

Case No. 4,309.
[9 Ben. 20.]¹

THE E. H. COFFIN.

District Court, S. D. New York.

Jan., 1877.²

COLLISION IN EAST RIVER—STEAMERS ON CROSSING COURSES—WHISTLES.

1. The tug S. J. C. was going down the East river, on August 21st, 1874, bound for the North river. The tug E. H. C. was coming from the North river into the East river, heading toward Harbeck's stores in Brooklyn. The E. H. C. blew one whistle, and got no answer, but kept on her course. Soon after she blew another single whistle, and gave four bells and backed hard. The S. J. C. blew two whistles as soon as she saw the E. H. C, and then gave four bells to stop and back. The S. J. C. was injured by the collision, and was beached on Governor's Island. *Held*, that the courses of the two tugs were crossing, and it was the duty of the S. J. C. to keep out of the way of the E. H. C, and of the E. H. C. to keep her course.
 2. Although the E. H. C. got no response to her first signal of one whistle, she had a right to keep on.
- [Cited in *The Emma Kate Ross*, 46 Fed. 874.]
3. The pilot of the S. J. C. did not see the E. H. C. as soon as he should have seen her, or as soon as the E. H. C. saw the S. J. C.
 4. The E. H. C. was not in fault.

The E. H. COFFIN.

This action was brought by the owners of the tug Samuel J. Christian, to recover damages resulting from a collision with the tug E. H. Coffin, in the East river, on August: 21st, 1874. The libel alleged that the Christian was headed down the East river towards the North river, there being a tow outside of her, headed the same way. When opposite pier 5, the Coffin was seen off pier 2, bound on a course which would have carried her inside of the Christian. The Christian blew two whistles, which was answered by one. The Christian stopped and "backed, and, when opposite pier 4, the Coffin, having kept on under full headway and continuing to increase her distance from the dock, struck the Christian on the starboard side of her stem.

The answer alleged that the Coffin was proceeding slowly up the East river, heading toward the Harbeck stores, in Brooklyn; that, when about 500 feet off pier 2, the Christian was seen off pier 6, heading down stream, on a course which would have carried her inside of the Coffin. The Coffin blew one whistle, which was not answered. There was a large tow about 50 feet abreast of the Coffin on the starboard side, also bound up the river. The Christian then suddenly sheered to the Brooklyn side, across the Coffin's bows. The Coffin was then stopped and backed, but a collision took place.

Beebe, Wilcox & Hobbs, for libellants.

R. D. Benedict and A. Stewart, for claimants.

BLATCHFORD, District Judge. I think that the weight of the evidence is that the courses of the two tugs were crossing. Therefore, it was the duty of the Christian to keep out of the way of the Coffin, and the duty of the Coffin to keep her course. Although the Coffin got no response to her first signal of one whistle, yet she had a right then to keep on, for she had a right to suppose that she was seen by the Christian, And that the Christian would, in season, take measures to avoid her; and her signal of one whistle was an indication that she was intending to do what the law required her to do, that is, keep her course and not change it. When the Coffin saw that the Christian was not taking proper measures to avoid her, the Coffin blew another single whistle, and gave four bells and backed hard. After blowing the second single whistle the pilot of the Coffin heard a signal of two whistles from the Christian. The pilot of the Christian says that he blew those two whistles as soon as he saw the Coffin; that, after that, he heard one whistle from the Coffin; and that then he gave four bells for the Christian to stop and back. It is quite clear that the pilot of the Christian did not see the Coffin as soon as he should have seen her, or as soon as the Coffin saw the Christian, and that accounts for the Christian's not in time taking proper measures to keep out of the way of the Coffin. I see no fault on the part of the Coffin. The libel must be dismissed, with costs.

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

² [Affirmed in Case No. 4,310.]