

In Admiralty. Libel for collision. Decree for libelant.

C. T. & T. H. Russell, for the Freddie.

Carver & Blodgett, for The Nellie Clark.

NELSON, District Judge. This is a libel filed by John R. Finley, owner of the lobster boat Freddie, against the schooner Nellie Clark for collision. The collision occurred in Broad sound, in Boston harbor, on the afternoon of June 21, 1891. By the collision the Freddie was completely destroyed, with her outfit. The weather was fine, and the wind light. The Nellie Clark was bound out, and was sailing closehauled on the starboard tack. Her contention is that the Freddie was under way, closehauled, on the port tack, and that she therefore had the right of way, and the Freddie was bound to keep clear of her. The claim of the libelant is that his boat was at rest, attached to a trawl anchored to the bottom. This is the only issue in the case, and I find it in favor of the libelant. That his boat was fast to the trawl is sworn to by the libelant, and by the man who was with him in the boat, and they are confirmed by a witness who was in a boat a short distance away. It is admitted that there was no lookout on the Nellie Clark, and I am convinced that the accident happened through the failure of the men in charge of her to see the boat in season to avoid her. The boat was in plain sight, and there was no excuse for not seeing her. The value of the boat and fittings was proved to be \$200, and the libelant is entitled to a decree for that amount. Decree for the libelant for \$200 and costs.

THE ESSEX.

(District Court, D. Massachusetts. May 26, 1892.)

COLLISION—SAIL VESSELS BEATING—STARBOARD AND PORT TACKS.

Two schooners, the B. and the E., were close hauled on the starboard tack. The time was night, the weather clear, and lights could be seen plainly. The E. went about on the port tack, and afterwards collided with the B. Her claim was that the B. had run across her bow before she had recovered headway after tacking. *Held*, on the evidence, that the E. had recovered her headway, and, being on the port tack, was bound to avoid the B. on the starboard tack, and hence was liable for the collision.

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C. T. & T. H. Russell, for libelant.

Edward S. Dodge, for claimant.

NELSON, District Judge. This is a libel filed by the master of the schooner Edward Blake of Lockport, Nova Scotia, in behalf of the owners of the vessel and cargo, against the fishing schooner Essex, of Gloucester, in this district, in a cause of collision. The collision occurred on the 12th of October, 1890, at about 8 o'clock P. M., near the entrance of Shelburn harbor, in Nova Scotia. Both vessels were beating

into the harbor against a head wind, for shelter, the weather outside being squally and threatening. As they entered the channel leading up to Shelburn, both were close hauled on the starboard tack, the Essex being the following vessel, and her position being to the leeward of the Blake. The Essex, being the faster vessel, passed the Blake, and when near the western shore of the channel came about on the port tack, and soon afterwards ran into the Blake, striking her on the port side at about a right angle, the latter having kept on her course, and not having as yet changed her tack. It is claimed on the part of the Essex that the Blake ran across her bow before she had gathered headway after tacking. This is disproved, not only by the testimony of the men on the Blake, but also by the extent of the injury inflicted on the Blake. She was cut down to below the water line, and her whole side broken in, so that she filled rapidly, and was beached to save her from sinking. The preponderance of the evidence is strongly in favor of the contention of the Blake that the collision occurred near the mid-channel, and after the Essex had recovered her headway and was going at a considerable speed. The Blake, being on the starboard tack, then had the right of way, and it was incumbent on the Essex, being close hauled on the port tack, to avoid her. The weather was clear, and the lights of the Blake could be seen plainly, and her presence was in fact known to those in charge of the Essex. No excuse for the collision is shown on the part of the Essex. Decree for the libellant.

THE SARAH THORP.

THE AMERICA.

THAMES TOWBOAT CO. *v.* THE SARAH THORP.

ALLEN *et al.* *v.* THE AMERICA.

(Circuit Court of Appeals, Second Circuit. February 16, 1892.)

COLLISION—STEAM VESSELS MEETING—LIGHTS—HELM.

The steamer S. T. and the tug A. met at night in Long Island Sound. The A. alleged that she saw all the lights of the steamer about a mile away, and ported; that, not losing the steamer's green light, she blew one whistle, and again ported; that, hearing thereafter two whistles from the steamer, she blew alarm whistles, and reversed. The steamer alleged that she saw only the green light of the tug; that she starboarded to pass under the stern of a sailing vessel; that thereafter she heard two whistles from the tug, and further starboarded, and her two whistles were repeated; that, though she shortly afterwards saw that the A. was coming to port, she kept on at full speed, her only chance to avoid collision, by that time, being to get across the bows of the tug. The latter hit the steamer on her starboard side about amidships. The court finding, on the evidence, that the vessels were meeting end on, or nearly so, *held*, that the failure of the steamer to appreciate the relative positions of the vessels, and her consequent starboarding, were the causes of the collision, for which, therefore, the steamer was in fault. 44 Fed. Rep. 637, affirmed.

In Admiralty. Appeals from decrees of the district court of the United States for the district of Connecticut, sustaining the libel of the owners