canal the collision must have taken place. The "Plummer's" beam is about 37 feet; and, assuming her being, as stated, about 8 or 10 feet over the centre line, her stem would be a little within her starboard side of the canal, and the wound on her being about 10 inches from her stem on her port bow, and the "Dorothy's" beam being about 27 feet, and the wound on her being about 6 or 8 inches from her stem on her port bow, are facts which justify the conclusion that the collision must have taken place about or on the centre line of the canal, and that neither vessel was keeping wholly within her own water. For it has been well said that "the wound made by a collision is one fact which outweighs all other evidence as to locality or speed,—it cannot be argued or explained away." And, as I find, this conclusion warranted by the evidence, it follows that the "Plummer" was also in fault in not complying with the rule of the road quoted above which requires that, "In narrow channels, every steam vessel shall, when it is safe and practicable, keep to that side of the fair way or mid-channel which lies on the starboard side of such vessel." The normal width of the canal is 164 feet, and the width at the bottom is said to be about from 100 to 120 feet—thus giving a sufficient water space of from 50 to 60 feet to each steamer to pass the other within her own water.

The sailing rule above quoted was considered in The "Unity," Swab. 101—the case of a vessel coming midway down the channel of the river rather south inclined to the south. Dr. Lushington, quoting the rule of the road, and commenting on the expression "whenever it is safe and practicable," said: "What is the meaning of these words? I apprehend it to be where there is no local impediment of any kind, no difficulty arising from the peculiar formation of the channel itself, no storm, no wind, or anything of that kind occurring. Then the obligation continued to keep to the starboard side, and no consideration of convenience, no opportunity of accelerating the speed, none whatever, can justify a disobedience of this statute."

And in The "Fanny M. Carvell," 13 App. Cas. 459, the Judicial Committee of the Privy Council held that the infringement of the rule "must be one having some possible connection with the collision"—thus throwing upon the party guilty of the infringement the burden of shewing that it could not possibly have contributed to the collision. Proof of that kind has not been given, nor does it seem possible.