

THE RICHMOND.

[4 Blatchf. 84.]¹

Circuit Court, S. D. New York.

Sept. 9, 1857.

SHIPPING—SALE OF WHALING CARGO BY
MASTER—SALVAGE—SUIT FOR ADJUSTMENT.

On a libel for the adjustment of salvage, filed by the former owners of the cargo of a whaling vessel, which cargo, on the wrecking of the vessel at Behring's Straits, had been attempted to be sold by her master to the claimants, who brought it to New York and in whose possession it continued, this court, in awarding to the libellants the proceeds of the sale of the cargo by the claimants, after deducting salvage and freight, also allowed to them interest, from the date of such sale, on the amount awarded to them.

[Appeal from the district court of the United States for the Southern district Of New York.]

This was a libel filed in the district court against the cargo of the whaling ship Richmond, for the adjustment of salvage. The vessel was cast away near Behring's Straits, and her cargo of whalebone and oil was there attempted to be sold by her master to parties who brought it to New York. The former owners of the cargo filed the libel, claiming that the sale by the master was void, and that the property was still theirs, and that the parties claiming under the sale were entitled only to salvage. The district court upheld the sale and dismissed the libel. [Case No. 7,491.] The libellants appealed to this court, which declared the sale invalid, and reversed the decree of the district court, and awarded to the libellants the proceeds of the sale of the cargo by the claimants, after deducting one-half of it as salvage, with interest from the date of such sale, on the amount of the recovery. [Case unreported.] On an appeal to the supreme court (*Post v. Jones*, 19 How. [60 U. S.]

150), that court decided that, in addition to the salvage allowed to the claimants by the circuit court, there must be deducted from the proceeds of the cargo, the freight on it from the Sandwich Islands to New York. The mandate of the supreme court directed that the decree of the circuit court be reversed, and the cause remanded, with directions to have the amount due to each party adjusted according to the principles stated in the opinion of that court. That opinion was silent on the question of interest. On the coming down of the mandate, this court referred it to a commissioner to ascertain the amount due to the parties. His report allowed to the libellants interest, from the date of the sale by the claimants, on the amount awarded to them. To this allowance of interest the claimants now excepted.

Daniel Lord, for libellants.

Charles O'Connor, for claimants.

THE COURT overruled the exception and confirmed the report

{For a hearing on an action against that portion of the cargo brought by the ship Junior, see Case No. 7,492.}

¹ {Reported by Hon. Samuel Blatchford, District Judge, and here reprinted by permission.}

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