

Cranch, 240, 270. Nor can a passenger, unless "for extraordinary services, and the use of extraordinary means, not furnished by the equipment of the vessel itself, by which she is saved from imminent danger." The *Connemara*, 108 U. S. 352, 358, 2 Sup. Ct. 754; The *Great Eastern*, 11 Law T. (N. S.) 516. A salvor's title is incompatible with the existence of legal duty. We perceive no fact in the case in hand persuasive to entitle the appellant to reward for salvage service. However meritorious the service, it was rendered in discharge of a legal duty. There had occurred no abandonment of the ship "sine spe revertendi aut recuperandi," working annulment of his contract. Such abandonment, according to the law of salvage, must be in consequence of damage received and the state of the elements. Here the vessel was under arrest. Her detention might be of short or long duration, contingent upon being bonded by the owner, upon dismissal of the libel, upon satisfaction of the claim. The master remained on board in pursuance of his duty as master. There had been no dissolution of his contract by the act of parties or by operation of law. His duty thereunder continued and existed at the time of the rendering of the alleged salvage service. That service was in the line of his duty, and upon no principle can be comprehended within the law of salvage. The decree appealed from will be affirmed.

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THE ARCTIC.

CORNWALL et al. v. THE ARCTIC.

(District Court, N. D. New York. July 18, 1896.)

**MARITIME LIENS—ADVANCES FOR WAGES.**

One who, in the home port, advances money on the order of the master and the credit of the vessel, to pay mariners' wages, and thereby prevents the filing of a libel, and enables the vessel to proceed on her voyage, is subrogated to the rights of the mariners, and acquires a lien of the same rank.

This was a libel in rem by Cornwall Bros. and Walter Fox for materials furnished to the steam barge *Arctic* and for money advanced by libelants upon the order of her master to pay the wages of the crew of the *Arctic* while lying at her home port, Alexandria Bay, New York, within the Northern district of New York. The answers dispute so much of the claim of Cornwall Bros. as relates to the payment of the wages of the crew—in all \$61.38—and the entire claim of Fox, \$78.50. The respondent insists that the said sums were advanced upon the credit of the owner and master and not upon the credit of the barge, which was at her home port, and that the libelants acquired no lien therefor upon the barge.

Anson Harder, for libelants.

William J. Kernan, for respondent.

COXE, District Judge. The facts are undisputed. The sums in controversy were advanced to pay mariners' wages upon the order

of the master and credit of the barge. In the case of Fox the engineer was about to file a libel for his wages when Fox advanced the necessary sum, thus enabling the barge to proceed on her voyage. Mariners have always been regarded as under the special protection of the court. They are given a lien of the highest character for their wages by the law maritime,—a lien which takes precedence of nearly every other. The law seems to be well settled that, where money is advanced in circumstances like the present, the lender is subrogated to the rights of the lien holder and acquires a privilege of equal rank with the one which secured the debt which his money has advanced. The *Guiding Star*, 9 Fed. 521, affirmed 18 Fed. 263; The *Thomas Sherlock*, 22 Fed. 253; The *New Idea*, 60 Fed. 294; The *Dora*, 34 Fed. 349; The *Emily Souder*, 17 Wall. 666; The *William M. Hoag*, 69 Fed. 742. It follows that the libelants are entitled to decrees for the amount of their respective claims with interest and costs.

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THE ALAMO.

LEWIS v. ATCHISON.

(Circuit Court of Appeals, Fifth Circuit. June 9, 1896.)

No. 492.

1. SALVAGE SERVICES—STRANDING ON CORAL REEF—DEGREE OF DANGER.

A steamer stranded upon one of the Florida coral reefs is always to be considered as in a position of danger, as she is liable to go to pieces on the rocks upon the rising of the wind.

2. SAME—AMOUNT OF COMPENSATION.

Where a large steamer went fast aground on Maryland shoals (being part of the Florida coral reefs, 15 miles from the port of Key West), in such a position that she could only be taken off into the interior of the reef, and was got off and piloted out of the reef, uninjured, after some 24 hours' labor, through the aid of a tug and several sailing vessels under the charge of licensed wreckers, *held*, that an award of \$15,000, upon a valuation of \$500,000, was not excessive, and would not be reduced on appeal; it appearing that six loads of cargo, admeasuring some 300 tons, were taken out during a wind of from 15 to 18 miles an hour, with considerable danger both to the salvaging vessels, and to the lives of their crews.

Appeal from the District Court of the United States for the Southern District of Florida.

This was a libel in rem by Alfred Atchison against the steamship *Alamo* and cargo (James F. Lewis, claimant) to recover compensation for salvage services. The district court awarded the sum of \$15,000 to the salvors, and the claimant has appealed.

W. Mynderse, for appellant.

John D. Rouse and Wm. Grant, for appellee.

Before PARDEE and McCORMICK, Circuit Judges, and SPEER, District Judge.

SPEER, District Judge. The facts in this case are quite fairly and sufficiently set out in the opinion of Judge Locke, of the Southern district of Florida, which is as follows: