

THE MOHAWK.¹
HARRIS *ET AL.* *V.* THE MOHAWK.

District Court, E. D. New York.

April 9, 1890.

1. COLLISION—FOG—PERILOUS NAVIGATION—EAST RIVER.

Tugs which navigate the East river in dense fogs do so at their peril.

2. SAME—DERANGED COMPASSES.

The tug *M.* was *held* in fault for entering a dense fog in the East river, knowing, as she did so, that her compasses were out of order.

In Admiralty.

Hyland & Zabriskie, for libelants.

Goodrich, Deady & Goodrich, for claimants.

BENEDICT, J. This is an action for damages received by the tug *Howard Carroll* while lying at the end of a dock, pier 7, in a dense fog, by being run into by the tug *Mohawk*. At the time of the collision the *Mohawk* was moving at a speed of about three miles an hour, directly upon the New York piers. The collision is to be attributed to the fault of the *Mohawk* in this, that she was navigating the East river in a dense

THE MOHAWK.¹HARRIS et al. v. THE MOHAWK.

fog without a compass on board. At the time of the collision she was utterly ignorant of her position, supposing herself to be in the middle of the river, when in fact she was steaming some three miles an hour, head on, to the New York piers, and close to them. Her testimony shows that she discovered her compass to be out of order before she went into the fog. Upon such a discovery it became her duty to keep out of the fog, as she might have done, for there was then no fog above the bridge where she then was. Aside from the failure to have a compass it was, in my opinion, a fault on the part of the Mohawk to go into the fog. She struck the fog at the Brooklyn bridge. She could have tied up at some pier in that neighborhood, instead of which she attempted to pass down across the mouth of the ferry slips, and so lost her bearings, and came in contact with the Howard Carroll. Tugs navigating the East river in such a fog as this was do it at their peril. The libelants must have a decree, with a reference to ascertain their damages.

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