

Wing, Shoudy & Putnam, for claimants.

BENEDICT, J. This is an action to recover salvage compensation for services rendered the schooner *Bessie Whiting*, on the 21st day of December, 1884. On the morning of that day a serious fire broke out at Pratt's Oil-Works, Williamsburgh, in which several oil-tanks exploded, and burning oil was scattered over the adjacent waters. At this time the schooner *Bessie Whiting* lay fast to the south side of the pier at the foot of North Eleventh street. She was in charge of her mate, and the lines by which she was fast to the pier were stiff and frozen. The fire involved danger to the shipping in that locality, and all vessels in the neighborhood set signals for assistance to get into the stream. The steam-tug John H. Wilson, Jr., owned by the libelant, was applied to by the mate of the schooner *Bessie Whiting*, to tow the schooner away from the pier. The tug went first to the assistance of the *Jeanie*, then fast to the opposite pier. After towing the *Jeanie* to a place of safety, the tug returned to the *Bessie Whiting*, and at the request of the mate two of the tug's crew went on board and cast off her lines from the pier, for which service the mate agreed to give the men five dollars each. The tug took her out into the stream, and left her at anchor. The service involved no risk to the tug, no extraordinary exertion, and occupied but a short time. For the services rendered by this tug to the *Jeanie* on the occasion in question this court gave \$200 as a salvage compensation, (30 Fed. Rep. 204,) and the libelant here insists that the like sum would be proper compensation for the services rendered to the *Bessie Whiting*. The claimant, on the other hand, considers that \$25 would be enough. The difference between this case and the case of the *Jeanie* is considerable. The value of the property saved in this case was less than in the case of the *Jeanie*. The *Jeanie* had a cargo of oil on board, which increased her peril. The time devoted to the *Bessie Whiting* was scarcely one-fourth as much as that devoted to the *Jeanie*. The service rendered to the *Jeanie* was rendered promptly. The service rendered to the *Bessie Whiting* was not so promptly rendered, the tug having thought wise to relieve the *Jeanie* before going to the *Bessie Whiting*. When she returned to the *Bessie Whiting* the apprehension of danger from the fire had decreased, still the situation was such as to justify the mate in desiring to be towed out. I think \$25 will be a proper compensation to be paid for the services in the libel mentioned. Let the libelant have a decree for \$25 and costs.

UNITED STATES v. C. HUFFMASTER. (No. 3,704.)

(Circuit Court, N. D. California. May 21, 1888.)

COURTS—FEDERAL CIRCUIT COURTS—JURISDICTIONAL AMOUNT.

Under the act of March 3, 1875, (Supp. Rev. St. 173,) the circuit courts have no jurisdiction of an action to recover money or property wherein the United States are plaintiffs, unless the amount or value of the matter in controversy exceeds the sum of \$500, exclusive of costs.

(Syllabus by the Court.)

J. C. Carey, U. S. Atty., for plaintiff.

Wm. H. Cook, for defendant.

Before SAWYER, Circuit Judge.

SAWYER, J. This is a suit by the United States for the value of 50 cords of wood, cut upon the public lands in Colusa county by the defendant, and converted to his own use. The wood is alleged to be of the value of \$250, for which sum plaintiffs demand judgment. The suit was brought on June 6, 1885, when the act to determine the jurisdiction of the circuit courts of the United States, etc., approved March 3, 1875, (Supp. Rev. St. 173,) was in force. The objection is made by the defendant that, the amount in controversy being less than \$500, this court has no jurisdiction, and that the action must be dismissed on that ground. The court is of the opinion that the objection is well taken. The clause in the act of 1789 (1 St. p. 78, § 11) giving jurisdiction to the circuit courts in this class of cases reads as follows:

“That the circuit courts shall have original cognizance, concurrent with the courts of the several states, of all suits of a civil nature at common law or in equity, where the matter in dispute exceeds, exclusive of costs, the sum or value of five hundred dollars, and the United States are plaintiffs or petitioners.”

It is perfectly clear that, under this act, the circuit courts would not have jurisdiction in a case of this kind brought by the United States, where the amount sought to be recovered is less than \$500. The language is susceptible of but one construction.

In the Revised Statutes, which were only intended to collate and consolidate the existing statutes without changing the meaning, section 629, covering these matters of jurisdiction, arranges the subject-matter in classes, and expresses the various provisions in language as well as arrangement somewhat different from that found in the original statutes then in force. The provision embracing the subject-matter of this suit is as follows:

“Sec. 629. The circuit courts shall have original jurisdiction as follows: *First.* Of all suits of a civil nature, at common law or in equity, where the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, and an alien is a party. * * * *Second.* Of all suits in equity, where the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, and the United States are petitioners. *Third.* Of all