

Justice Davis of the Supreme Court of the United States, "It almost universally happens in cases of this description (collision) that different accounts are given of the occurrence by those in the employment of the respective vessels; and that the Court has difficulty, on this conflict of evidence, in deciding to which side a preferable credence should be given. There are generally, however, in every case, some undeniable facts which enable the Court to determine where the blame lies:" The "Great Republic," 23 Wall. at. p. 29. And a similar experience has been given in the House of Lords by Lord Blackburn in "The Khedive," 5 App. Cas. at p. 880: "The Judge of the Admiralty, in giving the reasons for his judgment, observed that the evidence was, as is not unusual, very conflicting, and that he had not been able to reconcile it with the supposition that both parties intended to speak the truth."

The collision between the steamers in this case took place on the afternoon of 21st August, 1905, in the Soulanges canal in the province of Quebec, nor far from the guard lock at Coteau. The preliminary act of each party states that the time of the collision was 3.30 p.m. The engine-room log-book of the "Dorothy" gives the time of the collision as 3.60 (4 o'clock) p.m.—a discrepancy of 30 minutes. Both pleadings say that "the weather was clear, and there was practically no wind, and very little current in the canal." The plaintiffs' steamer "J. H. Plummer" is of 992 tons' register, about 254 feet long, 37 feet beam, and 24 feet deep, and was on a voyage from Fort William on Lake Superior to Montreal. The "Dorothy" is of 287 net tons, 147 feet long, 27 feet beam, and 16 feet deep, and was on a voyage from Wilmington in the State of Delaware, to Houghton in the State of Michigan, United States. While the "Plummer" was coming out of the lock, passing signals of one blast each were exchanged between the steamers, indicating that they would pass each other port to port.

The preliminary act of the "Plummer," in describing the collision, alleges that the "Dorothy" sheered from her side of the canal across the course of the "Plummer," and the answer to question 14 charges that the fault attributed to the "Dorothy" is improper navigation, first, in leaving her side of the canal and throwing herself across the course of the "Plummer," and then in attempting to straighten up and regain her first course, after the "Plummer's" two-whistle signal, instead of either reversing her engines and coming to