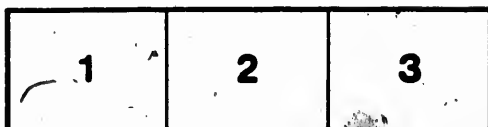
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CHAPTER 79

REVISED STATUTES OF CANADA

INTITLED, AN ACT RESPECTING THE

NAVIGATION OF CANADIAN WATERS

AS AMENDED BY

ORDER IN COUNCIL OF THE 9TH FEBRUARY, 1897.

OTTAWA

GOVERNMENT PRINTING BUREAU

1897

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INTITLED, AN ACT RESPECTING THE

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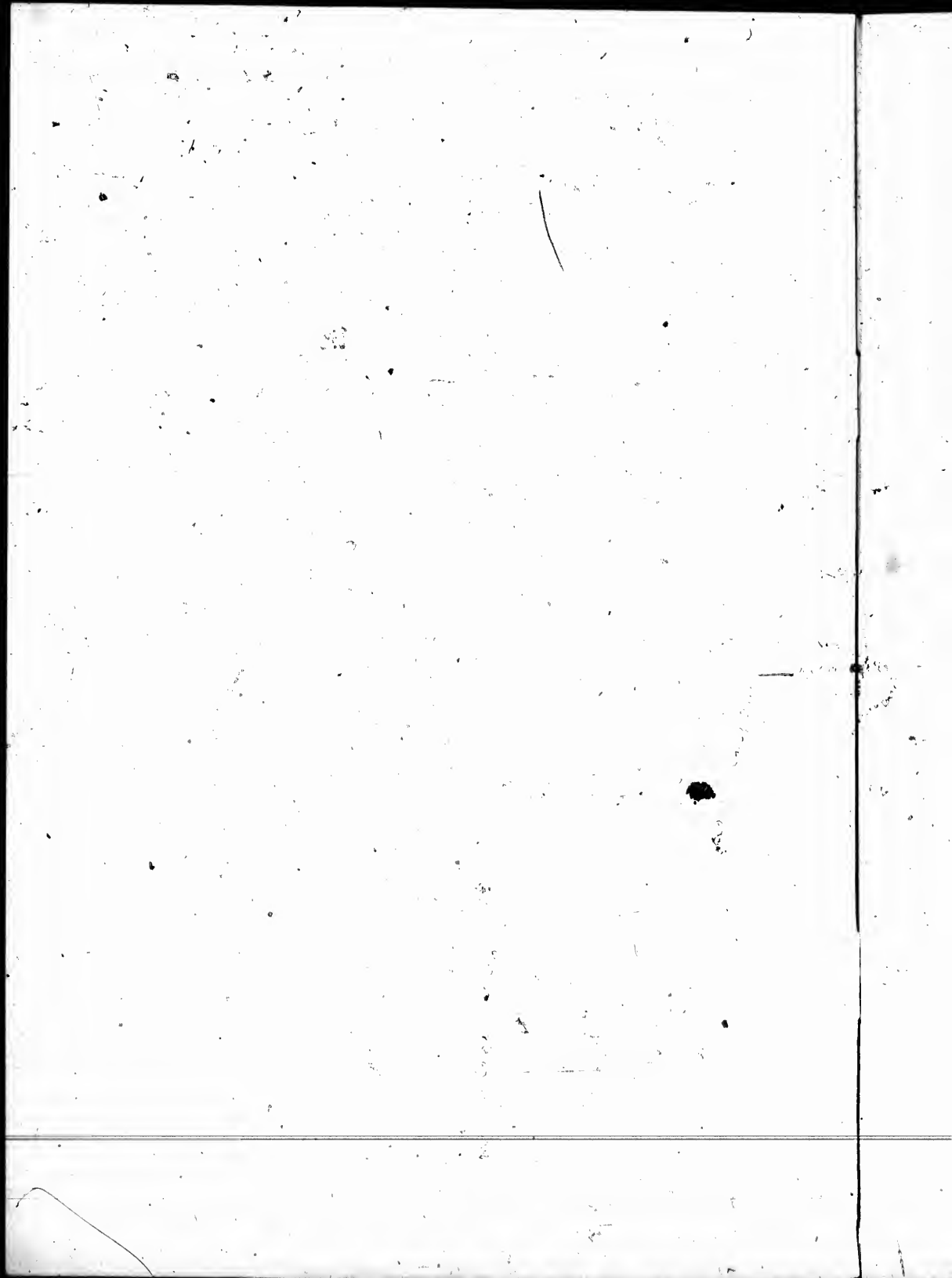
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CHAPTER 79.

