

*Held*, affirming the judgment of the Court of Appeal, 3 Ont. L. R. 600, that the evidence justified the findings; and that the proximate cause of the accident was the want of a proper guard on the wheel and fastening of the ladder to the floor, for which the defendants were liable.

*Riddell*, K.C., and *Colville*, for appellants. *Douglas*, K.C., for respondents.

Ont.]

GRANT v. FULLER.

[Dec. 12, 1902.]

*Will—Devise for life—Remainder to devisee's children—Estate tail.*

Land was devised to D. for life, "and to her children if any, at her death," if no children to testator's son and daughter. B. had no children when the will was made.

*Held*, that the devise to D. was not of an estate in tail, but on her death the children took the fee.

*J. A. Robinson* and *M. J. O'Connor*, for appellant. *Riddell*, K.C., and *Cowan*, K.C., for respondent.

Ex. Court.]

[Dec. 12, 1902]

DAVIDSON v. GEORGIAN BAY NAVIGATION CO.

*Admiralty law—Navigation—Narrow channels—"White law," R. 24—Right of way.*

Rule 24 of the "White law" governing navigation in United States waters provides "that in all narrow channels where there is a current, and in the rivers St. Mary, St. Clair, Detroit, Niagara and St. Lawrence, when two steamers are meeting the descending steamer shall have the right of way and shall, before the vessels shall have arrived within the distance of one half mile of each other, give the signal necessary to indicate which side she elects to take."

*Held*, that this rule had no reference to the general course of vessels navigating the waters mentioned, but applies only to meeting vessels. Therefore, a steamer ascending the St. Clair with a tow was not in fault when she followed the custom of up-going vessels to hug the United States shore.

The "Shenandoah" with a tow was ascending the St. Clair River in a fog and hugging the United States shore. The "Carmona" was coming down the river and they sighted each other when a few hundred yards apart. They simultaneously gave the port signal, which was repeated by the "Carmona." The "Shenandoah" then gave the starboard signal and steered accordingly. The "Carmona" thinking there was not room to pass between the other vessel and one lying at the elevator dock, reversed her engines. She passed the "Shenandoah," but on going ahead again collided with the vessel in tow.