

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.

BEBBE 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.

THE CAROLINA.

MCKENNA v. THE CAROLINA.

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

1. MARITIME LIENS—MACHINERY FOR DISCHARGE OF CARGO—DAMAGES.

A lien arises against a vessel for damages occasioned by failure to provide safe machinery for the discharge of her cargo.

2. SAME—PERSONAL INJURIES.

As a hogshead was being hoisted from the hold of the steam-ship Carolina, a guy-rope, belonging to the ship, and used for the hoisting, parted, and the fall of the hogshead injured libellant. The officers of the ship knew of the insufficiency of the rope. No fault could be attributed to libellant. *Held*, that he was entitled to damages against the ship.

Anson Beebe Stewart, for appellee.

Wheeler & Cortis, for appellant.

The decree of the district court in the above case (30 Fed. Rep. 199) affirmed, without opinion.

THE CEPHALONIA.

FOOTE v. THE CEPHALONIA.

FELTY v. CUNARD S. S. Co., Limited.

GREENE, Adm'r, etc., v. CUNARD S. S. Co., Limited.

(Circuit Court, E. D. New York. July 15, 1887.)

COLLISION—STEAMER AND TUG—OVERTAKING VESSEL.

The tug Glen Island, while proceeding down the bay of New York, was overtaken and run down by the steam-ship Cephalonia, of the Cunard Line. The tug was sunk, and several lives were lost. Prior to the collision the tug did not alter her course. On suit brought against the steam-ship to recover for the loss of life and property, *held*, that the Cephalonia, as the overtaking vessel, was bound to have avoided the tug; that the fact that she blew whistles in time to enable the tug to get out of her way was no excuse for the collision; and that she was solely responsible for the collision.

Butler, Stillman & Hubbard and *Hyland & Zabriskie*, for libellants.

Carpenter & Mosher, for Oliver Greene.

Owen & Gray, for Cunard S. S. Co., Limited.

The decree of the district court in the above cases (29 Fed. Rep. 332) affirmed; but entry of the decree in the case of *Greene v. Cunard S. S. Co.* suspended, to await the decision of an appeal taken by the respondent in the suit of *Felty v. Cunard S. S. Co.*, provided such appeal be taken and perfected within 30 days after the entry of a decree in this court in said suit.