An Act respecting the Navigation of Canadian Waters. A.D. 1886.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

INTERPRETATION.

1. In this Act, unless the context otherwise requires,—
- (a.) The expression “vessel” includes every description of vessel used in navigation ; Interpretation.
“Vessel.”
 - (b.) The expression “ship” includes every description of vessel not propelled by oars ; “Ship.”
 - (c.) The expression “steam-ship” or “steam-boat” includes every vessel propelled wholly or in part by steam or by any machinery or power other than sails or oars ; “Steam-boat
or
“steam-
ship.”
 - (d.) The expression “ordinary practice of seamen,” as applied to any case, means and includes the ordinary practice of skilful and careful persons engaged in navigating the waters of Canada in like cases ; “Practice of
“seamen.”
 - (e.) The expression “owner” includes the lessee or charterer of any vessel having the control of the navigation thereof. “Owner.”
- 43 V., c. 29, s. 3.

REGULATIONS FOR PREVENTING COLLISIONS AND FOR DISTRESS SIGNALS.

2. The following rules with respect to lights, fog signals, distress signals, steering and sailing, and rafts shall apply to all the rivers, lakes, and other navigable waters within Canada, or within the jurisdiction of the Parliament thereof, that is to say :—
- Extent of application of the following rules.

Preliminary.

In the following rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel ; and every vessel under steam, whether under sail or not, is to be considered a steam vessel. Steam vessel,
under sail or
under steam.

The word “steam vessel” shall include any vessel propelled by machinery.

2

A vessel is "under way" within the meaning of these Rules, when she is not at anchor, or made fast to the shore or aground.

Rules concerning lights, &c.

Definition of visibility.	The word "visible" in these Rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere.
What lights shall be carried.	Article 1. The rules concerning lights shall be complied with in all weathers from sunset to sunrise; and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.
By a steam vessel under way.	Art. 2. A steam vessel when under way shall carry:—
In fore part of vessel.	(a.) On or in front of the foremast, or if a vessel without a foremast, then in the forepart of the vessel, at a height above the hull of not less than 20 feet, and if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so, however, that the light need not be carried at a greater height above the hull than 40 feet, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel, viz., from right ahead to 2 points abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.
On starboard side.	(b.) On the starboard side a green light, so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.
On port side.	(c.) On the port side, a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.
How to be fitted.	(d.) The said green and red side-lights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bow.
Optional additional light.	(e.) A steam vessel when under way may carry an additional white light similar in construction to the light mentioned in subdivision (a). These two lights shall be so placed in line with the keel that one shall be at least 15 feet higher than the other, and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance.
By a steam vessel towing.	Art. 3. A steam vessel when towing another vessel shall, in addition to her side-lights, carry two bright white lights in a vertical line one over the other, not less than 6 feet apart, and when towing more than one vessel shall carry an additional bright white light 6 feet above or below such lights, if the

length of the tow, measuring from the stern of the towing vessel to the stern of the last vessel towed, exceeds 600 feet. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in article 2 (a), except the additional light, which may be carried at a height of not less than 14 feet above the hull.

Such steam vessel may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam. Steering light.

Art. 4. (a) A vessel which from any accident is not under command shall carry at the same height as the white light mentioned in article 2 (a), where they can best be seen, and, if a steam vessel, in lieu of that light, two red lights, in a vertical line one over the other, not less than 6 feet apart, and of such a character as to be visible all around the horizon at a distance of at least 2 miles; and shall by day carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, two black balls or shapes each 2 feet in diameter. Lights and day marks by a vessel when not under command.

(b) A vessel employed in laying or in picking up a telegraph cable shall carry in the same position as the white light mentioned in article 2 (a), and if a steam vessel, in lieu of that light, three lights in a vertical line one over the other, not less than 6 feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon, at a distance of at least two miles. By day she shall carry in a vertical line one over the other, not less than 6 feet apart, where they can best be seen, three shapes not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white. By a cable vessel.

(c) The vessel referred to in this article when not making way through the water, shall not carry the side-lights, but when making way shall carry them. When to carry side-lights.

(d) The lights and shapes required to be shown by this article are to be taken by other vessels as signals that the vessel showing them is not under command, and cannot therefore get out of the way. What to denote.

These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in article 31.

Art. 5. A sailing vessel under way, and any vessel being towed, shall carry the same lights as are prescribed by article 2 for a steam vessel under way, with the exception of the white lights mentioned therein, which they shall never carry. By a sailing vessel in motion.

Art. 6. Whenever, as in the case of small vessels under way during bad weather, the green and red side-lights cannot be fixed, these lights shall be kept at hand lighted and ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent By a small vessel in bad weather.

collision in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than two points abaft the beam on their respective sides.

