

or capable of being seen by those on board of the *Nellie Floyd*, and the latter were, both prior to that time and during all that time, exercising proper vigilance, watchfulness, and attention in looking for some light upon the *Royal Arch* down to the time of the collision.

(6) The red light of the *Nellie Floyd* was seen from the *Royal Arch* three-quarters of a mile off, about three points off her starboard bow. Nothing was done on board the *Royal Arch* to avoid a collision until it was too late, although the courses of the vessels were such, if continued, as to render a collision inevitable. After the red light of the *Nellie Floyd* was discovered from the *Royal Arch*, there was time enough before the collision for the *Royal Arch* to change her course, and avoid a collision, by putting her helm hard down, provided the *Nellie Floyd* should keep her course. The *Royal Arch* kept her course until just before the collision, when she attempted to alter it so as to avoid a collision, but there was then not sufficient time for her to make a successful change.

And on the foregoing facts the circuit court found the following conclusions of law:

(1) The *Royal Arch* was improperly navigated, in that she did not have her regulation side lights, and especially her green light, properly and brightly burning, and for that reason she was the sole culpable cause of the collision. It was her duty to keep her course, as she did, on seeing the red light of the *Nellie Floyd*. It was the duty of the *Nellie Floyd* to avoid the *Royal Arch*, but she was relieved from such duty by the failure of the *Royal Arch* to exhibit any light which those on the *Nellie Floyd* could see before the collision; and their ignorance of the course of the *Royal Arch*, until it was too late for the *Nellie Floyd* to do anything to avoid the collision, was excusable, and was produced by such fault of the *Royal Arch*. (2) The *Nellie Floyd* was, in every respect, properly and carefully navigated, and in nowise caused, or tended to cause, the collision. (3) The decree of the district court must be reversed, and a decree be entered for libelants, for their damages, with interest, and their costs in the district court and in this court; such damages to be ascertained by a reference in this court.

Owen & Gray, for the *Nellie Floyd*.

Goodrich, Deady & Platt, for the *Royal Arch*.

Accompanying the foregoing findings was the following opinion:

BLATCHFORD, Justice. The district judge, in his opinion,¹ states that after a careful examination of the testimony, and with some hesitation, he has arrived at the conclusion that the collision was attributable "to the omission to keep a careful lookout on the *Nellie Floyd*, and not a failure on the part of the *Royal Arch* to exhibit the lights required by law." The testimony was, none of it, taken in court before the judge, but all of it by deposition out of court. In this court there has been added to the proof for the libelants the deposition of the master of a vessel which was sailing on the same course with the *Nellie Floyd* at the time, and just behind her; and who, though using

¹The opinion of the district court was as follows, (filed March 1, 1884):

BENEDICT, J. After a careful examination of the testimony, and with some hesitation, I have arrived at the conclusion that the collision in question must be attributed to the omission to keep a careful lookout on the *Nellie Floyd*, and not to a failure on the part of the *Royal Arch* to exhibit the lights required by law. The libel against the *Royal Arch* must therefore be dismissed, and the libel against the *Nellie Floyd* sustained. The prevailing party must recover his costs.

his opera-glass, saw no light on the Royal Arch, when the latter was approaching in such a position that her green light ought to have been seen by him, as well as from the Nellie Floyd, if it had been a proper light. On the whole evidence, I must pronounce for the Nellie Floyd.

THE CITY OF COLUMBUS.

BOSTON & SAVANNAH STEAM-SHIP CO. *v.* BROWN and others.

FAUCETT, Adm'r, *v.* BOSTON & SAVANNAH STEAM-SHIP CO.

BROWN *v.* SAME.

(*District Court, D. Massachusetts.* December 3, 1884.)

1. LIMITATION OF LIABILITY OF SHIP-OWNERS—REV. ST. § 4283—PERSONAL INJURY AND LOSS OF LIFE.

Section 4283 of the Revised Statutes, limiting the liability of ship-owners for any loss or damage occasioned or incurred without the privity or knowledge of such owners to the amount of the interest of such owners in the vessel and her freight, extends as well to claims for personal injuries suffered by passengers, and for loss of life of passengers, whether arising under the general law of admiralty, or under federal or state statutes, as to claims for embezzlement, loss, or destruction of property, goods, and merchandise.

2. SAME—STAY OF SUITS FOR DAMAGES.

Pending a determination of the question of such liability under section 4283 of the Revised Statutes, the prosecution of suits for damages against the owners, whether in the court where such proceedings are pending or in the state courts, will be stayed.

3. SAME—INSURANCE ON VESSEL AND FREIGHT—SURRENDER TO CLAIMANTS.

Insurance effected by the owners on the vessel and her freight is not an "interest in such vessel and freight" which they are bound to surrender for the benefit of the claimants, within the meaning of Rev. St. § 4285.

In Admiralty.

These cases were heard together, as involving the same questions of law, arising out of the stranding and sinking of the steam-ship City of Columbus off Gay Head, Martha's Vineyard, January 18, 1884. After the loss of the steam-ship, the Boston & Savannah Steam-ship Company, as owner thereof, filed in this court, February 18, 1884, a libel to limit its liability under Rev. St. § 4283, claiming limitation for all losses to the value of its interest in the vessel and pending freight after the loss. Upon this libel, appraisal of the value of such interest in vessel and freight was ordered and had, and thereupon the company gave proper stipulation to pay the amount into court whenever ordered, as provided by admiralty rule 54. The court then issued a monition to "all persons claiming damages for any loss of life or property, or destruction, damages, or injury, by reason of, or caused by, or arising out of, said striking on the rocks, stranding,