

Case No. 389.

THE ANGLIA.

[7 Ben. 190.]¹

District Court, S. D. New York.

March, 1874.

COLLISION WHILE COMING INTO DOCK—STRENGTH OF HAWSER.

A tug was sent in to the far end of a slip, with a hawser, to aid in hauling in a steamship which was backing into the slip. The motion of the steamship was intended to be checked by a spring line, but it parted, and the steamship backed into the tug and injured her: *Held*, that the steamship was responsible for the strength of the line, and was liable for the damages.

In admiralty. This was an action brought by the owner of the tug A. G. Cattell, to recover for the damages occasioned to her by a collision between her and the steamer Anglia, which occurred while the Anglia was backing into her place alongside of a pier in the North river. The libel alleges that the tug was employed to take a hawser from the steamer and carry it up the dock, and did so, the steamer backing in at the time; and that the steamer backed in so fast and so far, although hailed to stop, that the tug was unable to escape, but was crushed by the steamer's stern. The answer denied any negligence on the part of the steamer, and alleged that the tug was herself negligent, in that, although she knew the steamer was going to back in. she went in herself directly astern of the steamer, instead of going in under her quarter, so as to be out of the way. [Decree for libellant.]

W. R. Beebe, for libellant.

Henry Nicoll, for claimants.

BLATCHFORD, District Judge. The tug went in behind the Anglia, as the latter was backing in, at the direction of the dock superintendent of the line to which the Anglia belonged, to carry to the wharf the hawser from the Anglia. There was nothing improper in her doing so, although the Anglia was all the time backing in. It clearly appears, from the evidence, that the Anglia would not have come back against the tug if the spring line by which the movement astern of the Anglia was being checked had not parted. The Anglia is responsible for the parting of that line. The tug was in a position in the rear of where the stern of the Anglia would have been if she had not, from the parting of the spring line, gone back to a distance greater than was necessary or customary to enable her to lie in her proper and usual berth with reference to the outer end of the pier. The Anglia must be held responsible for the damage, and there must be a decree for the libellant, with costs, with a reference to a commissioner to ascertain the damages sustained by the libellant.

¹ [Reported by Robert D. Bendict, Esq., and Benj. Lincoln Bendict, Esq., and here reprinted by permission.]