

THE ITALIA.<sup>1</sup>  
THE GELLERT.  
HAMBURG-AMERICAN PACKET CO. v. THE ITALIA

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

June 2, 1890.

SALVAGE—COMPENSATION—TOWING SHIP WITH BROKEN SHAFT.

Where the steam-ship I. became disabled at sea by the breaking of her tunnel shaft, and in such condition was towed for 750 miles, to the port of New York, by the steam-ship G., both vessels being of large value, and having valuable cargoes and many passengers on board, it was *held* that the G. should recover \$25,000 as salvage award for her services.

In Admiralty. Action to recover salvage.

The steam-ship Italia, bound from Hamburg to New York, broke her tunnel shaft while laboring in a heavy sea. The shaft was temporarily repaired, and the vessel continued slowly on her course at a speed of about three knots per hour. The weather at this time was favorable. The Italia's sails were of no practical use, and her shaft was liable to break again at any time, especially if the weather should become bad. She ran 234 miles in this condition, when she was overtaken by the steam-ship Gellert, also bound from Hamburg to New York. She was then about 750 miles from New York, and 320 miles from Halifax. In response to her distress signals, the Gellert came to her assistance, made fast to her by hawsers, and towed her to the port of New York; the service occupying about four days. The weather during the towing was at times stormy, and after the arrival of the vessels at New York the path over which they had come was swept by a succession of gales. The Italia was at no time completely disabled, but used her own steam-power and sails during the whole of the towage. Her value, with her cargo and freight, was \$473,421.88. She was carrying 220 passengers. The Gellert was worth \$400,000, and she had on board at the time of the service 461 passengers.

*Wheeler, Cortis & Godkin*, for libelant.

*Wing, Shoudy & Putnam*, for claimant.

BENEDICT, J. I am of the opinion that the facts presented show the rendition of an important salvage service to a vessel of large value, by which she was relieved from a position of peril. Upon the evidence, I am of the opinion that \$25,000 is a proper salvage reward for the services rendered. The salvage award is there fore fixed at that sum.

<sup>1</sup> Reported by Edward G. Benedict, Esq., of the New York bar.