

Case No. 1,093.
[Bee, 201.]¹

BASS v. FIVE NEGROES.

District Court, D. South Carolina.

1803.

SALVAGE—MARITIME SERVICE—COSTS.

[1. Rescuing runaway slaves, destitute of food or water, adrift at sea, 60 leagues from land,

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in a stolen canoe, providing them with food, and bringing them safely to land, is an important maritime service, which, though not attended with great risk, will entitle the rescuer to one—tenth the value of the property saved.]

{2. In such a case the costs of the proceedings are not properly chargeable to the owner of the canoe, but should be paid by the owner of the slaves.}

{In admiralty. Libel by Captain Bass against five negro slaves and a canoe. McCall claims the canoe. Decree for libelant, with costs against the owner of the negroes.}

{BEE, District Judge.} It appears that these five negroes had been driven out to sea in a canoe, and that they were picked up by Captain Bass in lat 33, near the outward edge of the Gulf Stream, and about sixty leagues from land. They were destitute of provisions and water, and, according to the account given by the negroes, had been so for four days. Captain Bass went two or three miles out of his course to take them on board; and supplied them with provisions until he arrived with them in this port, fourteen days after he found them. There was no great risque in rendering this service; but it was very important in its effects, for, without it, these people would, probably, have perished. Their chance of meeting with vessels was small, and they could not have subsisted much longer without provisions and water. They were making, as they say, a West—India course, and could never have reached land without this, or some similar, assistance. The canoe and negroes may be valued at three thousand dollars. Every case of salvage must depend upon its own circumstances; but it is now agreed that courts ought always so to act as to afford encouragement to salvors In general. I have frequently, especially in cases of derelict, awarded one half of the property saved. At present, I shall be satisfied with decreeing one tenth. Let Captain Bass be paid that sum; and let the owner of of the negroes pay the costs, as it appears that they stole the canoe, which is the property of another claimant, Mr. McCall.

¹ {Reported by Hon. Thomas Bee, District Judge.}