Lanterns to be painted outside.

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with proper screens.

Exceptions to above rules.

Art. 7: Steam vessels of ~~not~~ less than 40, and vessels under oars or sails of less than 20 tons gross tonnage, respectively, and rowing boats, when under way, shall not be obliged to carry the lights mentioned in article 2 (a) (b) and (c), but if they do not carry them they shall be provided with the following lights:—

Lights to be carried by a steam vessel of less than 40 tons.

1. Steam vessels of less than 40 tons shall carry,—
(a) In the forepart of the vessel, or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a bright white light constructed and fixed as prescribed in article 2, (a), and of such a character as to be visible at a distance of at least 2 miles.

(b) Green and red side-lights constructed and fixed as prescribed in article 2 (b) and (c), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to 2 points abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet-below the white light.

By a small steamboat.

2. Small steamboats, such as are carried by sea-going vessels, may carry the white light at a less height than 9 feet above the gunwale, but it shall be carried above the combined lantern, mentioned in subdivision 1 (b).

By a vessel less than 20 tons under oars or sails.

3. Vessels under oars or sails, of less than 20 tons, shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to the other vessels, shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

By a rowing boat.

4. Rowing boats, whether under oars or sails, shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.

The vessels referred to in this article shall not be obliged to carry the lights prescribed by article 4 (a) and article 11, last paragraph.

By a pilot vessel on duty.

Art. 8. Pilot vessels, when engaged on their station on pilotage duty shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed 15 minutes. On the near approach of or to other vessels they shall have their side-lights lighted, ready for use, and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.

A pilot vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board, may show a white light instead of carrying it at the masthead, and may, instead of the coloured lights above mentioned, have at hand ready for use a lantern with a green glass on one side and a red glass on the other to be used as prescribed above.

By a boarding pilot vessel.

Pilot vessels when not engaged on their station on pilotage duty, shall carry lights similar to those of other vessels of their tonnage.

When not on duty.

Art. 9. Fishing boats shall show such lights as are prescribed for vessels of their tonnage, and shall be under such further regulations as may be adopted for their protection.

Fishing boats.

Art. 10. A vessel which is being overtaken by another shall show from her stern to such last mentioned vessel a white light or a flare-up light.

By a vessel being overtaken.

The white light required to be shown by this article may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted, and screened that it shall throw an unbroken light over an arc of the horizon of 12 points of the compass, viz., for 6 points from right aft on each side of the vessel, so as to be visible at a distance of at least 1 mile. Such light shall be carried as nearly as practicable on the same level as the side-lights.

Art. 11. A vessel under 150 feet in length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon, at a distance of at least 1 mile.

By a vessel at anchor under 150 feet in length.

A vessel of 150 feet or upwards in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than 20, and not exceeding 40 feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than 15 feet lower than the forward light, another such light.

Over 150 feet in length.

The length of a vessel shall be deemed to be the length appearing on her certificate of registry.

A vessel aground in or near a fairway shall carry the above light or lights and the two red lights prescribed by article 4 (a).

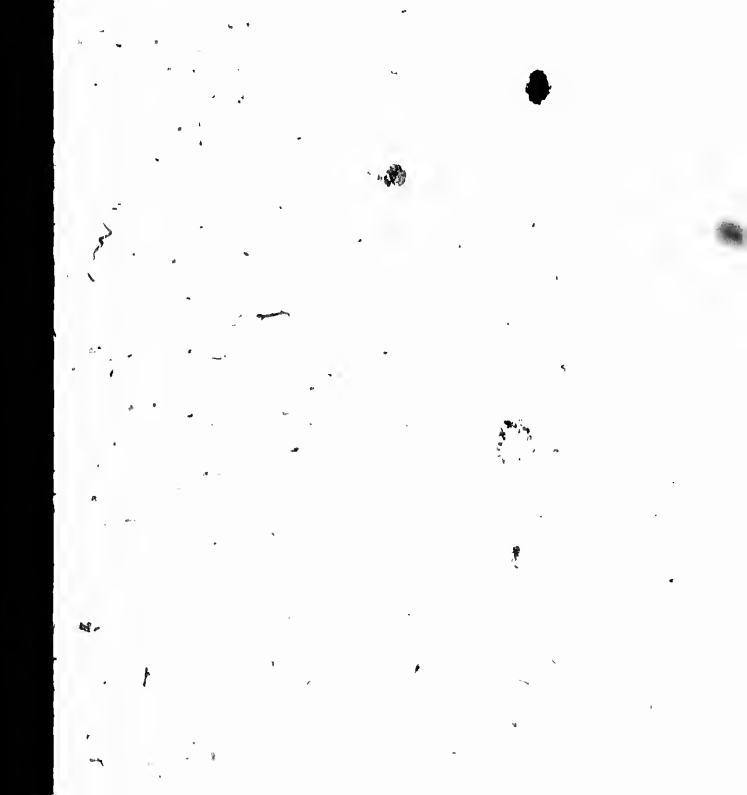
By a vessel aground near a fairway.

