

THE CEPHALONIA.
FOOTE *v.* THE CEPHALONIA.
FELTY *v.* CUNARD S. S. CO., LIMITED.
GREENE, ADM'R, ETC., *v.* CUNARD S. S. CO., LIMITED.

Circuit Court, E. D. New York.

July 15, 1887.

COLLISION—STEAMER AND TUG—OVERTAKING VESSEL.

The tug Glen Island, while proceeding down the bay of New York, was overtaken and run down by the steam-ship Cephalonia, of the Cunard Line. The tug was sunk, and several lives were lost. Prior to the collision the tug did not alter her course. On suit brought against the steam-ship to recover for the loss of life and property, *held*, that the Cephalonia, as the overtaking vessel, was bound to have avoided the tug; that the fact that she blew whistles in time to enable the tug to get out of her way was no excuse for the collision; and that she was solely responsible for the collision.

Butler, Stillman & Hubbard and *Hyland & Zdriskie*, for libelants.

Carpenter & Mosher, for Oliver Greene. *Owen & Gray*, for Cunard S. S. Co., Limited.

The decree of the district court in the above cases (29 Fed. Rep. 332) affirmed but entry of the decree in the case of *Greene v. Cunard S. S. Co.* suspended, to await the decision of an appeal taken by the respondent in the suit of *Felly v. Cunard S. S. Co.*, provided such appeal be taken and perfected within 30 days after the entry of a decree in this court in said suit.