

Case No. 598.

THE ATHALIA.
FRAW ET AL. V. THE ATHALIA.

{5 Adm. Rec. 295.}

District Court, S. D. Florida.

Nov. 2, 1854.

SALVAGE—COMPENSATION—APPORTIONMENT.

{Seven large wrecking vessels and several small boats, carrying in all 78 men, went to the assistance of a schooner which had run ashore on a Florida reef. All were employed to assist in saving the schooner and cargo, and spent four days (during which the sea was rough, and the schooner became a total loss) in saving and bringing into port the cargo, a portion of which they got by diving; and the aggregate value of the cargo and materials saved was \$41,756.41, of which the large vessels saved \$41,451.84, *Held*, that the large vessels should be allowed a salvage compensation of 30 percent of the value of the property saved by them, less costs and charges, and that the small boats should receive 50 per cent of what they saved.]

[Cited in *Baker v. Cargo and Materials of The Slobodna*, 35 Fed. 542.]

{In admiralty. Libel by Simeon Fraw and others against the cargo and materials of the schooner Athalia for salvage. Decree for libelants.]

Winer Bethel, for libelants.

William R. Hackley, for respondent

MARVIN, District Judge. This schooner, (Welton, master,) laden with an assorted cargo, and bound from New York to Appalachicola, on the night of the 19th of September last, ran ashore on that part of the Florida reef known as the "Western Dry Rocks," situated a few miles west of Sand Key. On the morning of the 20th the wrecking vessels Florida, Dart, Champion, Texas, Chesnut, Champlin, and Lafayette, carrying in all seventy-eight men, arrived at her assistance; and, the sea being rough, and the vessel badly ashore, and in immediate peril of total loss, they were at once all employed to assist to save the vessel and cargo. The vessel lay on the outside of the reef, exposed to the action of the sea, in eight and six feet water, her starboard bilge pressing on a rock lying nearly underneath her main chains. When the wreckers boarded her, she was leaking considerably, but still one pump could keep her free. They immediately carried out an anchor by which to heave her off; and, as the water was too shallow to allow any of their vessels to come along-side, they commenced boating cargo on board their vessels. The leak increased in a short time, so that two pumps could not keep her free; and, about five o'clock in the afternoon, she filled with water, careened over on her starboard side, and appeared to be bilged. She became a total loss. The wreckers took out the cargo, a portion of which, they got by diving, and brought it to this port. They were employed in this service four days. During a considerable part of the time, the weather was squally, and the sea rough. The entire cargo and materials were boated on board their vessels. The aggregate amount of the value of the cargo saved is \$40,771.83, and the value of the

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materials is \$984.58, making \$41,756.41, as the entire value of the property saved. Of this sum the seven large vessels saved \$41,451.84. Thirty per cent of this sum, less the costs and charges, is a reasonable salvage for these vessels and crews, and fifty per cent, to the small boats.