

THE KANAWHA.¹
HIGGINS AND OTHERS *v.* THE KANAWHA.

Circuit Court, E. D. New York.

August 17, 1887.

COLLISION—STEAMER AND SCHOONER—CHANGE OF COURSE—EVIDENCE.

As a schooner was approaching New York harbor, she was run into and sunk by the steamer. The schooner's witnesses testified that from the time the steamer's lights were sighted, the schooner's course was never altered until the collision, and that her red light was continually exhibited to the steamer. The evidence for the K. showed that the green light of the schooner was first seen a little on the steamer's port bow, whereupon the latter ported; that, when the schooner's light had come to bear over the starboard bow of the steamer, the schooner ported, and this change of helm brought her under the bows of the K. *Held*, that the schooner was alone responsible for the collision.

Frederick Dodge, for libelants and appellants.

R. D. Benedict, for claimants and appellees.

The opinion of the district court in this case (28 Fed. Rep. 329) affirmed without opinion.

¹ Reported by Edward G. Benedict, Esq., of the New York bar.