

THE MARY GIBBS. SWAN AND OTHERS V.
STANDARD SUGAR REFINERY.

District Court, D. Massachusetts. December 4, 1884.

GENERAL AVERAGE—SPARS, RIGGING, ETC., CUT
AWAY TO SAVE VESSEL—LIABILITY OF
OWNERS OF CARGO.

The owners of a cargo are liable to contribute in general average for masts, spars, rigging, etc., cut away for the purpose of saving the vessel and cargo; the value of the material, in adjusting the loss, to be estimated as if it had been recovered from the sea and stowed in safety on board the vessel.

In Admiralty.

This was a libel in admiralty to recover a general average contribution by the owners of the brig Mary Gibbs against the respondent, 464 as owner of the cargo. The libelant claimed that while said brig was on a voyage from Sagua la Grande to Boston, with a cargo of sugar for the respondent, she was, on March 28, 1883, struck by a gale which carried overboard her jib-boom, part of the mainmast, foretop-mast, with all the spars, blocks, rigging, and sails attached, which, falling along-side the vessel, were held by the running and standing rigging, and began to beat heavily against the bottom and sides of the vessel, threatening to make a hole in the hull, and sink brig and cargo. The master thereupon, to save vessel and cargo, cut away these spars and rigging, and sails attached, and set them adrift, so that they were totally lost. The owners now claim to recover the value of these spars, sails, rigging, etc., so cut adrift, in general average. The respondent denied that cutting adrift such floating and wrecked spars and material was a general average sacrifice; and, if it was such a general average sacrifice, the respondent claimed they should be allowed for in

general average only, at their value in their condition and position at the moment they were cut adrift.

F. C. Dodge & Sons, for libelants.

C. T. Russell and *C. T. Russell, Jr.*, for respondent.

NELSON, J. The Standard Sugar Refinery, as owners of the cargo of sugar on board the brig Mary Gibbs, is liable to contribute in general average for the material composing the wreck cut away for the purpose of saving the vessel and cargo; the value of the material, in adjusting the loss, to be estimated as if it had been recovered from the sea and stowed in safety on board the vessel.

Interlocutory decree for libelant.

This volume of American Law was transcribed for use
on the Internet

through a contribution from [Google's Public Sector](#)

[Engineering.](#) 