

In behalf of the steamer it is claimed that her own appliances, which were also used, would, in fact, have been sufficient. This possibly might have been so had her men at first known the exact location and the extent of the fire, and precisely how best to deal with it. Those things, however, were not at first known, and all the appliances available were prudently called for, and made use of, as such fires are always more or less dangerous.

The value of ship and cargo was \$55,000, and the damage was comparatively small. Besides the supply of help above stated, there does not seem to have been any other help available. While these circumstances enhance the claims of the salvors, the fact that all these appliances were near the ship, and involved very moderate labor, and no danger, require but a moderate award to be given. The Polano was not called on to change her position, but merely to give the use of her steam pumps and hose to her neighbor on the other side of the wharf; while her own appliances without the hose obtained from the *Agencia Commerciale* were insufficient for effective service; and her officers and crew rendered very small aid.

Upon all the circumstances, I think \$2,100 will be quite a sufficient award, of which \$100 should be allowed the Moran, and \$1,000 each to the Polano and the *Agencia Commerciale*. Of the amount awarded to the Polano, one-fifth only will go to the officers and crew, of which \$50 should be paid to the master, \$40 to the chief engineer, and the residue to the other officers and crew in proportion to their wages. Decree may be entered in accordance herewith, with costs.

THE HUDSON.

THE THOMAS QUIGLEY.

THE JEREMIAH F. BARNES.

TICE et al. v. THE HUDSON et al.

(District Court, S. D. New York. May 13, 1895.)

SALVAGE—ICE—STANDING BY—PROOF OF BENEFIT.

Barges in Huntington Bay were in a situation of apprehended danger from ice in a sudden gale; the tug *C.*, upon request, stood by, and for 18 hours did various services in aid of the barges. *Held*, that the service was of a salvage nature, and presumably beneficial, and that absolute proof that the result would have been worse but for such help was not requisite; and upon a value of \$3,000, \$250 was allowed.

This was a libel for salvage filed by Charles O. Tice and others against the barge *Hudson* and the canal boats *Thomas Quigley* and *Jeremiah F. Barnes*.

Stewart & Macklin, for libelants.

Hyland & Zabriskie and Charles M. Hough, for the *Hudson* and the *Thomas Quigley*.

George A. Black, for the *Jeremiah F. Barnes*.

BROWN, District Judge. The service rendered to the respondents' boats by the libelants' tug Crossman, during the night of March 4, 1895, and the following day, was, I am satisfied, in the nature of a salvage service. The boats were made fast to a buoy about 200 feet off Godfrey's Canal, in the entrance to Huntington Bay. The Crossman was lying alongside for a harbor. During the night the wind shifted to the northwest, and blew very hard. A field of ice was driven down upon the boats, causing the buoy to drag, and the Hudson went ashore. The tug Golden Rule was in charge of the flotilla.

The evidence leaves no doubt that there was at that time considerable apprehension for the safety of the boats, and that the Crossman remained by during the night to render such assistance as might be needed. She acted in conjunction with the Golden Rule in attempting to take the tow across the bay during the night; and when that was found to be impracticable, they returned to the previous anchorage ground where for several hours the Crossman alone kept the flotilla away from the ice and the shore, although ultimately the Hudson again grounded. The following day, when the wind moderated, the Crossman took a part of the tow to New York. The fact of lying by during a period of apprehended danger, and rendering more or less service for the protection of the boats, is sufficient, within a number of adjudicated cases, to constitute this service of a salvage nature.

For the defendants it is contended, that inasmuch as the Hudson, notwithstanding the Crossman's efforts, grounded a second time, the Crossman's efforts were of no benefit. But this does not follow. The evidence indicates the probability that but for the Crossman's assistance the tow would have got aground several hours earlier, and in a situation more difficult to be extricated. Where services are rendered continuously for nearly 18 hours as in this case, with a view to the assistance of boats in a situation of apprehended danger, it is quite too much to say that in order to claim any salvage compensation, the party rendering the service must prove absolutely that the result would have been worse but for the service rendered. Such requirement would discourage assistance in many cases in which it ought to be rendered, and tend to prevent help which it is the policy of the law to encourage and to compensate, in accordance with the actual circumstances. The service rendered on request is presumably beneficial. In the present case, the evidence makes probable that the damage to the boats without the Crossman's assistance could not have been very great; and hence that only a moderate compensation should be allowed. The boats being valued at only \$1,000 each, I allow the Crossman \$250 for the three boats, with costs. Of the \$250, I allow \$150 to owners, \$25 to master, and divide the remaining \$75 among master and crew in proportion to their wages.

THE JOHN T. WILLIAMS.

THE R. J. MORAN.

BARNEY DUMPING-BOAT CO. v. THE JOHN T. WILLIAMS.

APPLEGATE v. THE R. J. MORAN.

(District Court, S. D. New York. June 11, 1895.)

COLLISION—TOW AND SAIL—WEARING ROUND—INATTENTION—LOOK OUT.

The schooner J. T. W. bound down the North river hauled stern first out of her slip, Jersey City, in the ebb tide, and her stern being swung down, she wore round, the wind being from the Jersey shore, and in doing so came in collision with a tow on a hawser from the tug M. going up in about mid-river. *Held*: (1) The W. was in fault for dilatoriness and inattention, in not effecting a reasonably speedy turn. (2) The M. was in fault for lack of sufficient attention to the slow turn of the W. and delay of effective efforts to haul away.

These were libels filed respectively by the Barney Dumping-Boat Company against the schooner John T. Williams, and by Ivans D. Applegate against the steam tug R. J. Moran, to recover damages resulting from a collision.

Carpenter & Park, for Barney Dumping-Boat Co.

Owen, Gray & Sturges, for the John T. Williams and the R. J. Moran.

BROWN, District Judge. I find that the schooner John T. Williams having backed out of the slip at the foot of Morris street in the ebb tide, naturally swung her stern down, and being bound out to sea with the wind about west-north west wore around so slowly that before she had got headed straight down she came in contact with the Barney Dumping-Boat Company's dumper, which was going up river in tow of the Moran on a hawser; that her navigation in wearing around in this manner was negligent, in that no good lookout was kept ahead, nor any pains taken to come around quickly, no attention being given to the management of the main sail, and all the crew being forward; and that there was no diligence in endeavoring to bring the ship around quickly, either by the captain or by the men forward; that the collision was about in mid-river; and that it is faulty and blameable navigation for a schooner to proceed in that manner, having reference to the custom of towing on a hawser, and the difficulty that tugs with such tows have in performing the duty of keeping out of the way of sailing vessels; and that, therefore, it was the duty of the sailing vessel to use reasonable and appropriate means to avoid careless and misleading navigation.

2. I find the Moran is in fault for not giving sufficient attention to the course of the schooner, which, had it been observed in time, would have been seen to threaten danger before she was within a few hundred feet of the Moran, when it was too late for the Moran to make any effectual maneuvers to aid her tow; that had the Moran observed the very slow coming about of the schooner in wearing around, she would have been able, as it was her duty, to