Art. 12. Every vessel may, if necessary, in order to attract attention, in addition to the lights which she is by these rules required to carry, show a flare-up light or use any detonating signal that cannot be mistaken for a distress signal.

To attract attention.

Art. 13. Nothing in these rules shall interfere with the operation of any special rules made by the government of any nation with respect to additional station and signal lights for two or more ships of war or for vessels sailing under convoy, or with the exhibition or recognition signals adopted by ship-owners, which have been authorized by their respective governments and duly registered and published.

Special rules in certain cases not to be interfered with.



A vessel showing a funnel not under steam, to carry a day mark.

Art. 14. A steam vessel proceeding under sail only, but having her funnel up, shall carry in day-time, forward, where it can best be seen, one black ball or shape 2 feet in diameter.

Sound Signals for Fog, &c.

Means of producing signals.

Art. 15. All signals prescribed by this article for vessels under way shall be given :

1. By "steam vessels" on the whistle or siren.
2. By "sailing vessels and vessels towed" on the fog-horn.

Definition of prolonged blast.

The words "prolonged blast" used in this article, shall mean a blast of from 4 to 6 seconds duration.

A steam vessel to have certain sound signals.

A steam vessel shall be provided with an efficient whistle or siren, sounded by steam or some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog-horn, to be sounded by mechanical means, and also with an efficient bell. A sailing vessel of 20 tons gross tonnage or upwards shall be provided with a similar fog-horn and bell. In fog, mist, falling snow, or heavy rain storms, whether by day or night, the signals described in this article shall be used as follows, viz:—

Signal by a steam vessel having way upon her.

(a.) A steam vessel, having way upon her shall sound, at intervals of not more than 2 minutes, a prolonged blast.

By a steam vessel stopped.

(b.) A steam vessel under way, but stopped and having no way upon her, shall sound at intervals of not more than 2 minutes, 2 prolonged blasts, with an interval of about one second between them.

By a sailing vessel under way.

(c.) A sailing vessel under way shall sound, at intervals of not more than one minute, when on the starboard tack, one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam, three blasts in succession.

By a vessel at anchor.

(d.) A vessel when at anchor shall, at intervals of not more than 1 minute, ring the bell rapidly for about five seconds.

By vessels under certain conditions.

(e.) A vessel, when towing a vessel employed in laying or in picking up a telegraph cable, and a vessel under way, which is unable to get out of the way of an approaching vessel through being not under command, or unable to manœuvre as required by these Rules, shall, instead of the signals prescribed in subdivisions (a) and (c) of this article, at intervals of not more than 2 minutes, sound three blasts in succession, viz: one prolonged blast, followed by two short blasts. A vessel towed may give this signal and she shall not give any other.

By vessels of less than 20 tons.

Sailing vessels and boats of less than 20 tons gross tonnage shall not be obliged to give the above mentioned signals, but if they do not, they shall make some other efficient sound-signal at intervals of not more than 1 minute.

Speed of ships to be moderate in fog, &c.

Speed restricted in fog.

Art. 16. Every vessel shall, in a fog, mist, falling snow, or heavy rain-storms, go at a moderate speed, having careful regard to the existing circumstances and conditions.

A steam vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

A steam vessel to stop if another vessel signalling forward of her beam.

STEERING AND SAILING RULES.

Preliminary—Risk of Collision.

Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

How risk of collision can be ascertained.

Art. 17. When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, viz. :—

Sailing ships meeting.

(a.) A vessel which is running free shall keep out of the way of a vessel which is close hauled.

(b.) A vessel which is close hauled on the port tack shall keep out of the way of a vessel which is close hauled on the starboard tack.

(c.) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(d.) When both are running free, with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to leeward.

(e.) A vessel which has the wind aft shall keep out of the way of the other vessel.

Art. 18. When two steam vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

Steam vessels meeting.

This article only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other.

Limitation of this article.

The only cases to which it does apply are when each of the two vessels is end on, or nearly end on, to the other; in other words, to cases, in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and, by night, to cases in which each vessel is in such a position as to see both the side-lights of the other.

Cases to which it applies.

