

the east side of the channel,—some of the witnesses say, were touching the bank. The manifest duty of the Lucy, an unincumbered steamer, in full control of her master and pilot, was to keep out of the way of the approaching tug and her heavy tow (The Syracuse, 9 Wall. 672), and to avoid the risk of collision. Master of the situation, she had the choice between the east and west sides of the channel. She chose the east side. The burden is on her to show that this was the only safe side. Compare Steamship Co. v. Rumball, 21 How. 372. The collision having occurred, she must show that she had taken every precaution for avoiding the risk of collision. This she did not do to the satisfaction of the court below, and has not done to the satisfaction of this court. The decree of the district court is affirmed.

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THE LITTLE SILVER.

THE GEORGE S. SCHULZ.

CLANCY v. THE LITTLE SILVER and THE GEORGE S. SCHULZ.

(District Court, S. D. New York. May 4, 1896.)

COLLISION—CROSSING COURSES—STEAMER—TUG AND TOW—STARBOARD HAND RULE—WHISTLES NOT HEARD—NEGLIGENT LOOKOUT.

The tug Schulz, crossing the North River to the eastward, towing a schooner upon a hawser of about 25 fathoms, having the swift steamer Little Silver on her starboard hand coming up river, gave the latter a signal of two whistles and attempted to pass ahead of her, when there was nothing to prevent her going to the right and astern of the steamer, as the rule requires. The signal was not answered or heard; both kept on, alarm whistles were sounded when near, and the steamer came in collision with the schooner, a tow of barges having crossed the river towards the westward just before the collision between the Little Silver and the S., obscuring the hawser for a short time: *Held*, both steamers liable; the S. for not keeping out of the way of the Little S., the privileged vessel, by going to the starboard, as she might have done, or by stopping in time; the Little S. for previous inattention to the Schulz and her tow and not avoiding her, as she might easily have done, after the inability of the Schulz to keep away was evident.

In Admiralty—Collision.

Stewart & Macklin, for libellant.

Cowen, Wing, Putnam & Burlingham, for the Schulz.

Carpenter & Park, for the Little Silver.

BROWN, District Judge. At about 11 a. m. of October 21, 1895, a bright clear day, as the libellant's schooner Amos Briggs, about 110 feet long, was crossing the North River from Communipaw Ferry, bound up the East River, in tow of the tug George S. Schulz, upon a hawser of about 25 fathoms, she came in collision with the steamboat Little Silver, a swift side-wheel steamer of light draft, which was on a trip from Monmouth, N. J., to West 12th Street, North River. The steamboat was making from 12 to 14 miles an hour. She got across the hawser between the tug and the schooner, and the bowsprit of the schooner was carried away with some other damage.

The Schulz had noticed the Little Silver coming up at a considerable distance and gave her a signal of two whistles, but re-

ceived no reply. When the vessels were 600 or 700 feet apart alarm whistles were blown, by the Schulz, which stopped and reversed. The pilot of the Little Silver did not hear the signals of the Schulz, nor did he notice the schooner in tow of the Schulz, nor slacken his great speed till quite near her. A tow of barges crossed to the westward, between the Little Silver and the Schulz and her tow a few moments before the collision, and the hawser to the schooner was not perceived until the barge had passed, and the Little Silver was within about 200 feet of the hawser.

Both the defendant boats are to blame for this collision. The Schulz, at the time when the necessity for precaution commenced, had the Little Silver on her own starboard hand, while the Schulz must have been on the Little Silver's port hand. There was nothing at that time to prevent the Schulz from going to starboard and passing astern of the Little Silver; or if she did not wish to go to starboard of the west bound tow, she would have passed astern of the Little Silver by slowing in time, as she might also have done. In giving the signal of two whistles to the Little Silver, she took the risk of their being heard by the latter, and of her acquiescence in a departure from the rules.

The Little Silver, though the privileged vessel, is also clearly to blame, because she was so easily manageable and might without difficulty have avoided the schooner after it was perfectly clear that the Schulz was not going astern of her, and was unable to avoid collision. The evidence shows that the Little Silver could come to a dead stop in advancing about 600 or 700 feet. When at that distance, it was self-evident that the Schulz with the schooner upon a hawser, could not avoid collision by anything the Schulz could do if the Little Silver kept on. It was the duty, therefore, of the Little Silver on perceiving that fact to reverse. Had she done so, the collision would have been avoided. That she did not do this, is plainly in consequence of a deficient lookout, in not having perceived the schooner astern of the tug, as she ought to have seen her, long before the west bound tug intervened. The lack of a proper lookout was thus the real cause of the collision on the Little Silver's part. Each being to blame, both must be held answerable for the libellant's damages, with costs.

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THE GENERAL KNOX.

FLANNERY v. THE GENERAL KNOX.

L'HOMMEDIEU v. SAME.

CHAPMAN DERRICK & WRECKING CO. v. SAME.

(District Court, E. D. New York. May 4, 1896.)

SALVAGE—FIRE AT THE DOCK—FIRE DEPARTMENT—CLOSING PORTS.

Fire broke out in the hold of the ship G. K., which could only be put out by pumping her full of water. The libellant's boats arrived between 3:30 and 5:30 o'clock, a. m. and played streams until about 2 o'clock; but the chief work in filling up the ship was done by the Fire Department boats, Havemeyer and New Yorker, which arrived at about 4 o'clock a. m. At about 9 or 10 a. m. it was found the water was running out through some open ports below the water line, as fast as it was pumped