

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

of the *America* against the *Sarah Thorp*, and dismissing the libel of the owners of the *Sarah Thorp* against the *America*. 44 Fed. Rep. 637. The owners of the *Sarah Thorp* appealed from both decrees to this court. Affirmed.

*James Parker*, for the *Sarah Thorp*.

*Samuel Park*, for the *America*.

Before WALLACE and LACOMBE, Circuit Judges.

PER CURIAM. We agree with the conclusions of the district judge that the vessels were meeting end on, or nearly so, and that the *Thorp* failed to appreciate the situation by reason of her effort to avoid the sailing vessel, a maneuver which placed her in danger of collision with the *America*. The new testimony as to the usual courses of boats such as the *America*, when coming up the Sound under like conditions of wind and tide, does not seem to us to warrant the rejection of her positive testimony that she passed near Stratford point. The course sworn to by her master is not unreasonable, harmonizes with subsequent events, and would bring the vessels into view of each other, end on or nearly so; moreover, the testimony from the *America* is corroborated by the independent witness from the barge in tow. The decree of the district court is affirmed, with costs.

---

### THE SOUTH BROOKLYN.

#### CASTLE v. THE SOUTH BROOKLYN.

(District Court, S. D. New York. April 25, 1892.)

#### **COLLISION—VESSELS AT PIERS—OBSTRUCTING FERRY SLIP—SAGGING.**

Where the evidence indicated that libellant's canal boat was projecting some 30 feet across the mouth of a ferry slip, contrary to the city ordinances, and the lights of the canal boat were hidden by a tug until the ferryboat was within 100 feet, and that the approach of the ferryboat was careful, and, after the lights of the canal boat were seen, the best that the ferryboat could do, in view of the locality and the tide, was to go ahead, and not stop and back outside of the slip, it was held that the ferryboat was not in fault for entering her slip, nor for the collision which ensued by the sagging of her quarter against the encroaching boats.

In Admiralty. Libel for collision.

*Hyland & Zabriskie*, for libellant.

*Burrill, Zabriskie & Burrill*, for claimants.

BROWN, District Judge. After dark on the 29th of October, 1891, a little before 7 o'clock P. M., as the ferryboat *South Brooklyn* was going into her slip between piers 2 and 3, East river, her stern was carried by the strong flood tide against a tier of five canal boats which had made a landing a few minutes before at the end of pier 3, whereby the stem of the libellant's boat, which was the outer boat in the head tier, was damaged by the braces of the ferryboat beneath her guards. The above libel was filed to recover the damage.