

Case No. 8,784. MCFADDEN V. THE ILLINOIS.
[N. Y. Times, Sept. 19, 1857.]

Circuit Court, S. D. New York.

Sept 18, 1857.

COLLISION—WITH DOCK—TOW—NEGLECT TO MIND HELM.

{Appeal from the district court of the United States for the Southern district of New York.}

The libel in this case was filed by the owner [William McFadden] of the barge Davis Archer, to recover damages occasioned by the

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barge being run into a flock while in tow of the steamboat. The court below declared the steamboat free from fault, and dismissed the libel, from which decree the libelant appealed.

Mr. Cutting, for appellant.

Mr. Van Santvoord, for appellees.

NELSON, Circuit Justice. We are inclined to agree with the court below that the proofs are as strong, if not stronger, that the injury to the tow happened through the neglect of the master of the barge in not attending to his helm in season, as to any improper management of the tug. We think there was nothing in that necessarily leading to the collision if the master of the tow had ported his helm in time. Decree of the court below affirmed.