

fore ordered that, after the payment from the fund now in the registry of the court of the proper costs in this hearing, the balance be paid those who were the crew of the steam-ship City of Mexico, as appears from the pay-roll as filed herein, in the petition for seamen's wages, and the same be divided between them in proportion to the several rates of monthly wages therein stated.

THE HARRIET S. JACKSON.¹

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 libellant.

BUTLER, J. The evidence does not sustain the libel. It does not show that the master refused to take the libellant as pilot. On the contrary, it tends to show that he did not. The conversation between the parties (relied upon by the libellant) 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.

¹Reported by C. Berkeley Taylor, Esq., of the Philadelphia bar.

LEWIS and others v. SIXTY-FIVE PACKAGES OF MERCHANDISE.

MERRITT v. ONE CASE OF WOOL, etc.

(Circuit Court, E. D. New York. July 8, 1887.)

1. SALVAGE—DUTIES ON SALVED PROPERTY.

Where property is salvaged on the high seas, and brought by the salvors within the limits of the United States, the salvage claims are entitled to priority over the claims of the government for duties.

2. SAME—IMPORTED GOODS—CUSTOMS LAWS.

Goods so brought into the United States are not imported goods, in the sense of the customs laws, so as to necessarily attach the right to duties.

3. SAME—SALE OF SALVED PROPERTY.

But where the goods so brought within the United States, subsequently, by virtue of a sale, pass into consumption within the United States, an equitable right on the part of the government to be paid duties arises; not taking precedence, however, of the salvage claims.

Whitehead, Parker & Dexter, for William Lewis.

Geo. A. Black, for Israel J. Merritt.

Mark D. Wilber, U. S. Atty., for the United States.

The decree of the district court in the above case (30 Fed. Rep. 195) affirmed, without opinion.

THE WISCONSIN.

BERBE v. THE WISCONSIN.

(Circuit Court, E. D. New York. July 9, 1887.)

1. SALVAGE—PILOT AS SALVOR—AWARD.

Libellant, a pilot, was on board the steam-ship W., but had not taken charge when the vessel ran ashore. Thereafter he rendered assistance by suggestions as to getting her off, and by taking charge of her when she was floated in a rudderless condition. He incurred no risk, and was not called upon for any extraordinary exertion. Held, that he should recover \$1,000 salvage.

2. SAME—WHEN PILOT MAY BE SALVOR.

A pilot may be a salvor, although aboard the vessel, if he has not yet assumed the relation of pilot to her.

3. SAME—EXTRAORDINARY PILOTAGE SERVICES.

The statute of New Jersey (section 18 of the issue of 1846) relates to extraordinary pilotage services. A case of pilotage services necessarily presupposes the vessel capable of being navigated. So a pilot, rendering aid to an unnavigable vessel, is not bound by the above statute, and his services may be not those of a pilot, but of a salvor.

Whitehead, Parker & Dexter, for appellee.

Nash & Kingsford, for appellants.

The decree of the district court in the above case (30 Fed. Rep. 846) affirmed, without opinion.