

But, as regards the liability of the other defendants for the actions of those on board the "Kinmount," the question is less easily answered in the plaintiffs' favour. The plaintiffs are bound, of course, to make out, as against these defendants, a reasonable case of negligence in the handling and management of the "Kinmount," but for which the accident would not have happened. . . .

The operation which the "Kinmount" was engaged in was not an unusual or extraordinary manœuvre. It is a common method of turning a vessel in a harbour, and especially in a narrow or comparatively small harbour. It was well known to and understood by mariners and others engaged in and about docks. And those in charge of vessels lying at docks where such movements or movements of a similar nature are taking place, or are likely to take place, must take, and very properly in most instances do take, every reasonable precaution to guard against and prevent any evil effects from the conditions usually engendered by those movements.

According to the evidence, those in charge of the "Kinmount" had no reason to suppose that there was any failure on the part of those in charge of the "Mount Stephen" to take, as they should have taken, into account the conditions existing in the harbour when the "Mount Stephen" was shifted from her first berth to that which she occupied when the accident happened.

In the absence of any intimation to the contrary, or warning from those in charge of the "Mount Stephen," and in view of the unloading operations which were being carried on, those in charge of the "Kinmount" had a right to assume that the "Mount Stephen" was properly secured, and that there was no objection to the "Kinmount" proceeding with her operations.

It appears that, although, according to the mate of the "Mount Stephen," there was danger to be apprehended, neither he nor any one on board the "Mount Stephen," whether in the employ of the plaintiffs or the defendant Playfair, took any step or was at any pains to avert that danger by notifying those in charge of the "Kinmount" and endeavouring to get them to stop the wheel, or by taking steps to remove the leg until the "Kinmount" had ceased to operate her wheel.

The evidence appears to fail to attach any notice of danger to those in charge of the "Kinmount," or any reasonable ground for not supposing that, as well by reason of the well known ordinary practice with regard to securing vessels engaged in