

MCCREERY *v.* THE JESSIE RUSSELL.

Circuit Court, D. New Jersey.

September 25, 1890.

COLLISION—STEAM AND SAILING VESSEL.

The lighter Barbara was coming down the North river, her sails filled from the starboard side, intending to go as near the Battery as was safe, and into the East river. A tug and sloop were discovered pointing up the river, and towards the New York shore. Just before the collision the sloop starboarded her helm to go about, and struck the tug, which, to avoid damage, went ahead at full speed and struck the lighter in her starboard bow, sinking her. The lighter would have cleared the sloop. *Held* that, as all the lighter had to do was to hold her course, the tug was liable for the collision. Affirming 38 Fed. Rep. 624.

In Admiralty. On appeal from district court. See 38 Fed. Rep. 624.

John Griffin, for claimant and appellant.

Hyland & Zabriskie, for libelant and appellee.

BRADLEY, Justice. I am entirely satisfied with the decree made by the district court in this case, and adopt the findings of fact proposed by the libelant, appellee, and also the first, third, and fourth conclusions of law proposed by him. Let a decree be entered against the steam tug Jessie Russell, in favor of the libelant, for the sum of \$663.84 with interest from the 24th day of December, 1889.

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