

LONG MARINE HEARING

(Continued from page 2.)

Some Expert Evidence.

When court was opened this morning at 9:30 o'clock, Mr. King put in his expert evidence, Capt. Booth, of the steamer Toronto, was the first witness called. Mr. King asked him if, when the Kingston and Caspian backed out from the yacht, the yacht was lying in front of the big boat before the two had got into their courses, what would he think of the action of the captain of the yacht in so doing.

"There is no law to prohibit the yacht from backing out but I think it was a very poor judgment," said the witness. "When he did so he should have warned the other steamers that he was backing out."

The question and answer were objected to by Mr. Young, as it was taking the main issue out of the case from the proper tribunal and giving them to a witness. The objection was noted by the judge. Witness said if he had not given danger signal when backing out, and the Caspian whistled and the yacht did not wish to let him pass, he should have given the danger signal by short blasts of the whistle. With a short blast of the whistle, the Caspian could go ahead. Witness said it was not possible for such damage to be done to the Caspian by the Magedonia, unless the latter were moving astern and going enough against the yacht to inflict the damage done. Witness said it was not reasonable for anyone to gather that the signal of the Caspian was to the Kingston, and if the yacht did not answer the signal by backing out, and the Caspian came straight along on her course. Witness said to Mr. King, that if the Magedonia was moving astern and still did not answer the signal, the Caspian could do nothing else but think that all was right and go ahead. If the Caspian had stopped and backed her engines the damage might have been far greater, as the yacht would have got in front of the wheel and the yacht might have been sunk. The questions asked by Mr. King caused many tilts between counsel.

Under cross-examination by Mr. Young, witness said that the captain of the yacht should have either answered the signal of the Caspian or given another signal. "If the captain of the Magedonia thought the signal was for the Kingston, on her port side, he would have blown the same signal as he did then. In explaining the answer he gave to Mr. King, that the yacht used judgment, he said that it was natural that he should have waited, as the larger steamers were leaving on regular time, and were bound to make the turn. But the yacht might also have been ordered out, and he had a perfect right to back out, but he should have blown a danger signal to warn the other steamers that he was coming.

"If the captain of the Caspian did not think there would be a collision, and the captain and crew of the yacht thought the same, what could have been done that was not done to avert the collision?" asked Mr. Young. "Nothing could have been done," said the captain. "Somebody made a mistake."

"Then might the captain of the Caspian not have been much to blame as the captain of the yacht?" "Yes," replied the captain; "either might have erred, but I do not think it was the master of the Caspian, as he had given the signal that he was coming to port."

Witness quoted many rules from the book regarding the moving, passing and signalling of steamers. In reply to his lordship, witness said that the Magedonia should have kept out of the way, and the Caspian should have gone on, on her course.

Mr. King asked a few more questions, throwing more light on some answers given by the witness before he was allowed to go, after which the King said that this closed his case with the exception of Capt. Esford's evidence. The latter is away in Buffalo.

The first witness called by Mr. Young was Captain Frank Johnson, of the steamyacht Magedonia. The witness said he had been in charge of the Magedonia for seven years. The yacht was built nine years ago and had been with her ever since, only two seasons. He said on the day of the collision he arrived at Kingston with his wharf just after the collision and had been just after the collision and had been with her ever since, only two seasons. He said on the day of the collision he arrived at Kingston with his wharf just after the collision and had been just after the collision and had been with her ever since, only two seasons.

Witness described the movements of the steamers after the collision, and the fact that he waited around the harbor for about three-quarters of an hour before going to Brockville.

Witness then produced the bills paid for material and work to repair the damage done to the yacht by the collision. It amounted to about \$200 in all, without the work of the crew.

Witness also said that he had been in schools where there were lectures given on collisions, and it was well known that it would be absolutely impossible for anyone on the Caspian not to know of the collision if the yacht had struck her. Yet the man on the bridge did not know of the accident until told of it. Witness also said that if the yacht had been backing up and struck the steamer, far more damage would have been done, as the yacht is new and steel and the Caspian is old and the yacht has gone into her woodwork.

The captain was still on the stand when court adjourned for lunch at 12:30 o'clock.

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stern, this the steamer struck him in the stern, In describing the way the boats came together, witness said the Caspian struck the yacht in the stern.

Witness described the movements of the steamers after the collision, and the fact that he waited around the harbor for about three-quarters of an hour before going to Brockville.

Witness then produced the bills paid for material and work to repair the damage done to the yacht by the collision. It amounted to about \$200 in all, without the work of the crew.

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