

THE TRANSFER NO. 4.¹
SNOW *v.* THE TRANSFER NO. 4.

District Court, E. D. New York.

November 11, 1890.

COLLISION—STEAM AND SAILING VESSEL—CHANGES OF COURSE.

The tug Transfer No. 4, with a car-float on her port side, left Harlem river in the night, bound for Jersey City. The tide was ebb. She took the usual course on such a tide, crossing from the upper point of Blackwell's island to the Long island side, and went down the channel on that side. A schooner was coming up the middle of the channel, with a fair wind. As she neared the tug, she ported, ran to within 100 feet of the Long island shore, and collided with the tow. *Held*, that the cause of the collision was the schooner's change of course, and the tug was not liable.

In Admiralty. Suit recover damages caused by collision.

Peter S. Carter, for libelant.

Page & Taft and *R. D. Benedict*, for claimant.

BENEDICT, J. The collision which gave rise to this action, and which resulted in the sinking of the schooner Aaron Snow by the tug Transfer No. 4, is plainly attributable to the fault of the schooner in not holding her course, as required to do by law. The libel must therefore be dismissed, and with costs.

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