

HOWARD *ET AL.* V. THE ROSE AND CARGO.¹

District Court, E. D. New York.

April 7, 1888.

SALVAGE—COMPENSATION—TENDER—COSTS.

Where the tug-boat M. took the barge R. into the stream on the occasion of the breaking out of a fire on the Morgan Line pier in February, 1887, and thereafter the claimant of the barge made a tender of \$70 in payment of such salvage service, which tender was refused, and this suit begun, it was held that such tender was sufficient, and should have been accepted, and that the tug should not recover the taxable costs which had accrued since the filing of the answer.

In Admiralty. Libel for salvage.

Alexander & Ash, for libelants.

Julian B. Shope, for claimants.

BENEDICT, J. This is an action against a cargo of cotton on board the lighter Rose, to recover salvage compensation for the services of the tug Egbert Myers in towing the lighter Rose and her cargo out of the slip between piers 37 and 38 on the occasion of the fire on the morning of February 28, 1887, which destroyed pier 37. The claimants, in their answer, made a tender of \$70. This tender, in my opinion, was sufficient, and ought to have been accepted. Let a decree be entered in favor of the libelants for the sum of \$70, less the amount of taxable costs which have accrued since the filing of the answer.

END OF VOLUME 34.

¹ Reported by Edward G. Benedict, Esq., of the New York bar.