

CARPENTER *v.* THE CLINTON.¹

District Court, E. D. New York.

May 12, 1888.

TOWAGE—STRANDING—NEGLIGENCE.

On the evidence, *held*, that the grounding of libellant's boat was not caused by negligence of the tug, and the libel should therefore be dismissed.

In Admiralty. Libel for damages.

The libel alleged that libellant's canal-boat, which had been loading at a dock at Eaton's Neck, L. I., had been taken out into the stream by the propeller Clinton; that in so doing the canal-boat had been run aground by the propeller. The answer averred that the Clinton was taking the canal-boat out carefully, when the propeller herself ran aground; that thereupon a line was passed from the canal-boat to her consort in the stream, and she began to warp the remainder of the distance; but by the negligence of those on the canal-boats the line became fouled, and the boat went ashore. The answer further averred that the propeller's service was gratuitous.

Carpenter & Mosher, for libellant.

Jas. P. Albright, (F. A. Wilcox, advocate,) for claimant.

BENEDICT, J. I am unable to conclude from the evidence in this case that the grounding of the libellant's canal-boat was caused by negligence in the management of the tug proceeded against. The libel must therefore be dismissed, and with costs.

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