

Case No. 16,792a. UNITED STATES MAIL S. S. CO. V. THE JOHN POTTER.
[N. Y. Times, Jan. 29, 1855.]

District Court, S. D. New York.

Jan. 27, 1855.

SALVAGE—NAVIGATION OF INFECTED SHIP.

[Where a steamer deprives itself of its third mate in order that he may navigate a ship which has lost its officers through yellow fever, and the steamer is merely delayed half an hour, and otherwise, except that more work is imposed on the other officers, no loss is incurred, the third mate, who endangers his life by going on the infected vessel, and brings her safe to port, is entitled to the major part of the salvage allowed.]

This was a case of salvage, brought by the steamer George Law against the bark John Potter and her cargo. The bark had sailed from Havana bound to New York, and the day after she sailed her master was taken sick with the yellow fever and died. Her mate also died and one seaman, leaving the vessel without anyone on board who understood navigation. The bark fell in with an English vessel, bound up the coast. The vessel could not spare a navigator, but told the John Potter to keep along in her wake, which was done. On the 22nd of August the George Law hove in sight, whereupon a signal of distress was set on the bark, and the steamer ran down to her, and learning her condition, put on board of her the third mate, Mr. Wendell, to navigate her to New York. The mate was himself attacked by fever, and was severely ill, but succeeded in bringing the vessel to New York in safety. It was a question whether the fever which he had was the yellow or Chagres fever. The bark and her cargo was worth about \$16,000.

Clark & Rapallo, for libelants.

Beebe & Donohue, for claimants.

INGERSOLL, District Judge, said he did not think the question as to the kind of fever of much importance in determining the amount which should be paid to the mate. He knew that the bark was infected with the yellow fever, and that he was endangering his health by going on board, and he exposed himself to that peril for the benefit of the claimants. If he had the seeds of the Chagres fever in him, and was sick of that, he voluntarily deprived himself of all the medical aid which he could have on board the steamer, and that his service, therefore, was a very meritorious one, and should be recompensed as such. That the service rendered by the ship was technically a salvage service, but a very slight one. She was only delayed about half an hour; and owing to the absence of the third mate, there was some little inconvenience and extra labor imposed on the other officers of the steamer, but none on the crew.

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Under all the circumstances, a decree maybe entered for the libelants for \$1,000—to be divided as follows: To Mr. Wendell, the third mate, \$700; to the captain of the George Law, \$65; to the first mate, \$35; to the owners, \$200.