

as fit to encounter the ordinary contacts with other vessels to which she was necessarily exposed in this harbor; and I must treat it as negligence in her owners to navigate her amid ice, and to expose her to the increased hazards arising therefrom, without special notice to other vessels approaching her to keep away on account of her weak condition. *The Syracuse*, 18 FED. REP. 828. I allow the canal-boat, therefore, but one-half of the damages arising from her injury in the slip. The injury from the spiles, when she broke loose from the parting of her lines at Hoboken, arose from an independent act of negligence in the use of lines insufficient to hold her in place. That was in no way the natural, necessary, or immediate consequence of the previous injury in the slip, or of her necessary transfer to the flats at Hoboken. The injuries at Hoboken are too remote to be fairly attributed to the leak caused in New York, and no recovery, therefore, can be had for those. *Grand Trunk Ry. Co. v. Griffin*, 21 FED. REP. 733. It is difficult to understand how the floating spiles at Hoboken could be driven through the side of the canal-boat in the manner described by the witnesses; but this circumstance seems to confirm the evidence of the weak condition of the boat.

At the trial full proof was not taken of the extent of the damages. From what appears it is probable that the damages to the canal-boat, arising from the injury at the Fifty-first street slip, would not exceed, including towage and the delay for repairs, \$200. To avoid further expense in so small a matter I will allow the libelant to take a decree for \$100, with interest from March 8, 1881, with costs; except that if either of the parties be dissatisfied therewith, they may take the usual order of reference to ascertain the exact damage, at the risk of paying the costs of the reference, unless a more favorable recovery be had.

THE ALASKA, etc.

(*District Court, S. D. New York. November 23, 1884.*)

1. COLLISION—VIGILANCE—STEAMER TO STOP AND BACK—FLASH-LIGHT—NEGLECT—DAMAGES DIVIDED.

Navigation at a very high rate of speed imposes upon a steamer the duty of proportionately increased vigilance, and the avoidance of every alternative in navigation which involves or increases the risk of collision. Where there is risk of collision with a sailing vessel, the burden of proof is upon the steamer to justify her departure from rule 21 in not stopping and backing, or else she must be held in fault. The steam-ship A., 500 feet long, steaming W. by S. at the rate of 20 miles an hour, when off Nantucket came in collision about 60 feet from her stern with the bow of the brig C., sailing close-hauled about S. The A.'s lights were seen from the brig at a considerable distance. On the steamer, though three officers were on the bridge and two men on the lookout, the brig's red light was not seen until about a minute before the collision. The brig's witnesses testified that a torch-light was exhibited at her waist from 3 to 10 minutes before the collision; the steamer's witnesses testified that no

torch-light was seen until the steamer's bows had passed the brig's stern; held, without determining the fact as to the time the flash-light was exhibited, that the brig's red light being more than one point in range for more than two miles previous to the collision, the fact that it was not seen by so many persons on the steamer who were on the watch for such lights was sufficient proof that the red light was defective; and the steamer having starboarded when the brig's red light was seen at least three-quarters of a minute before the collision, and kept on at full speed, instead of stopping and backing, as rule 21 requires, it appearing that by backing the collision might have been avoided, that the steamer was also in fault, and the damages should be divided.

Collision.

Owen & Gray, for libelants.

Beebe & Wilcox, for claimants.

BROWN, J. At a little before 10 p. m. on Saturday, the twenty-eighth of May, 1882, the steam-ship Alaska, bound for New York, when off Nantucket, about 20 miles south of the South Shoal light-ship, in passing ahead of the brig Castalia carried away the latter's jib-boom, bowsprit, and head-gear. This action was brought to recover for these damages. The night was clear, dark, and good for seeing lights. The wind was light,—about W. S. W.,—and the sea somewhat rough. The Alaska was 525 feet long by 50 feet beam, and 5,500 tons register. She had been previously sailing upon a course W. by S., (true,) and was making from $17\frac{1}{2}$ to 18 knots, or upwards of 20 statute miles, per hour. The Castalia was a full-rigged bark, 140 feet long, loaded with ice, sailing close-hauled by the wind on her starboard tack, and at the rate of about three or four knots, upon a course, according to her testimony, of S. $\frac{1}{2}$ W. by compass.

The testimony on the part of the brig is to the effect that the steamer's white mast-head light was seen some 15 or 20 minutes before the collision; afterwards her red light, a little forward of abeam on the port side; that at this time no danger of collision was apprehended; but that as she approached nearer and hauled a little further forward she seemed to be bearing for the brig, and that a flash-light was then procured and exhibited at the brig's waist some six or eight minutes before the collision, and kept constantly burning. On the part of the steamer, the testimony of the three officers who were on the bridge, and of one of the men on the lookout, is to the effect that no light from the brig was seen until very shortly before the collision, when her red light was seen from one to two points off the steamer's starboard bow; that the steamer's helm was immediately put hard a-starboard in order to go ahead of the brig; that under this starboard helm the steamer swung only $1\frac{1}{2}$ points to port, so as to be heading S. W. by W. $\frac{1}{2}$ W. at the moment of collision, when her starboard quarter, about 60 feet from her stern, came in contact with the jib-boom of the brig, as above stated. The captain, who was on the bridge in command, was towards the port side when he first saw the brig's red light, and, as he testifies, he instantly gave the order to starboard, and at the same time received the report of the red light from the lookout. He testifies that he at once went to the starboard