

THE

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DOMINION OF CANADA.

EXCHEQUER COURT.

QUEBEC ADMIRALTY DISTRICT.

MAY 12TH, 1909.

THE MONTREAL TRANSPORTATION COMPANY,
LIMITED, AND ALEXANDER D. THOMPSON v.
THE SHIP "NORWALK."

Shipping—Collision—Breach of Regulations—Liability.

Holden, K.C.; and Howard, for plaintiff.

Clarke, K.C., and Angers, K.C., for ship.

DUNLOP, D.L.J.:—The plaintiffs by their statement of claim in substance alleged as follows: (1) At about 4 o'clock p.m. on the 23rd October, 1907, the steam tug "Glide," of which plaintiffs are owners, left the lower end of the Soulanges Canal with the barges "Jet" and "Winnipeg," of both of which plaintiffs are owners, in tow, and proceeded down through Lake St. Louis on a voyage to Montreal by way of the Lachine Canal; the barges "Jet" and "Winnipeg" being towed abreast, the "Jet" being on the left or port side of the "Winnipeg." (2) That shortly before 7 o'clock p.m. on the same day, the weather being dark but clear, and the wind from between north and north-west, those on board the tug and her tow saw the white lights of a ship apparently about 2½ miles or 3 miles away and bearing about two points on their star-board bow; that the tug and her tow were then about abreast of lightship No. 3 in Lake St. Louis; that the tug then gave 3 blasts of her whistle as a signal to the other ship to slow down in order to enable the tug with her tow to pass through the narrow and difficult navigation of the channel that lay