

dock so as to turn the yacht, and both he and seaman Soderstrom, of the "Magedorna," would not deny that there may have been stern-way on the "Magedorna" from these "kicks astern" when the boats came together.

Both the preliminary act of the defendant and the statement of defence allege that the collision was occasioned by the fault of the "Caspian;" the preliminary act stating that "shortly before the accident the master of the 'Caspian' blew two whistles, which to the master of the 'Magedorna' indicated that the master of the 'Caspian' was to starboard his helm and keep to port. The master of the 'Caspian' did not carry out this signal, but acted opposite thereto, and sent his helm to port, and kept to the right." The 5th paragraph of the statement of defence is substantially to the same effect. These whistles of the "Caspian" were not answered by the "Magedorna," as they ought to have been; for the rule is that the duty to answer a signal is as imperative as is the duty to give one..

In answer to my questions on this charge the master of the "Caspian" gave the following evidence:—

"Q. You said while you were going full speed ahead, on the semi-circular course, you kept your helm hard a starboard? A. Kept the helm hard a starboard. Yes.

"Q. Then when you saw the collision imminent, you steadied the "Caspian?" A. Yes.

"Q. How did you do that? A. Putting the wheel to port. The helm had to go amidships, and then I told him to port.

"Q. Which did you do? A. I told him to steady, and the wheel was a starboard, and he put the wheel to port to steady her.

"Q. As far as you can estimate, what was your rate of speed when you came to the dock to pass it on the semi-circular course you were taking when you got abreast of the dock? A. I don't suppose she could have been going over 10 miles anyway, because she hadn't got under headway yet.

"Q. When you were going this 10 miles an hour, how far was the yacht from your course? A. She probably might have been 50 or 60 feet in from where I would have went.

"Q. If, instead of steadying the 'Caspian' by putting her helm to port, you had kept it hard a starboard and on the semi-circular course, would you have kept away from the