

manner? Their Lordships think not. Her screw was moving all the time, at least till she stuck. The attempted operation of warping was a reasonable one, and the fact of her cable parting was an accident. The evidence is left very vague as to exactly what happened after the cable parted, but it is evident that, warping being no longer possible, the only way which the turning movement could be maintained would be by using the screw coupled with a certain direction of the helm. It is a matter of surmise that it was this renewed action of the screw combined with the direction of the helm that set up the current that did the mischief, but there is undoubtedly no evidence of such undue or sudden action on the part of the "Kinmount" as to bring home to her a charge of negligence with its resulting liability. To do so it would have to be found that the "Kinmount" executed a sudden manœuvre of which the ordinary consequences would be danger to the other vessel. As it is, no one, their Lordships think, anticipated, or could have anticipated, that the current set up by the screw could be reflected by the walls of the dock in the only way that made it dangerous to the "Mount Stephen."

It now remains to consider the case of the "Mount Stephen." As has been already said, their Lordships think it clearly proved that the "Mount Stephen" was sufficiently and securely moored with regard to any normal strain which could be put upon her. The only ground of liability must, therefore, be found in a failure at the moment these incidents occurred to take extra precautions, or a failure to communicate the danger to those in charge of the elevator, which was not apparent to them, but was apparent to those in charge of the "Mount Stephen." As regards extra precautions, their Lordships are satisfied that the dangerous rush of water was a sudden occurrence, and that the breaking of the steel cable occurred before any extra ropes could be used. The failure to warn those in charge of the elevator is the ground on which the learned Judges below have founded liability. Their Lordships are unable on the facts to come to this conclusion. To do so they would have to be convinced on the evidence that the abnormal current, of a force to suggest that under the strain caused thereby the existing moorings might give way, was observed and appreciated by those in charge of the "Mount Stephen" in time to have warned the elevator men of the impending danger.