

*Judgment of the Lords of the Judicial Committee  
of the Privy Council on the Appeal of The  
United Steam Tug Company v. Owners of  
the Steam Tug Beatriz (The Beatriz), from  
the High Court of Admiralty; delivered  
29th April 1873.*

Present :

SIR JAMES W. COLVILLE.

SIR BARNES PEACOCK.

SIR MONTAGUE E. SMITH.

SIR ROBERT P. COLLIER.

THIS is a suit brought by the owners of the "Brother Jonathan," a steam tug, against the owners of the "Beatriz," a steam vessel, for a collision which took place on the 25th March, last year, in the river Mersey. The accident occurred about five o'clock in the morning. It appears that the "Brother Jonathan" was lying at the Prince's Stage with her head to the north, and that she was about to cross the river for the purpose of towing another vessel which was on the opposite side of the river. The "Beatriz" was going down the river. The "Brother Jonathan," by means of her star-board paddle wheel, brought her head west by north, and she was about 100 or 150 yards from the Prince's Stage when she saw the "Beatriz." Assuming that she saw merely a white light and considered that the vessel was stationary she would have proceeded on her course to the opposite side of the river, but it appears to their Lordships that she must have seen, and did see almost simultaneously, the green light as well as the white light, and therefore that she must have known that the "Beatriz" and she were crossing vessels.

It is said that there was a defect of lights on the part of the "Beatriz" and that her green light was not a sufficient one; but it appears that, whether sufficient or not, the "Brother Jonathan" did see the green light, and therefore whether it was dim or bright when she saw it she must have known what was the course of the "Beatriz." Their Lordships think that the defect of the green light belonging to the "Beatriz" did not conduce to the accident in question. The speed, if there was any negligence in the rate at which the vessel was going was owing to the pilot and not to the owners of the "Beatriz." The "Beatriz" was bound by law to take a pilot on board, and the pilot had ordered the vessel to go at full speed, and the vessel was going at full speed in pursuance of his directions, but their Lordships see no reason to differ from the learned Judge of the Court below in thinking that the vessel was not proceeding at too fast a rate down the river.

It was further contended that there was not a sufficient look-out on the part of the "Beatriz," but it appears that the mate was on the forecastle, that the master was on the bridge with the pilot, and that the engineer was also on the bridge for the purpose of conveying orders to the men in charge of the engine. The pilot also, no doubt, was on the look-out.

Their Lordships, therefore, do not think that there is any reason to come to the conclusion that there was not a sufficient look-out on the part of the "Beatriz."

Then it is said that the "Beatriz" was wrong in putting her helm aport, and endeavouring to pass behind the "Brother Jonathan." Now there was room, their Lordships think, between the "Brother Jonathan" and the Prince's Stage for the "Beatriz" to pass behind her, and if the "Brother Jonathan" had continued her course

as it was her duty to do under section 14 of the Sailing Rules there would have been still more room for the "Beatriz" to pass astern of her.

Their Lordships therefore think it was the duty of the "Brother Jonathan" to continue her course, and that the "Beatriz" was right in putting her helm apart.

Under these circumstances, their Lordships are of opinion that the learned Judge of the Court below, who was assisted by the Elder Brethren of the Trinity House, came to a right conclusion; and their Lordships have also consulted the nautical assessors, whose experience they have had on the present occasion, and after consulting them they concur entirely in the decision of the Court below that the accident was occasioned solely by the negligence of the "Brother Jonathan."

Under these circumstances, their Lordships will humbly advise Her Majesty to affirm the decision of the Court below, and the Appellants must pay the costs of this Appeal.

