because such a movement would have brought her in collision with vessels on the outside of her. Such a state of facts might easily occur, and in such a case stopping would be the only method of avoiding collision with a vessel ahead coming out from the piers. Ability to stop within a reasonable distance is therefore a necessity to navigation, under such circumstances as are proved in this case. I entertain great doubt as to the truth of the assertion that there was no room for the American Eagle to avoid the steamer by porting; but, if she could not port, she was bound to stop. I find no fault on the part of the Babcock.

Let the libelant have a decree against the American Eagle, and let the libel be dismissed as against the Babcock.

THE WM. N. BEACH.[1]

DRAKE *v.* THE WM. N. BEACH.

(*District Court, E. D. New York.* June 22, 1886.)

COLLISION—FLOATING LOGS—ABSENCE OF LIGHT—PASSING TUG—ENTANGLING OF SCREW.

Libelant allowed logs to remain floating in the water along-side his derrick, with no light upon them. In the night the propeller of a passing tug, whose pilot had no knowledge of the presence of the logs, caught in the logs, whereby libelant's property was damaged. On suit brought against the tug for the damage, *held*, that she was not liable.

In Admiralty.

De L. Berier, for libelant.

E. D. McCarthy, for claimants.

BENEDICT, J. In such a locality as this, in the Harlem river, it was not negligence in the pilot of the William N. Beach to allow the stern of his boat to approach within 16 feet of the libelant's derrick, then fast to the shore. As the tide was, and as the tug was handled, it is plain that no injury would have been done to the libelant's property there, if the screw of the tug had not caught in some piles which the libelant had placed and allowed to remain floating in the water along-side his derrick. It was negligence in the libelant to leave these piles where they were when the tug's propeller was caught and stopped by them, and this negligence was the cause of the damages complained of. There was no negligence on the part of the tug in failing to see the piles floating in the water. No light had been placed upon them. The pilot of the tug had no knowledge of their presence, nor any reason to suspect their presence there.

The libel must be dismissed, with costs.

[1]Reported by R. D. & Wyllys Benedict, Esqs., of the New York bar.

The America.[1]

Moran *v.* The America.

(*District Court, E. D. New York.* June 22, 1886.)

1. Collision—Two Tugs—One at Rest Near Line of Piers—Attempt to Pass Inside—Fault.
   The tug M. was lying at rest in the East river, some 150 feet from the line of the piers, when the tug A., coming down the river, ported in an attempt to pass between the M. and the piers, and collided with the M. *Held* that, if the original course of the A. would have carried her outside of the M., the A. was in fault for porting. The A. insisted that her porting was when the vessels were close together, and collision was inevitable. *Held*, in that event, that the A. was in fault for not starboarding in time to pass outside of the M.; and, in either view, the A. was solely responsible for the collision.
2. Same—Vessel at Rest—Applicability of Rule 19.
   Rule 19 does not apply where the vessel having the other on her starboard hand is at rest.

In Admiralty.

Carpenter & Mosher, for libelant.

Biddle & Ward, for claimants.

Benedict, J. Under the existing circumstances, clearly proved, it was the duty of the America to pass under the stern of the Ida Miller, and not across her bow. I incline to the opinion that the course of the America, when the Ida Miller was seen by her, would have carried her astern of the Ida Miller, and that the immediate cause of the collision was a change from this course, effected by porting the wheel in an effort to pass between the Ida Miller and Pier 4. If such be the fact, the fault of the America which caused the collision was porting her wheel. But if it is true, as insisted in behalf of the America, that the porting of her wheel was when the vessels were close together, and collision inevitable, then, in my opinion, the America was at fault for not starboarding her wheel so as to carry her further out into the river, and astern of the Ida Miller, seen by her to have backed off Pier 4, and to be at rest in the river. Rule 19 is not applicable in a case like this. The Ida Miller came to a rest. When seen to be so at rest, common prudence on the part of the America, as it appears to me, would have prevented an attempt to pass astern of the Ida Miller, when, by holding her course, or, at most, by a turn of her wheel to starboard, she would have passed astern of the Ida Miller, and at the same time assumed her proper course in the river.

Let a decree be entered in favor of the libelant, with an order of reference to ascertain damages.

[1] Reported by R. D. & Wyllys Benedict, Esqs., of the New York bar.