

different openings in the boom to permit vessels to pass through and on one of these occasions the opening was so close to a sandbar that the vessel was obliged to go out of the channel, coming in contact with the sandbar, whereby her rudder post was injured and she was probably in danger of grounding. On reaching Fort Frances the same evening, the captain reported the occurrence to Mr. Sutherland, one of the defendants' officers, and informed him that the vessel would remain at Fort Frances until the centre pier which had occasioned the trouble was removed. It was a log pier filled with rock and sunken just at the side of the channel.

Speaking of the occasion of the 18th of June, Captain Black says, on cross-examination:

"Q. Who did you see? A. A stranger who claimed to be the foreman. He said he had orders to allow no boats through and there were men with him.

Q. And when you spoke to him you got him to go down the river? A. No, I consulted with the manager and he said 'Better go down and get the foreman' who was over him again—Mr. Vealey. We passed him on the way down in a blue canoe and didn't know it.

Q. Mr. Graham is the manager you speak of? A. Yes.

Q. And when you found Mr. Vealey, he came up and had the boom opened? A. When we got back he opened the boom for us.

Q. How far did you say you went back when you were stopped on the 18th June? How far was it from the boom?

A. In the neighborhood of three miles.

Q. Would you be surprised to learn it was two miles?

A. I would.

Q. When you saw Mr. Vealey, he made no question at all about your getting through the boom? A. He talked to the manager.

Q. To Mr. Graham? A. Yes.

Q. You don't know whether he made any objection or not? A. It was some little time after they got talking before any decision was arrived at anyway.

Q. And on all subsequent occasions as soon as your boat put in an appearance the boom was opened? A. The system they had of opening that boom; it was so slow they couldn't help themselves.

Q. They opened it as quickly as they could? A. If we got there they did. . . .