

Moss, C.J.O.:—Plaintiff was in the employment of defendants as a deck-hand on their steam vessel "Macassa," and, while engaged in assisting to bring her alongside the pier in the Burlington canal, his foot was cut off by a hawser or check line, in which it became entangled. The hawsers are used in bringing the vessel to a stop alongside a pier or dock. There is one on each side forward near the bow, and also one on each side near the stern. They are operated from the promenade deck, and when ready for use are coiled neatly near the rail by the side of timber heads used in the operation of checking the vessel as she approaches the pier or dock. When it is desired to bring her up to a pier or dock, the engines are stopped at such a distance as will enable the vessel to come up by her momentum. She is headed so as to bring the bow in close to the piers and enable two of the hands to get ashore, to attend to the hawsers, one attending to the bow and the other the stern hawser. Their business is to place the loop of the shore end of the hawser they are in charge of, over a post or pile on the piers or dock, as directed by the master or others who have in charge the management of the vessel ends of the hawsers.

On the occasion in question, the management of the stern line or hawser was in the mate's charge, plaintiff and another man handling it under his directions. As the vessel approached the Burlington piers, the vessel's speed was slowed down, and all three went up to where the line was on the promenade deck. There were a large number of passengers on board, and the deck was very crowded in the vicinity where the line lay as well as everywhere else. It was part of plaintiff's duty to handle, under the mate's direction, the line while it was running out after the loop of the shore end had been placed over the post on the pier. It was the mate's duty to throw the shore line to the man on the pier, and see that it was placed on the proper post. But before doing that it was his duty to see that the line on board was properly coiled so as to run out freely when the time came, and that passengers were made to stand back so as to be free of the coil of the line as it went out. As the vessel came in towards the pier, and he saw that the head-line had been landed, the mate threw the stern line; it was taken by the man on the pier and passed over the post. Plaintiff passed his end over the timber heads for the purpose of checking the vessel. Owing, as he says, to the speed at which she