

THE PLYMOUTH ROCK, ETC.

*District Court, S. D. New York.*

June 12, 1882.

1. TOWAGE SERVICES—PASSENGER STEAMER.

To entitle a libellant to recover salvage compensation for towage services the claimant's vessel must be shown to have been in either actual or apprehended danger at the time the services were rendered.

2. PRACTICE—COSTS.

Where salvage compensation was claimed for towage services, and the answer admitted the claimant's liability for a reasonable towage compensation, the libellant recovered a reasonable sum for towage, without costs, and was adjudged to pay the United States marshal's costs.

In Admiralty.

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This was a libel filed by the master and owner of the steam-boat City of Richmond, to recover \$5,000 as salvage compensation for assistance rendered to the steam-boat Plymouth Rock, under the circumstances described in the opinion of the same court, reported in *The Plymouth Rock*, 9 FED. Rep. 413, 415, *et seq.*

*Lorenzo Ullo*, for libellant.

*Sidney Chubb*, for claimant.

BROWN, D. J. When the aid of the City of Richmond was requested by the captain of the Plymouth Rock, the latter, as I find upon the evidence, was neither in actual nor apprehended danger, being in tow of the *Germania*, which was fully able to take care of her. The request for aid was merely to expedite her passage and to take off her passengers for their more convenient landing. It is not, therefore, a case of salvage on the part of the City of Richmond.

The libellant is entitled to a reasonable sum for towage and taking passengers. If the parties do not agree, a reference on that point may be taken.

No costs up to this time are allowed, and the libellant should pay the disbursements on the arrest of the vessel. *The Sebastian Bach*, ante, 172.

NOTE. This case is a corrected report of the same case, found ante, p. 634, which was inserted inadvertently before the return of the corrected proof from the judge who rendered the decision.

Patents for Inventions—Automatic Devices.

BRIDGE v. EXCELSIOR MANUF'G Co., U. S. Sup. Ct. Oct. Term, 1881. Appeal from the circuit court of the United States for the eastern district of Missouri. The decision was rendered by the supreme court of the United States. Mr. Justice *Bradley* delivered the opinion of the court affirming the decree: Cam movements, and others of like character, producing simultaneous operations, according to the needs of the case, such as opening valves on a steam-engine, are in such common use that it requires but little invention to adapt them to a particular case; and, when used for an automatic device, the patentee is only entitled to the precise device which he has described and claimed in his patent.

Robert H. Parkinson, for appellants.

S. S. Boyd, for appellees.

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