

Case No. 2,582a. THE CHAMPION.
[N. Y. Even. Post, March 5, 1857.]

District Court, S. D. New York.

SALVAGE—BY PILOTS—TOWING ABANDONED VESSEL.

[Pilots who take charge of and tow into port an abandoned ship, at the request of the vessel which has been towing her, render pilotage, towage, and salvage service, and are entitled to a greater compensation than the usual pilotage fees.]

[Cited in *The Philah*, Case No. 11,091a.]

[In admiralty. Libel for salvage by Lane and others against the schooner *Champion*.]

W. Q. Morton, for libellants.

W. & B. Cutting, for claimants.

Before INGERSOLL, District Judge.

The schooner *Champion*, coming in collision with the brig *Arcadian*, was immediately abandoned by her crew, who went off to another vessel because the *Arcadian* had yellow fever on board. The *Arcadian* took the *Champion* in tow, and towed her towards New York for about twenty-three hours, when she was fallen in with by the libellants, who are pilots, and came to the *Arcadian* in answer to a signal for a pilot. They refused, however, to take charge of the two vessels for pilotage compensation, but put a pilot on board the *Arcadian*, and were willing to take charge of the *Champion* by herself. The master of the *Arcadian* accordingly cast her off, and the libellants took charge of her. The weather was favorable, and they towed her for twenty hours, and then employed a steamtug for \$70 to tow her to the city, which was about fifty-four miles.

HELD BY THE COURT, that the services rendered by the libellants were not of a salvage character, nor strictly towage, nor pilotage, but partake of the three qualities, and the authority of the court to recompense maritime services is not limited to any special denomination or classification within which they may be arranged. That, when the schooner was cast off by the *Arcadian*, she stood in respect to the libellants as if then first fallen in with by them requiring towage and nothing more. That the libellants were not bound in their character as pilots to take charge of the *Champion*. They could render

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her no aid simply as pilots. That a proper compensation for the labor, exposure and cost incurred by them, is the foundation upon which their reward must be computed, and that \$20 per hour is such compensation. That they are also entitled to their regular pilotage. When a pilot is called to and undertakes the business of towage, he is not bound to become pilot also of the vessel relieved.

Decree for libellants for \$550, with legal outside pilotage and costs.