

deems it unsafe to accept and assent to said signal, he shall not sound a cross signal; but in that case, and in every case where the pilot of one steamer fails to understand the course or intention of an approaching steamer, whether from signals being given or answered erroneously, or from other causes, the pilot of such steamer so receiving the first passing signal, or the pilot so in doubt, shall sound several short and rapid blasts of the whistle; and if the vessels shall have approached within half a mile of each other both shall reduce their speed to bare steerage-way, and, if necessary, stop and reverse. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 649.)

§ 292. **Departure from rules to avert immediate danger.** *Rule 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. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 649.)

§ 293. **Usual additional precautions required generally.** *Rule 28.*—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 lookout, or of a neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 649.)

#### Chapter 5.—NAVIGATION RULES FOR RED RIVER OF THE NORTH AND RIVERS EMPTYING INTO GULF OF MEXICO AND TRIBUTARIES

##### PRELIMINARY

- Sec.  
301. Adoption of rules.  
302. "Sail vessel" and "steam vessel" defined.  
303. Penalty for violation by vessel.

##### RULES CONCERNING LIGHTS

311. Time for lights; prescribed lights exclusive.  
312. Lights of ocean-going steamers and steamers carrying sail, when under way.  
313. Lights of steam vessels towing other vessels.  
314. Lights of steam vessels other than ocean-going steamers and steamers carrying sail.  
315. Lights of river steamers on waters flowing into Gulf of Mexico.  
316. Lights of steam vessels not otherwise provided for; ferryboats, barges, and canal boats.  
317. Lights of sailing vessels under way or in tow.  
318. Lights of small vessels in bad weather.  
319. Lights of vessels at anchor.  
320. Lights of sailing and steam pilot vessels.  
321. Lights of coal boats, produce boats, etc., navigating by hand power, horsepower, or by current of river.  
322. Lights of open boats.  
323. Vessel of war or Coast Guard vessel; suspension of exhibition of lights.

##### SOUND SIGNALS FOR FOG, ETC.

331. Sound signals for fog, etc.; steamers, sailing vessels, and other water craft, at anchor or under way.

##### STEERING AND SAILING RULES

341. Suggestion for ascertainment of risk of collision.  
342. Sailing vessels approaching one another.  
343. Steam vessels meeting end on.  
344. Steam vessels crossing.  
345. Steam and sailing vessels meeting.  
346. Duty of steam vessel to slacken speed; fog.  
347. Overtaking vessel to keep out of the way.  
348. Vessel having right-of-way to keep course.  
349. Special circumstances requiring departure from rules.  
350. Overtaken sailing vessel to show light.  
351. Usual additional precautions required.

##### CROSS REFERENCE

As regards lights and sound signal devices for motorboats, see sections 513 and 514 of title 46, SHIPPING.

##### PRELIMINARY

**Section 301. Adoption of rules.** The following rules for preventing collisions on the water, shall be followed in the navigation of vessels of the Navy and of the mercantile marine of the United States upon the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries.

Such rules and regulations pursuant to the provisions of this chapter are hereby declared special rules duly made by local authority relative to the navigation of harbors, rivers, and inland waters as provided for in article 30, of chapter 2 of this title, section 131. (R. S. § 4233; Aug. 19, 1890, c. 302, 26 Stat. 320; Feb. 8, 1895, c. 64, 28 Stat. 645; Feb. 19, 1895, c. 102, § 1, 28 Stat. 672; June 7, 1897, c. 4, 30 Stat. 96.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 302. **"Sail vessel" and "steam vessel" defined.** *Rule 1.*—Every steam vessel which is under sail and not under steam shall be considered a sail vessel; and every steam vessel which is under steam, whether under sail or not, shall be considered a steam vessel. The words steam vessel shall include any vessel propelled by machinery. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672; Mar. 3, 1905 c. 1457, § 10, 33 Stat. 1032.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 303. **Penalty for violation by vessel.** Collectors or other chief officers of the customs shall require all sail vessels navigating the Red River of the North and rivers emptying into the Gulf of Mexico, and their tributaries to be furnished with proper signal lights.

Every such vessel that shall be navigated without complying with the Statutes of the United States, or the regulations that may be lawfully made thereunder, shall be liable to a penalty of \$200, one-half to go to the informer; for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense. (Feb. 19, 1895, c. 102, § 3, 28 Stat. 672.)

##### RULES CONCERNING LIGHTS.

§ 311. **Time for lights; prescribed lights exclusive.** *Rule 2.*—The lights mentioned in the following rules, and no others, shall be carried in all weathers, between sunset and sunrise. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 312. **Lights of ocean-going steamers and steamers carrying sail, when under way.** *Rule 3.*—All ocean-going steamers, and steamers carrying sail, shall, when under way, carry—

(a) At the foremast head, a bright white light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass, and so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side.

(b) On the starboard side, a green light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side.

(c) On the port side, a red light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the port side.

