

**Case No. 821.** THE BALTIC. [2 BEN. 98;<sup>1</sup> 7 INT. REV. REE. 77.]

District Court, S. D. New York.

Jan., 1868.

COLLISION AT PIER—BACKING—LOOKOUT.

1. Where a steam vessel attempted to make a landing at a pier next to a ferry slip, and backed out, after having gone in bow on, and the wind and tide swept her stern towards the ferry slip, and she continued backing until she came in collision with a ferryboat, which was coming into the slip and had slowed as soon as she saw the other steamboat backing, and had stopped and backed as soon as she had reasonable ground for apprehending a collision: *Held*, that the ferryboat was free from fault;

[Cited in *The Servia*, 30 Fed. 506; *The Greenpoint*, 31 Fed. 232; *The Cement Rock*, 38 Fed. 765.]

2. That the other steamboat was in fault in backing as she did, having no person on her after deck to look toward the direction in which she was backing.

{In admiralty. Libel by the United States against the ferryboat Baltic for damages resulting from a collision. Dismissed.}

Ethan Allen, Asst U. S. Atty., for libellants.

B. D. Silliman, for claimants.

BLATCHFORD, District Judge. This is a libel filed by the United States, as the owners of the steamboat *Flora*, against the steam ferryboat *Baltic*, to recover for damages caused by a collision which took place between the two vessels, on the 19th of December, 1863, about half-past one o'clock in the afternoon, in the harbor of New York, about 300 yards distant from the Barge office dock, at the foot of Whitehall street. The *Flora* was attempting to make a landing at the westerly side of pier No. 1, East river, being the pier at the extreme east end of the Battery. The tide was strong flood, running from west to east, and the wind was blowing strong from the westward. From some cause, either because she missed her landing, and was in danger of being carried against the end of pier No. 1, by the force of the wind and tide, or because she desired to make room for another vessel which was at pier No. 1 to get out the *Flora* backed out, after having gone in bow on and got her stem within the end of the pier. The wind and tide swept her stern to the eastward, and she kept her stern way on, with her engine in motion working backward, until she came in collision with the *Baltic*, which was on her regular trip from Brooklyn to her slip at the foot of Whitehall street, New York. The *Baltic* did everything she was bound to do, by slowing to half speed, and then stopping, and then backing, to avoid the collision. That she did not do more, as, for instance, that, instead of stopping at once, the moment she saw the *Flora* backing, at a distance off which then was perhaps half a mile, she slowed to half speed, was no fault on her part. She could have had no reason to suppose, and was not bound to suppose, that the *Flora* would keep on backing so as to make a collision probable. She slowed to half speed the moment she saw the

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movement of the *Flora*, and she stopped and backed as soon as she had any reasonable ground for apprehending that a collision was

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imminent There was nothing in view from the Baltic as a cause for the backing of the Flora, and nothing to indicate that there was or would be a necessity for the Flora to back to the extent she did. But, with the wind and tide such as they were, the slowing of the Baltic was a proper precaution. There having been no fault on the part of the Baltic, a decree dismissing the libel must, of course, be entered. But in addition to this, the evidence shows reckless carelessness on the part of the Flora. She appears to have blindly backed out into the harbor, with no person on her after deck to look towards the direction in which she was backing, and give signals from that part of the vessel, and no person on the lookout anywhere, and no person anywhere on her deck, except one man in her pilot house, whose attention was directed towards objects at the westward in the Hudson river. No reason is shown for her backing as far as she did. AH the damage she suffered by the collision was the consequence of her own careless navigation. A decree will be entered dismissing the libel.

<sup>1</sup> Reported by Robert D. Benedict, Esq., and here reprinted by permission.]