It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or by night, to cases where the red light of one vessel is opposed to the red light of the other or where the green-light of one vessel is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

Cases to which it does not apply.

Steam vessels crossing.

Art. 19. When two steam vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

A steam vessel and a sailing vessel.

Art. 20. When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel.

Vessel not affected by rules to keep her course and speed; unless other action required to avert collision.

Art. 21. Where by any of these Rules one or two vessels is to keep out of the way, the other shall keep her course and speed.

NOTE.—When, in consequence of thick weather or other causes, such vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert the collision.

(See articles 27 and 29.)

Vessel keeping out of the way.

Art. 22. Every vessel which is directed by these Rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

Steam vessel nearing another vessel.

Art. 23. Every steam vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

Vessel overtaking another.

Art. 24. Notwithstanding anything contained in these Rules, every vessel, overtaking any other, shall keep out of the way of the overtaken vessel.

Definition of overtaking.

Every vessel coming up with another vessel from any direction more than two points abaft her beam, *i.e.*, in such a position, in reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's side-lights, shall be deemed to be an overtaking vessel, and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these Rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

As by day the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel, she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.

A steam vessel in a narrow channel.

Art. 25. In narrow channels every steam vessel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.

A sailing vessel to avoid nets, etc. But no right given to fishing vessels to obstruct a fairway.

Art. 26. Sailing vessels under way shall keep out of the way of sailing vessels or boats fishing with nets, or lines, or trawls. This Rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels or boats.

Regard to be had to dangers of navigation.

Art. 27. In obeying and construing these Rules, due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above Rules necessary in order to avoid immediate danger.

Signals for vessels in sight of one another.

Art. 28. The word "short blast" used in this article shall mean a blast of about one second's duration.

How vessels shall signal by steam.

When vessels are in sight of one another, a steam vessel under way, in taking any course authorized or required by these Rules, shall indicate that course by the following signals on her whistle or siren, viz. :—

One short blast to mean : "I am directing my course to starboard."

Two short blasts to mean : "I am directing my course to port."

Three short blasts to mean : "My engines are going full speed astern."

No vessel under any circumstances to neglect proper precautions.

Art. 29. Nothing in these rules shall exonerate any vessel or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

Rules not to excuse.

Reservation of rules for harbours and inland navigation.

Art. 30. Nothing in these Rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbour, river, or inland waters.

Rules by local authorities.

Distress signals.

Art. 31. When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, viz. :—

A vessel in distress.

In the day time :—

Day signals.

1. A gun or other explosive signal fired at intervals of about a minute ;
2. The International Code signal of distress indicated by N.C. ;
3. The distant signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball ;
4. A continuous sounding with any fog-signal apparatus.

At night :—

Night signals.

1. A gun or other explosive signal fired at intervals of about a minute ;
2. Flames on the vessel (as from a burning tar-barrel, oil-barrel, &c.) ;
3. Rockets or shells, throwing stars of any colour or description, fired one at a time, at short intervals ;
4. A continuous sounding with any fog-signal apparatus.

*Rafts and Harbour of Sorel.*Rules for
rafts.

Art. 32. Rafts, while drifting or at anchor on any of the waters of Canada, shall have a bright fire kept burning on them from sunset to sunrise. Whenever any raft is going in the same direction as another which is ahead, the one shall be so navigated as not to come within twenty yards of the other, and every vessel meeting or overtaking a raft shall keep out of the way thereof.

Not to ob-
struct vessels.

Rafts shall be so navigated and anchored as not to cause any unnecessary impediment or obstruction to vessels navigating the same waters.

Harbour of
Sorel.

Art. 33. Unless it is otherwise directed by the Harbour Commissioners of Montreal, ships and vessels entering or leaving the Harbour of Sorel, shall take the port side, anything in the preceding articles to the contrary notwithstanding.

As to articles
32 and 33.

Art. 34. The rules of navigation contained in articles 32 and 33, shall be subject to the provisions contained in articles 27 and 29.

LOCAL BY-LAWS, PENALTIES, &C.

Provisions as
to local by-
laws and
rules.

3. No rule or by-law of the Harbour Commissioners of Montreal or the Trinity House of Quebec, or Quebec Harbour Commissioners, or other local rule or by-law inconsistent with this Act, shall be of any force or effect; but so far as it is not inconsistent with this Act, any such rule or by-law made by the said Harbour Commissioners of Montreal or Trinity House of Quebec, or Quebec Harbour Commissioners, or other competent local authority, shall be of full force and effect within the locality to which it applies. 43 V., c. 29, s. 4.

Penalty for
wilful dis-
obedience of
this Act.