The green and red lights shall be fitted with inboard screens, projecting at least three feet forward from the lights, so as to prevent them from being seen across the bow. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 313. **Lights of steam vessels towing other vessels.** *Rule 4.*—Steam vessels, when towing other vessels, shall carry two bright white masthead lights vertically, in addition to their side lights, so as to distinguish them from other steam vessels. Each of

these masthead lights shall be of the same character and construction as the masthead lights prescribed by Rule 3. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 314. Lights of steam vessels other than ocean-going steamers and steamers carrying sail. *Rule 5.*—All steam vessels, other than ocean-going steamers and steamers carrying sail, shall, when under way, carry on the starboard and port sides lights of the same character and construction and in the same position as are prescribed for side lights by Rule 3, except in the case provided in Rule 6. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 315. Lights of river steamers on waters flowing into Gulf of Mexico. *Rule 6.*—River steamers navigating waters flowing into the Gulf of Mexico, and their tributaries, shall carry the following lights, namely: One red light on the outboard side of the port smoke pipe, and one green light on the outboard side of the starboard smoke pipe. Such lights shall show both forward and abeam on their respective sides. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 316. Lights of steam vessels not otherwise provided for; ferryboats, barges, and canal boats. *Rule 7.*—All steam vessels other than ferryboats and vessels otherwise expressly provided for, except those mentioned in Rule 6 (section 315 of this title), shall carry the red and green lights, as prescribed for ocean-going steamers; and, in addition thereto, a central range of two white lights; the afterlight being carried at an elevation of at least fifteen feet above the light at the head of the vessel. The headlight shall be so constructed as to show a good light through twenty points of the compass, namely: from right ahead to two points abaft the beam on either side of the vessel; and the afterlight so as to show all around the horizon. The lights for ferryboats, barges, and canal boats when in tow of steam vessels, shall be regulated by such rules as the board of supervising inspectors of steam vessels shall prescribe. (R. S. § 4233; Mar. 3, 1893, c. 202, 27 Stat. 557; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 317. Lights of sailing vessels under way or in tow. *Rule 8.*—Sail vessels, under way or being towed, shall carry the same lights as steam vessels under way, with the exception of the white masthead lights, which they shall never carry. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 318. Lights of small vessels in bad weather. *Rule 9.*—Whenever, as in case of small vessels during bad weather, the green and red lights can not be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent 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. To make the use of these portable lights more certain and easy, they shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 319. Lights of vessels at anchor. *Rule 10.*—All vessels, whether steam vessels or sail vessels, when at anchor in roadsteads or fairways, shall, between sunset and sunrise, exhibit where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light, visible all around the horizon, and at a distance of at least one mile. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 320. Lights of sailing and steam pilot vessels. *Rule 11.*—Sailing pilot vessels shall not carry the lights required for other sailing vessels, but shall carry a white light at the masthead, visible all around the horizon, and shall also exhibit a flare-up light every fifteen minutes.

Steam pilot boats shall, in addition to the masthead light and green and red side lights required for ocean steam vessels, carry a red light hung vertically from three to five feet above the foremast headlight, for the purpose of distinguishing such steam pilot boats from other steam vessels. (R. S. § 4233; Mar. 3, 1897, c. 389, § 5, 29 Stat. 689; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 321. Lights of coal boats, produce boats, etc., navigating by hand power, horsepower, or by current of river. *Rule 12.*—Coal boats, trading boats, produce boats, canal boats, oyster boats, fishing boats, rafts, or other water craft, navigating any bay, harbor, or river, by hand power, horsepower, sail, or by the current of the river, or which shall be anchored or moored in or near the channel or fairway of any bay, harbor, or river, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the board of supervising inspectors of steam vessels. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 322. Lights of open boats. *Rule 13.*—Open boats shall not be required to carry the side lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on one side and a red slide on the other side; and, on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, and in such a manner that the green light shall not be seen on the port side, nor the red light on the starboard side. Open boats, when at anchor or stationary, shall exhibit a bright white light. They shall not, however, be prevented from using a flare-up, in addition, if considered expedient. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 323. Vessel of war or Coast Guard vessel; suspension of exhibition of lights. *Rule 14.*—The exhibition of any light on board of a vessel of war of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander in chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it. The exhibition of any light on board of a Coast Guard vessel of the United States may be suspended whenever, in the opinion of the commander of the vessel, the special character of the service may require it. (R. S. § 4233; Mar. 3, 1897, c. 389, § 12, 29 Stat. 690; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

#### SOUND SIGNALS FOR FOG, ETC.

§ 331. Sound signals for fog, etc.; steamers, sailing vessels, and other water craft, at anchor or under way. *Rule 15.*—Whenever there is a fog, or thick weather, whether by day or night, fog signals shall be used as follows: (a) Steam vessels under way shall sound a steam whistle placed before the funnel, not less than eight feet from the deck, at intervals of not more than one minute. Steam vessels, when towing, shall sound three blasts of quick succession repeated at intervals of not more than one minute.

(b) Sail vessels under way shall sound a foghorn at intervals of not more than one minute.

(c) Steam vessels and sail vessels, when not under way, shall sound a bell at intervals of not more than two minutes.

