

**THE ADMIRALTY
LAW OF COLLISIONS
AT SEA; PP. 1-230**

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The Admiralty Law of Collisions at Sea; pp. 1-230 by Richard Lowndes

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RICHARD LOWNDES

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THE ADMIRALTY LAW

or

COLLISIONS AT SEA.

BY

RICHARD LOWNDES.

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[Faint, illegible text]

PREFACE.

A BOOK which, in small compass, should set forth the law of collision, in the plainest language, so that, whilst a careful reference at every point to the original authorities should render it serviceable to members of the legal profession, it might at the same time be suitable for the reading of ship-owners, and, at any rate, the more instructed class of ship-captains, could not fail to be useful, if not in diminishing the frequency of collisions, at least as tending to prevent hopeless litigation afterwards. To write such a book was the object I proposed to myself. I am sensible of many deficiencies in the execution, for some of which I may perhaps be allowed to plead want of leisure. Such as it is, I can only hope that this little volume may be found of some service, in the absence of anything better of the same kind.

It may reasonably be expected, without any merit on the Author's part, that such a book, written at the present time, should be pervaded by a uniform spirit of liberal and comprehensive equity. For it must consist mainly of a digest

of the judgments of Sir Stephen Lushington. The thirty years during which that distinguished person has presided over the Court of Admiralty have witnessed a development of maritime commerce absolutely unique in history, and, with it, a correspondingly unique expansion of maritime law. It has been a singular felicity which has given us, during this whole period, a judge endowed with the breadth and flexibility of mind requisite for adapting the law maritime to this extraordinary growth of commerce, and the change of circumstances to which it has given rise.

This book was on the point of publication, when there appeared a volume of Admiralty Decisions, arranged under heads, with the title of "The Rule of the Road," by Mr. William Holt. The additional matter it supplies comes to me, unfortunately, too late to be arranged under its proper heads; and I can, therefore, only set it down in this place as an Addendum.

The countries which have given in their adhesion to the English statutory regulations with regard to steering rules, lights, and fog-signals, are—Austria, the Argentine Republic, Belgium, Brazil, Bremen, Chili, Denmark Proper, the Republic of the Equator, France, Greece, Hamburg, Hanover, the Hawaiian Islands, Hayti, Italy, Lubeck, Mecklenburg-Schwerin, Morocco, the Netherlands, Norway, Oldenburg, Peru, Portugal, Prussia, the Roman States, Russia, Schleswig,

Spain, Sweden, Turkey, the United States, and Uruguay (*a*).

Although Queen's ships do not fall within the terms of these Regulations, it appears that instructions are issued, under the sanction of the Lords of the Admiralty, to those in charge of Her Majesty's vessels, which are precisely in accordance with those regulations. (*b*)

A vessel which overtakes another, and which, by the statutory rules, is bound to keep out of the way of the vessel overtaken, has the option of doing so either by porting or starboarding, according to circumstances (*c*).

To determine the important question whether a vessel is meeting another "end-on, or nearly end-on," or is crossing at an angle, the court held, in two cases, that, before a steamer can be considered as *crossing* the course of another, so as to be excused from porting her helm, there must be a difference of not less than three points in their courses (*d*). This, however, is not to be taken as an inflexible rule of law; for the question, whether two steamers are "meeting end-on, or

(*a*) Holt, 2. See *post*, chap. 10, p. 136.

(*b*) H. M. S. *Supply*, Holt, 190.

(*c*) *Great Eastern*, Holt, 171; *Evangeline*, Holt, 224.

(*d*) *Stork*, Holt, 153. *Fingal*, Holt, 160.

nearly end-on," so as to involve the risk of collision, must in every instance be a question of fact, depending on the circumstances of the particular case (a).

Supposing that a ship, whose duty it is, on being approached by a steamer, to hold on her course, improperly changes it, it still remains the duty of the steamer to avoid her if she can; failing which, both will be held in fault (b).

With regard to lights,—a ship has been held in fault because the in-board screens of her side-lights only projected one foot, so that both red and green lights were visible at the same time, and because her lights were so placed as to be obscured by her rigging (c).

A panic amongst the seamen, not unreasonably occasioned by a collision at night, may, it appears, be regarded as an excuse for their not subsequently using all the means which were reasonably within their reach, in order to save their vessel, or diminish to the utmost the damage done by the collision (d).

I must likewise express my regret not to have

(a) *Stork*, in P. C., Holt, 154.

(b) *Oscar*, Holt, 233.

(c) *Lady of the Lake*, Holt, 38.

(d) *Lotus*, Holt, 183; *Lena*, Holt, 216.

sooner seen a pamphlet, just published by Mr. Harper, of Lloyd's, called "The Rule of the Road for Steamers," which contains some important criticism and useful diagrams.

In addition to the regular Admiralty Reports, I have availed myself of the excellent Reports of Admiralty judgments given in Mr. Mitchell's Maritime Register, which appear immediately after the judgments delivered, so that the law of collision may be considered as brought down almost to the present day. I desire also to express my acknowledgments to Mr. William Byrth, of the Middle Temple, for valuable suggestions and assistance.

LIVERPOOL AND LONDON
CHAMBERS,
Liverpool, May 23, 1867.

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