

Case No. 2,795.

THE CLARION.

[Brown, Adm. 74.]<sup>1</sup>

District Court, N. D. Ohio.

March, 1859.

JURISDICTION—HAULING OFF STRANDED VESSEL.

Admiralty has jurisdiction of a suit to recover for services of a tug in hauling off a vessel aground, though the same do not amount to a salvage service.

In admiralty. Exceptions to libel for services rendered by libellants' tug John Owen to the brig Clarion, aground upon St. Clair flats, in towing her off the flats and into Detroit river, in October, 1857.

Willey & Carey, for libellants.

Basset & Kent, for claimant.

WILLSON, District Judge. Exceptions were filed to the libel in this case upon the ground that the services set forth were not of a maritime character, and that this court has no jurisdiction. I am satisfied, however, they cannot be sustained. The services of a steam tug, in hauling off a sailing vessel aground, are of a very meritorious description; if the vessel were aground upon a lee shore, exposed to the open lake, they might amount to a salvage service. In any event, they could not be less meritorious than towage, and this court has already held, in the case of *The Acadia* [Case No. 24], that a lien exists for towage. I think the contract in this case is a maritime one, within the definition laid down in *De Lovio v. Boit* [Id. 3,776].

Exceptions overruled.

<sup>1</sup> [Reported by Hon. Henry B. Brown, District Judge, and here reprinted by permission.]