

SERVISS *v.* THE CHATTAHOOCHEE.

*Circuit Court, E. D. New York.*

June 29, 1889.

SHIPPING—LIABILITY OF VESSEL—NEGLIGENCE OF STEVEDORE.

A stevedore, who had finished loading coal on a steamship from a canal boat along-side, took the canal-boat's line to a steam winch on the steamer to draw the canal-boat astern of the steamer. The latter's propeller was in motion, and the stevedore gave no orders to have it stopped, nor did he direct the men on the canal boat to keep her away by poles. The propeller drew in the canal-boat, cut a hole in her, and sank her. The stevedore was an employe of the steamer. *Held*, that when the stevedore undertook to move the canal-boat up the slip he assumed the responsibility of her navigation, at least until she was fully clear of the steamer's side, and for his negligence the steamer was liable. Affirming 37 Fed. Rep. 153.

In Admiralty. On appeal from the district court, 37 Fed. Rep. 153.

Libel by Deborah A. Serviss against the steam-ship Chattahoochee, for damages by sinking libelant's canal-boat. From a decree in favor of libelant, with an order of reference to ascertain the amount of damage, claimant appeals.

*Rice & Bijur*, for appellant.

*Hyland & Zabriskie*, for appellee.

BLATCHFORD, Justice. I concur in the views of the district court in regard to this case. 37 Fed. Rep. 153. Let a decree be entered for the libelant for \$581.22, with interest from June 12, 1888, and for the costs of the district court, taxed at \$103, and for the costs of this court, to be taxed.