

Case No. 4,278.  
[8 Ben. 162.]<sup>1</sup>

THE EDGAR BAXTER.

District Court, S. D. New York.

June, 1875.

COLLISION AT A PIER—TOWBOAT AND TOW—PILOT.

The steam propeller E. B., having a vessel alongside, while bringing her to a pier, ran her against a steam-tug which was lying at the pier, and did damage. The motions of the E. B. were directed by a pilot in the employ of, and on board and in charge of, the vessel in tow. *Held*, that the E. B. was not liable for the damages.

This was a libel in admiralty by the owners of the steam-tug G. H. Notter, to recover damages for a collision. The libel alleged that the Notter was lying at a pier in the East river, when the Edgar Baxter came there with a schooner in tow alongside, to put her in at the pier; and that the Baxter negligently ran the schooner against the Notter. The answer of the Baxter alleged that the Notter was herself in fault in the matter, and, moreover, that all the movements of the Baxter were directed by a pilot on board of, and in the employ of and in charge of, the vessel which she had in tow.

Beebe, Donohue & Cooke, for libellants.

Butler, Stillman & Hubbard, for respondents.

BLATCHFORD, District Judge. The evidence shows that the movements of the propeller were under the direction of a pilot who was on board of, and belonged to, and was in the employ of, the schooner. The tug furnished only the motive power, while the guidance of the two vessels, considered as one in their relations to other vessels, the schooner being lashed alongside of the tug, was under the direction of the schooner, through such pilot. Under those circumstances, the tug is not liable for the damage complained of in this case, and the libel must be dismissed, with costs.

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