

Then the defendant's counsel put this question:—

“In respect to the navigation of this wharf; assuming in consequence of a fog, the ferry boat turns out of its course to that extent it would be an interference with navigation? A. No wharf would be that.”

2. It is denied that there was negligence on the part of the “Chebucto,” and in fact it is claimed that the injury was due to inevitable accident. The fog was so dense that morning that Corkum, the mate, says they did not see the market wharf until he saw it twenty feet away from the “Chebucto”; then they reversed. At that distance no manœuver could have prevented the “Chebucto” if she was moving at all from colliding with the wharf. And if that is so, she should not have been moving at all, but should have laid up for a half an hour or so until the fog abated. I refer to the case of the “Lancashire,” 4 Adm. & Eccl. at page 201, cited in Marsden on Collisions, 6th ed., pages 384, 386, a case of one of the ferry boats at Liverpool, G.B. The Court held that it should have been laid up. I also refer to *Smith v. St. Lawrence Tow-Boat Co.*, 5 P. C. 308.

And having gone out with that dense fog, and when she was likely to get out of her track in consequence of keeping out of the way of any passing ship, she should have sought her landing dock at a less rate of speed.

It appears that the “Chebucto,” when she got more than half way across the harbour, heard the whistling of a steamer coming up the harbour. The distance from slip to slip is one and a quarter miles, usually accomplished in nine or ten minutes. She had crossed the other ferry boat. On hearing the whistle, she changed her course to the south and stopped her engines, letting the incoming steamer go by on the Halifax side. Then she steered a course of south southwest, going half speed ahead (about four miles an hour). She had then nothing to go by except the bell on the pier, and in a fog the direction of such a sound cannot be well judged. Then the direction was given to go slow ahead, and it would take about a quarter of a minute to get the engines down from 80 revolutions (half speed) to 40 revolutions (slow ahead). And according to the engineer, it was less than half a minute from the time that direction was given until the direction was given to the engine room to go full speed astern, i.e., when the wharf was seen. I think that after her course being changed and stopped at that point in