

LOOKS GLOOMY FOR B. ALTMAN

Owners of Bon Voyage Take Advantage of Law.

BIG DAMAGES IMPOSSIBLE

**LIABILITY LIMITED BY VALUE OF
THE BOAT AS SHE IS.**

As Craft Is Almost Total Loss Recovery in Damage Suits, Will Amount to Nothing.

The White Line Towing company, owners of the steamer Bon Voyage, which was destroyed by fire near Houghton May 9, yesterday took measures to avoid being sued for large damages on account of the losses of life and property incurred in the disaster, by filing a petition in the United States court for a limitation of liability. The result will be that B. Altman, who lost three members of his family, and all others who believe that they had claims for damages against the owners of the boat, will be able to recover practically nothing.

The law under which the action is taken is an old one and was passed by congress many years ago to encourage ship building. In brief it provides that owners of boats are not liable for damages beyond the value of the boat as she is. If a boat is partially destroyed by fire or from some other cause during a voyage, a petition may be filed in the United States court and the judge appoints appraisers to determine the value of what is left of the boat. The sum they decide the wreck is worth is then placed in the hands of the court and distributed among those entitled to it. If, however, a boat is entirely destroyed, the owner's liability ceases and the claimants receive nothing. The court also issues a restraining order that brings all pending suits against the owners to a halt and prohibits the starting of new ones.

As the Bon Voyage was destroyed to the water's edge it can readily be seen that claimants have a discouraging outlook.

In its petition to the court the company recites that at the time the vessel caught fire Captain J. P. Foley was in the pilot house and immediately sounded the alarm. He and the crew of the vessel, with others, did everything that could be done to extinguish the fire, but that it soon became evident that it could not be controlled or extinguished, whereupon the captain gave orders for the vessel to be turned towards the shore, which was done, and she was running shoreward at full speed when she struck bottom 300 to 500 feet out.

The company also asserts that the captain and crew of the vessel did everything in their power to assist passengers and save property, but notwithstanding their efforts four of the passengers were drowned and nearly all the baggage and freight were destroyed. The petition continues and says that the fire, damage to property and loss of life occurred without the privity or knowledge of the owner of the vessel, or their design, neglect or fault; that the Bon Voyage is a wreck and of but little value and that all the loss, damage and injury which already has or may hereafter appear to the vessel, cargo and passengers, has been occasioned by the circumstances set forth, and cannot now nor ought to be attributed to any insufficiency of the vessel, or to any fault or neglect of officers or crew.

For these reasons, therefore, the benefit of the limitation of liability is claimed and the appraisement of the remains of the boat asked. All persons having liquidation claims for loss, damage or injury, will be cited to appear and make proof of them in court.

Captain W. H. Singer, president of the company, signs the petition, and Davis, Hollister & Hicks are the attorneys.