

channel; but (12) starboarded her helm while the tug and tow were passing on her port side; (13) did not keep sufficient steerage-way under the circumstances, and (14) was permitted to become uncontrollable and drift towards the tug and tow while they were passing, and (15) did not comply with the signals given by the tug, and tow; (16) That the "Norwalk" did not make for the north side of the lightship early enough, and did not go far enough in that direction; (17) and did not comply with the rules for navigating the waters in question as enacted by order in council of the Governor-General of the 20th April, 1905, and in particular with articles 2, 19, 27, 28, and 29. (18) That the master or other person in charge of the "Norwalk" did not, after the collision, render or offer to render said tug and tow, their masters and crews, any assistance whatever, nor give them or either of them the name of his vessel, her port of registry, and the ports from and to which she was bound; but on the contrary, proceeded directly on her course up Lake St. Louis without making any attempt to communicate with said tug or tow. (19) That the collision and the damages and losses consequent thereon were occasioned by the negligent and improper navigation of those on board the "Norwalk";

That plaintiffs claimed (1) a declaration that they are entitled to the damage proceeded for; (2) the condemnation of the defendant and its bail in such damage and in costs; (3) that an account be taken of such damage with the assistance of merchants; (4) such further and other relief as the nature of the case may require.

The defendants by their statement in defence in effect alleged as follows: (1) That the defendants are the owners of the screw steamship "Norwalk" of about 881 tons register of the port of Mt. Clemens being in the United States of America, and having a crew of fifteen. (2) That the "Norwalk" was proceeding on its voyage up stream from Quebec to Detroit on the evening of the 23rd October, 1907, having passed out of the Lachine Canal at about ten minutes to six o'clock in the evening; that the night was dark but clear, and the regulation lights on the "Norwalk" were duly exhibited and burning brightly and a good lookout was being kept on board her. (3) That she arrived at a point in the cut in Lake St. Louis a little below No. 2 lightship when a tug, subsequently proved to be the "Glide," appeared in sight, and from her lights, appeared to have a tow, although the lights