

propulsion is in itself much more dangerous to other craft or other persons using navigable waters than are the ordinary methods," and that the "cable and drum method of navigation and towing is illegal and improper," but there is no finding of the jury to support the allegation. It is also alleged and was proved that the respondent's nets were set out and properly buoyed and marked in accordance with the regulations of the Game and Fisheries Branch of the Public Works Department of Ontario.

The negligence charged is that "the alligator and tow of logs . . . were so carelessly and negligently and unskillfully navigated or handled . . . as to cut and completely destroy" the respondent's nets, "together with all buoys, floats, leads, and tackle belonging to them." . . .

According to the undisputed evidence, the appellant was engaged in towing a boom or raft of logs and ties by the means mentioned in the statement of claim. The operation at the time the injury was done to the nets was in charge of an employee of the appellant named Edward Inwood, and he was assisted by two others, named Edward Butts and Thomas Quinn. The tow was being taken into the southerly end of Red Gut Bay through narrows called Pine Narrows. There is an island called Pine Island lying almost directly in front of the narrows and about half a mile south-west of it, and there are two channels into the bay, one to the east and the other to the west of the island.

The westerly channel is that which is used after passing from the narrows, but the easterly one was taken by Inwood, because, as he testified, owing to a north-west wind he could not take the raft through the westerly channel. . . .

The injury to the nets was done between 6 p.m. and midnight of the 22nd July, 1913, but at what hour the witnesses were unable to say, and it was done when the raft was coming into the narrows. As I understand the evidence, an anchor was put out in the water in front of the alligator, and upon an attempt being made to wind the cable to which the anchor was attached it was found that the anchor did not hold. The cable was then let go, and either then, or in taking it to the shore of the island to attach it to a tree, it caught the nets and destroyed them.

The proper conclusion upon the whole evidence is, I think, that the westerly channel was invariably used in the towing of rafts. . . .

There is no pretence that any look-out for nets was kept or that any care was taken to avoid injuring any that might be