4. All owners, masters and persons in charge of any ship, vessel, or raft, shall obey the rules prescribed by this Act, and shall not carry and exhibit any other lights or use any other fog signals than such as are required by the said rules; and in case of wilful default, such master or person in charge, or such owner, if it appears that he was in fault, shall for each occasion on which any of the said rules is violated, incur a penalty not exceeding two hundred dollars and not less than twenty dollars. 43 V., c. 29, s. 5.

Collision from
non-observ-
ance of rules.

5. If, in any case of collision, it appears to the court before which the case is tried, that such collision was occasioned by the non-observance of any of the rules prescribed by this Act, the vessel or raft by which such rules have been violated shall be deemed to be in fault; unless it can be shown to the satisfaction of the court that the circumstances of the case rendered a departure from the said rules necessary. 43 V., c. 29, s. 6.

Liability for
damage occa-
sioned by non-

6. In any damage to person or property arises from the non-observance by any vessel or raft of any of the rules pre-

scribed by this Act, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of such raft, or of the deck of such vessel at the time, unless the contrary is proved, or it is shown to the satisfaction of the court that the circumstances of the case rendered a departure from the said rules necessary; and the owner of the vessel or raft, in all civil proceedings, and the master or person in charge as aforesaid, or the owner,—if it appears that he was in fault—in all proceedings, civil or criminal, shall be subject to the legal consequences of such default. 43 V., c. 29, s. 7.

observance of rules.

7. In any cause or proceeding for damages arising out of a collision between two vessels, or a vessel and a raft, if both vessels or both the vessel and the raft are found to have been in fault, the rules heretofore in force in the Court of Admiralty in England, and now in Her Majesty's High Court of Justice, under the "*Supreme Court of Judicature Act, 1873*," so far as they are at variance with the rules in force in the courts of common law, shall prevail, and the damages shall be borne equally by the two vessels, or the vessel and the raft, one half by each. 43 V., c. 29, s. 8.

Case where both vessels are in fault.

Imp. Act, 36-37 V., c. 66.

8. Unless herein otherwise provided; all penalties incurred under this Act may be recovered in the name of Her Majesty, by any inspector of steam-boats, or by any person aggrieved by any act, neglect or wilful omission by which the penalty is incurred, before any two justices of the peace, on the evidence of one credible witness; and in default of payment of such penalty, such justices may commit the offender to gaol for any term not exceeding three months; and, except as hereinafter provided, all penalties recovered under this Act shall be paid over to the Minister of Finance and Receiver General, and shall be by him placed at the credit of and shall form part of the Steam-boat Inspection Fund: Provided always, that all penalties incurred for any offence against this Act shall, if such offence is committed within the jurisdiction of the Quebec Harbour Commissioners, or of the Harbour Commissioners of Montreal, be sued for, recovered, enforced and applied in like manner as penalties imposed for the violation of the by-laws of the said Harbour Commissioners within whose jurisdiction the offence is committed. 43 V., c. 29, s. 9.

Recovery of penalties.

If not paid.

Application.

Exception.

9. Whenever foreign ships are within Canadian waters, the rules for preventing collisions prescribed by this Act, and all provisions of this Act relating to such rules, or otherwise relating to collisions, shall apply to such foreign ships; and in any case arising in any court of justice in Canada concerning matters happening within Canadian waters, foreign ships shall, so far as regards such rules and provisions, be treated as if they were British or Canadian ships. 43 V., c. 29, s. 11.

Foreign ships in Canadian waters.

DUTY OF MASTERS; LIABILITY OF OWNERS OF SHIPS.

Duty of masters of vessels in case of collision.

10. In every case of collision between two ships, the person in charge of each ship shall, if and so far as he can do so without danger to his own ship and crew, render to the other ship, her master, crew and passengers, such assistance as is practicable, and as is necessary in order to save them from any danger caused by such collision; and shall also give to the master or other person in charge of the other ship the name of his own ship and of her port of registry, or of the port or place to which she belongs, and also the names of the ports and places from which and to which she is bound; and if he fails so to do, and no reasonable excuse for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect or default. 43 V., c. 29, s. 12, *part.*

Penalty for default.

Further penalty in case of British or Canadian ships.

11. Every master or person in charge of a British or Canadian ship, who fails, without reasonable cause, to render such assistance, or to give such information as aforesaid, is guilty of a misdemeanour; and if he is a certificated officer under Canadian authority, an inquiry into his conduct may be held, and his certificate may be cancelled or suspended. 43 V., c. 29, s. 12, *part.*

Liability of owners limited in case of collision without their fault.

