

THE CITY OF CHESTER.<sup>1</sup>  
 RUTTER *v.* THE CITY OF CHESTER.

*District Court, E. D. New York.*      April 7, 1886.

COLLISION—STEAM-BOAT AND TUG—CONFUSION  
 OF LIGHTS—LOOKOUT—NEGLIGENCE.

Where two tugs bound from the East river into the North river, in New York harbor, were approaching the steam-boat C., in the night, one at a course to pass outside of the steam-boat, and the other inside; and the steam-boat apparently confused their lights, and so sheered in, under the supposition that there was but one tug approaching, and so collided with and sank one of the vessels: *held*, that more careful attention on the part of the steam-boat would have prevented the mistake, and also the collision, for which the steamboat was held liable.

In Admiralty.

*Carpenter & Mosher*, for libellant, James H. Rutter.

*Wilcox, Adams & Macklin*, for claimants.

BENEDICT, J. I am unable to discover how the fact that the *Alice* carried two vertical lights in addition to her side lights was a fault conducing to this collision. Her vertical lights were seen, and her side lights ought to have been seen. If due attention had been paid 320 by those on the *City of Chester*, they would have discovered the *Alice* coming towards the North river on a course inside of theirs, and would have held their course, instead of sheering in to the New York shore, as they did, under the supposition that a single boat was approaching, and outside of them. The explanation of the collision is doubtless this: The *Alice* and the *Eagle* both left the pier in the East river, one soon after the other. Both these tugs were bound into the North river, and both, after leaving their pier in the East river, rounded about to gain a course for the North river. The *Eagle* went down outside of the *Alice*. The *City of Chester* was

seen by both of the tugs to be approaching them from the North river. The Eagle took a course outside of the City of Chester, and passed her safely on the outside. The Alice took a course inside the City of Chester, and was sunk by the City of Chester, because of a sheer by the City of Chester towards the docks, and upon the Alice, then inside of her. There are many things in the testimony indicating that the City of Chester, although she may have at first seen the vertical lights of the Alice as she says, afterwards confounded those lights with the lights of the Eagle, which was passing outside, and so sheered in, under the supposition that there was but one tug approaching, and that on a course outside, when the fact was that there were two tugs approaching, one outside and the other inside of her. More careful attention on the part of those on the Chester would have prevented this mistake, and also prevented the collision.

The libelant must have a decree.

<sup>1</sup> Reported by R. D. & Wyllys Benedict, Esqs., of the New York bar.

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