

THE HARRIET S. JACKSON.<sup>1</sup>  
VIRDEN *v.* THE HARRIET S. JACKSON.

*District Court, E. D. Pennsylvania.*

June 28, 1887.

PILOTS—COMPULSORY PILOTAGE—EVIDENCE.

Where the evidence fails to show a refusal by the master of a vessel to accept the services of a pilot, whom, under the law, he was bound to employ, a libel filed by such pilot to recover the value of services, which were never rendered, will be dismissed.

In Admiralty.

*Henry Flanders*, for respondent.

*Henry Edmunds*, for libelant.

BUTLER, J. The evidence does not sustain the libel. It does not show that the master refused to take the libelant as pilot. On the contrary, it tends to show that he did not. The conversation between the parties (relied upon by the libelant) seems to have been half jocular. It leaves the impression that Mr. Virden was simply teasing the master respecting the question of pilotage, and that the master answered in the same vein, saying, "I will take you," while he knew that Mr. Virden, personally, would not go.

The libel must be dismissed, with costs.

<sup>1</sup> Reported by C. Berkeley Taylor, Esq., of the Philadelphia bar.