12. The owners of any ship, whether British, Canadian or foreign, shall not, whenever all or any of the following events occur without their actual fault or privity, that is to say:—

(a) When any loss of life or personal injury is caused to any person being carried in such ship;

(b) When any damage or loss is caused to any goods, merchandise or other things whatsoever on board any such ship;

(c) When any loss of life or personal injury is, by reason of the improper navigation of such ship as aforesaid, caused to any person in any other ship or boat;

(d) When any loss or damage is, by reason of the improper navigation of such ship as aforesaid, caused to any other ship or boat, or to any goods, merchandise or other things whatsoever on board any other ship or boat,—

Be answerable in damages in respect of loss of life or personal injury, either alone or together with loss or damage to ships, boats, goods, merchandise or other things nor in respect of loss or damage to ships, goods, merchandise or other things, whether there is in addition loss of life or personal injury or not, to an aggregate amount exceeding thirty-eight dollars and ninety-two cents for each ton of the ship's tonnage,—such tonnage to be the registered tonnage in the case of sailing-ships; and in the case of steam-ships the gross tonnage, without deduction on account of engine room.

Extreme amount recoverable.

Tonnage.

How calculated

2. In the case of any British or Canadian ship, such tonnage shall be the registered or gross tonnage, according to the British or Canadian law, and in the case of a foreign ship which has

been or can be measured according to British or Canadian law, the tonnage as ascertained by such measurement shall, for the purposes of this section, be deemed to be the tonnage of such ship.

8. In the case of any foreign ship which has not been and cannot be measured according to British or Canadian law, the deputy of the Minister of Marine shall, on receiving from or by direction of the court hearing the case, such evidence concerning the dimensions of the ship as it is found practicable to furnish, give a certificate under his hand, stating what would in his opinion, have been the tonnage of such ship if she had been duly measured according to Canadian law, and the tonnage so stated in such certificate shall, for the purposes of this section, be deemed to be the tonnage of such ship. 43 V., c. 29, s. 13.

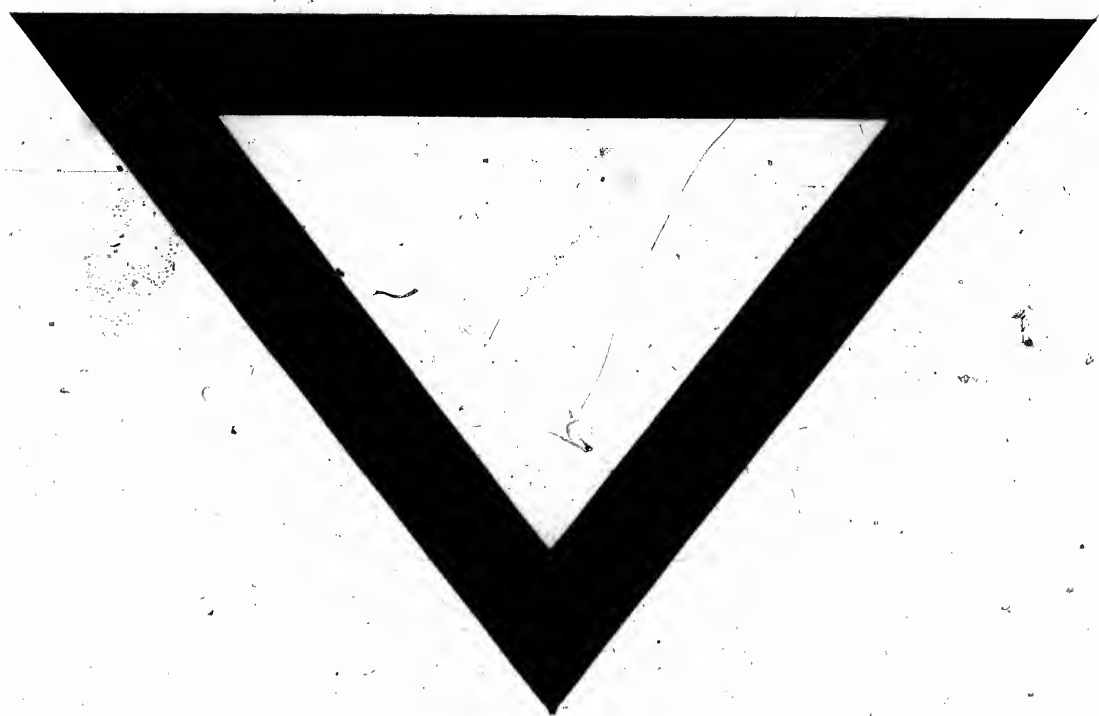
Tonnage, how calculated in certain cases.

