

Cinginni, the wheelsman of the "Dorothy," said, Q. 252. "Was she (the 'Dorothy') coming ahead all the time? A. Yes. Just at the time of the collision we go back a little across towards the bank, she run to the bank." Q. 53. "What direction was she pointing in that way? A. She was pointing towards the bank." But others of the "Dorothy's" officers swear she was going full speed astern before the collision; while officers of the "Plummer" swear that she moved forward, and sheered from side to side, and that her bow went over the centre line of the canal.

On this point, whether the "Dorothy" was moving forward or reversing, the evidence of Denison, a passenger, is material. Qs. 16 and 17: "Tell us what you noticed with reference to the beginning from the time you first noticed her (the 'Dorothy')? A. I noticed her coming up the canal, a considerable distance down the canal, and when she got further up the canal she veered from the side she was travelling on to over the centre of the canal." Q. 18. "Towards which bank? A. Towards the right hand bank, which would be the south bank. She passed over the centre line of the canal—I don't know as to the distance, how far over, but she came over towards the south bank a considerable distance, and then gradually straightened herself out, and returned to her course pretty well about the centre of the canal. She came along on that course for some distance, and within a short distance of the 'Plummer,' she swung across the canal in almost an identical manner to the way she had done in the first place." Q. 22. "When she swung across this time, what position would her stern occupy with reference to the north bank? A. Approximately close to it." Q. 23. "And her bow, with reference to the centre line of the canal? A. Past it."

There are some other material facts disclosed in the evidence which have a bearing on the question to which side a preferable credence shall be given. (1) The criticism of the wheelsman of the "Plummer" on the steering of the "Dorothy" when approaching the "Plummer," which was brought out on the cross-examination of the captain of the "Plummer." Q. 255. "From the time you left the guard lock up to the time of the collision was any statement made to you, or anything said to you by any man or officer of the 'Plummer'? A. There was by the wheelman." Q. 256. "What did he say? A. He said that this boat here, the 'Dorothy,' was making awfully bad steering; and I said yes,