

2FED.CAS.—14

Case No. 646.

THE AUGUSTA.
SMITH V. THE AUGUSTA.

{2 Adm. Rec. 273.}

Superior Court, S. D. Florida.

May 29, 1839.

PILOTS—PILOTAGE IN NATURE OF SALVAGE—COMPENSATION.

{A brig which, with its cargo, was valued at \$12,000, got in among certain dangerous shoals, off the Florida coast, during very stormy weather, and came to anchor; and a wrecker in his vessel piloted her into port with considerable danger to himself and vessel. *Held*, that the wrecker should be awarded \$900 for pilot services in the nature of salvage, as such services, when rendered by wreckers under extraordinary circumstances, should be liberally rewarded.}

{Cited in *The Calcutta*, Case No. 2,298, and in *Curry v. The Loch Goil*, Case No. 3,493.}

{In admiralty. Libel by John P. Smith against the brig *Augusta* and cargo for pilot services in the nature of salvage services. Decree for libellant

{The brig and cargo, valued at about \$12,000, during very stormy and violent weather, got in among the Washerwoman shoals, and came to anchor; and libellant, in his sloop *Reform*, under circumstances of considerable danger to himself and sloop, piloted her to the port Key West.}

Charles Walker, proctor for libellant.

Adam Gordon, proctor for respondent

MARVIN, J. The libellant in this case is not entitled to salvage *eo nomine*, as salvage is only decreed for saving property exposed to certain and imminent marine perils, or for such perils as create a reasonable probability that if the property be not rescued by foreign assistance it will be lost. I am not satisfied in this case of the certainty of the perils. But the libellant is entitled to a liberal compensation for his services, and which should be so great as to induce the rendition of like services under like circumstances. I shall decree the sum of nine hundred dollars as a reasonable compensation to the libellant for his services; which is to be paid to the libellant in the molasses of the cargo, at the rate of 20 cents a gallon, duties paid; and the molasses may be redeemed by the master by his paying the salvage in money, or any part thereof, at the rate of 20 cents a gallon.

The clerk will make up the decree in form.