13. Insurances effected against any or all of the events enumerated in the section next preceding, and occurring without such actual fault or privity as therein mentioned, shall not be invalid by reason of the nature of the risk. 43 V., c. 29, s. 14.

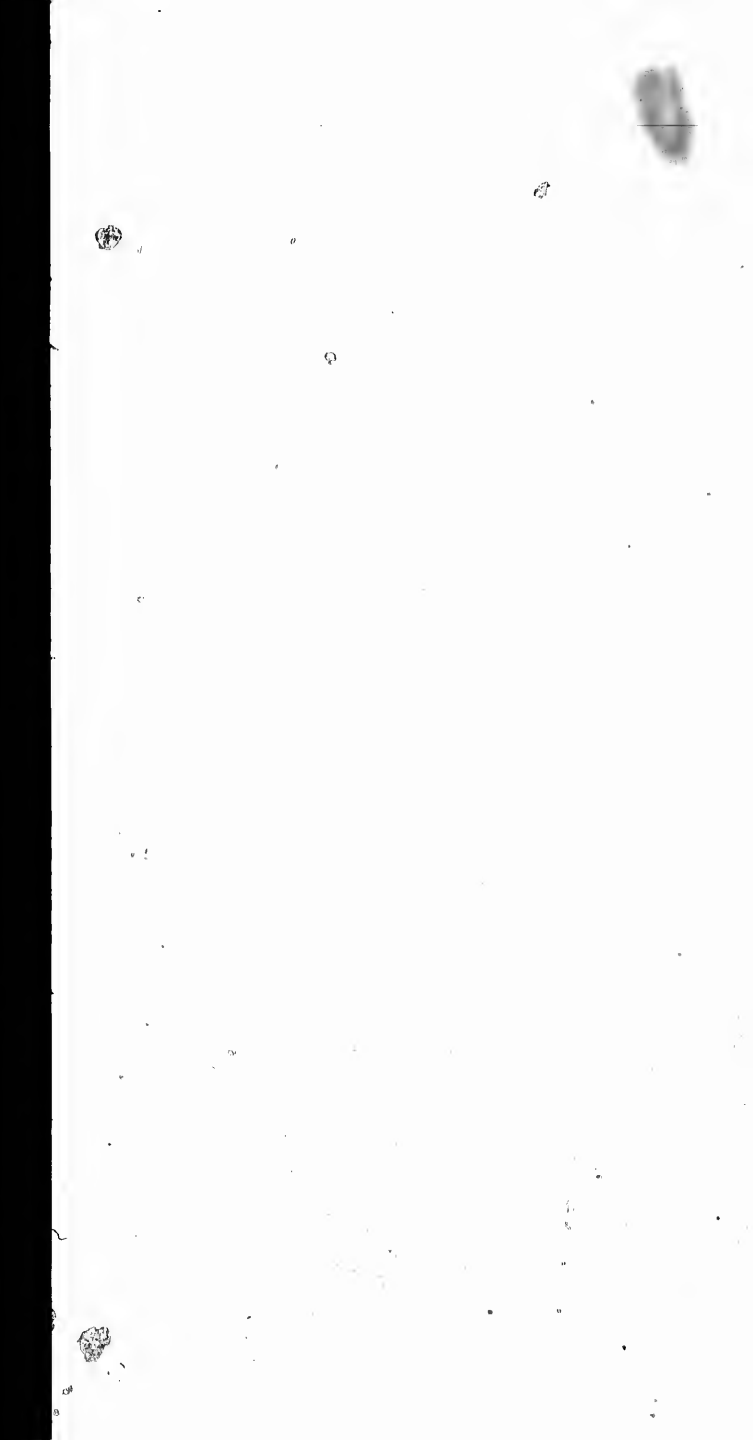
As to insurances in such cases.

14. If Her Majesty, acting on the joint recommendation of the Admiralty and the Board of Trade, by Order in Council annuls or modifies any of the regulations for preventing collisions on navigable waters, which, by Order of Her Majesty in Council of the fourteenth day of August, 1879, were substituted for those theretofore in force for like purposes in the United Kingdom, or makes new regulations in addition thereto or in substitution therefor, the Governor in Council may, from time to time, make corresponding changes, as respects Canadian waters, in the regulations contained in the second section of this Act or any that may be substituted for them,—or may suspend them or any of them, and make others in their stead,—or may revive all or any of the regulations in the Act of the Parliament of Canada passed in the thirty-first year of Her Majesty's reign and intituled "*An Act respecting the Navigation of Canadian Waters*," as he deems best for insuring the correspondence of the regulations of Her Majesty in Council with those of the Governor in Council. 44 V., c. 20, s. 2.

Provision in case of alteration of Imperial regulations.







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