

THE ROCKAWAY.¹
THE SEABOARD.
LOMBARD *ET AL.* V. THE ROCKAWAY.
BRENNAN *ET AL.* V. THE SEABOARD.

District Court, E. D. New York.

October 1, 1890.

COLLISION—STEAM-VESSELS CROSSING—UNWARRANTED BACKING.

The steam-boat R. was going through the Kill von Kull, bound for New York, on a course some 500 feet off the New Jersey shore. The propeller S. had been lying at a dock on the New Jersey shore, and started to back out into the stream, and across the course of the R., as the latter approached. The S. gave no signal to indicate her intention, and continued to back almost to the moment of collision. The R. backed as soon as the intention of the S. was seen, but the vessels came together. *Held*, that the collision was the fault of the S.

In Admiralty. Cross-suits for damages caused by collision between the steam-boats Rockaway and Seaboard.

The steam-boat Rockaway was going through the Kill von Kull, bound for New York, some 500 feet from the New Jersey coast. The tug Seaboard, lying at a pier on the New Jersey shore, attempted to back out as the Rockaway approached, but gave no signals of such intention. The Rockaway reversed and backed as soon as the intent of the Seaboard was discovered, but a collision followed.

Goodrich, Deady & Goodrich, for the Seaboard.

Whitehead, Parker & Dexter, for the Rockaway.

BENEDICT, J. The collision which gave rise to this suit was, in my opinion, caused by the fault of the tug in backing directly under the bows of the steam-boat, then approaching in plain' sight, without any signal having been given the steam-boat to show an intention on the part of the tug to back across her bow. I see no fault on the part of the steam-boat. There was no time after the intention of the tug to cross the bows of the steam-boat was manifest for the steamer to do more than she did. The libel against the Rockaway must be dismissed, and in the action against the Seaboard there must be a decree for the libelant, with an order of reference.

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