(d) Coal boats, trading boats, produce boats, canal boats, oyster boats, fishing boats, rafts, or other water craft, navigating any bay, harbor, or river, by hand power, horsepower, sail, or by the current of the river, or anchored or moored in or near the channel

or fairway of any bay, harbor, or river, and not in any port, shall sound a foghorn, or equivalent signal, which shall make a sound equal to a steam whistle, at intervals of not more than two minutes. (R. S. § 4233; Mar. 3, 1897, c. 389, § 12, 29 Stat. 690; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

#### STEERING AND SAILING RULES

§ 341. Suggestion for ascertainment of risk of collision. *Rule 16.*—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. (R. S. § 4233; Mar. 3, 1897, c. 389, § 12, 29 Stat. 690; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 342. Sailing vessels approaching one another. *Rule 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, namely:

(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 vessels 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 the leeward.

(e) A vessel which has the wind aft shall keep out of the way of the other vessel. (R. S. § 4233; Mar. 3, 1897, c. 389, § 12, 29 Stat. 690; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 343. Steam vessels meeting end on. *Rule 18.*—If two vessels under steam are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 344. Steam vessels crossing. *Rule 19.*—If two vessels under steam 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. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 345. Steam and sailing vessels meeting. *Rule 20.*—If two vessels, one of which is a sail vessel and the other a steam vessel, are proceeding in such directions as to involve risk of collision, the steam vessel shall keep out of the way of the sail vessel. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 346. Duty of steam vessel to slacken speed; fog. *Rule 21.*—Every steam vessel, when approaching another vessel, so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam vessel shall, when in a fog, go at a moderate speed. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 347. Overtaking vessel to keep out of the way. *Rule 22.*—Every vessel overtaking any other vessel shall keep out of the way of the last-mentioned vessel. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 348. Vessel having right of way to keep course. *Rule 23.*—Where, by Rules 17, 19, 20, and 22, one of two vessels shall keep out of the way, the other shall keep her course, subject to the qualifications of rule 24. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 349. Special circumstance requiring departure from rules. *Rule 24.*—In construing and obeying these rules, due regard must be had to all dangers of navigation, and to any special circumstances which may exist in any particular case rendering a departure from them necessary in order to avoid immediate danger. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 350. Overtaken sailing vessel to show light. *Rule 25.*—A sail vessel which is being overtaken by another vessel during the night shall show from her stern to such last-mentioned vessel a torch or a flare-up light. (R. S. § 4233; Mar. 3, 1897, c. 389, § 13, 29 Stat. 690; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

§ 351. Usual additional precautions required. *Rule 26.*—Nothing in these rules shall exonerate any ship, 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 lookout, 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. (R. S. § 4233; Mar. 3, 1897, c. 389, § 13, 29 Stat. 690; Feb. 19, 1895, c. 102, 28 Stat. 672.)

R. S. § 4233 from Act Apr. 29, 1864, c. 69, 13 Stat. 58.

#### Chapter 6.—GENERAL DUTIES OF SHIP OFFICERS AND OWNERS AFTER COLLISION OR OTHER ACCIDENT

##### Sec.

- 361. Reports of accidents generally; penalty.
- 362. Report of probable loss of vessel; penalty.
- 363. Transmission by collectors of customs of reports to Secretary of Commerce.
- 364. Remission and recovery of penalties.
- 365. Reports by owners, etc., of barges in tow.
- 366. Reports by Secretary of Commerce to Congress.
- 367. Duty of master of vessel in collision to give aid, name of his vessel, etc.
- 368. Penalty for failure to give aid, etc.

**Section 361. Reports of accidents generally; penalty.** Whenever any vessel of the United States has sustained or caused any accident involving the loss of life, the material loss of property, or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency, the managing owner, agent, or master of such vessel, shall within five days after the happening of such accident or damage, or as soon thereafter as possible, send, by letter to the collector of customs of the district wherein such vessel belongs or of that within which such accident or damage occurred, a report thereof, signed by such owner, agent, or master, stating the name and official number (if any) of the vessel, the port to which she belongs, the place where she was, the nature and probable occasion of the casualty, the number and names of those lost, and the estimated amount of loss or damage to the vessel or cargo; and shall furnish, upon the request of either of such collectors of customs, such other information concerning the vessel, her cargo, and the casualty as may be called for; and if he neglect or refuse to comply with the foregoing requirements after a reasonable time, he shall incur a penalty of \$100. (June 20, 1874, c. 344, § 10, 18 Stat. 123.)

**§ 362. Report of probable loss of vessel; penalty.** Whenever the managing owner or agent of any vessel of the United States has reason, owing to the non-appearance of such vessel, or to any other circumstance, to apprehend that such vessel has been lost, he shall, as soon as conveniently may be, send notice, in writing, to the collector of customs of the port to which said vessel belonged, of such loss, and the probable occasion thereof stating the name and the official number (if any) of the vessel, and the names of all persons on board, so far as the same can be ascertained, and shall furnish, upon request of the collector of such port, such additional information as he may be able; and if he neglect to comply with