

The Sybil

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Court : US Supreme Court

Decided On : 1819

Appeal No. : 17 U.S. 98

Appellant : The Sybil

Judgement :

The Sybil - 17 U.S. 98 (1819)

U.S. Supreme Court The Sybil, 17 U.S. 4 Wheat. 98 98 (1819)

The Sybil

17 U.S. (4 Wheat.) 98

APPEAL FROM THE CIRCUIT

COURT OF SOUTH CAROLINA

SYLLABUS

In a case of civil salvage where, under its peculiar circumstances, the amount of salvage is discretionary, appeals should not be encouraged upon the ground of minute distinctions of merit, nor will the Court reverse the decision of an inferior court unless it manifestly appears that some important error has been committed.

The demand of the ship owners for freight and general average in such a case is to be pursued against that portion of the proceeds of the cargo which is adjudged to the owners of the goods by a direct libel or petition, and not by a claim interposed in the salvage cause.

This was a case of civil salvage in which the district court decreed a moiety of the net proceeds as salvage to be distributed in certain proportions among the salvors, which was reversed by the circuit court on appeal, and one-fourth decreed as salvage, to be divided among the respective salvors in proportions somewhat different from those ordered by the district court. The cause was submitted to this Court without argument.

MR. CHIEF JUSTICE MARSHALL delivered the opinion

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of the court.

This is a case in which, under its peculiar circumstances, the amount of salvage is discretionary. In such cases, it is almost impossible that different minds, contemplating the same subject, should not form different conclusions as to the amount of salvage to be decreed and the mode of distribution. Appeals should not be encouraged upon the ground of minute distinctions, nor would this Court choose to reverse the decision of a circuit court in this class of cases unless it manifestly appeared that some important error had been committed. In this particular case, the Court is well satisfied both with the amount of salvage decreed by the circuit court and with the mode of distribution, and the decree is therefore affirmed with costs.

Decree affirmed.

A question afterwards arose, upon a claim of the shipowners for freight, &c.;

JOHNSON, JUSTICE, delivered the opinion of the Court.

In this case the attention of the Court has been particularly called to the claim interposed by the shipowners for freight and average.

This Court, as at present advised, is very well satisfied that no freight was earned and that average may have been justly claimed. But in the case then depending, the circuit court could not have awarded either of those demands. The question is *inter alios*. There was no pretext for claiming either as against the salvors, and the shipowners ought to

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have pursued their rights by libel or petition by way of libel against the portion of the proceeds of the cargo which was adjudged to the shippers. These parties were entitled to be heard upon such a claim, and could only be called upon to answer in that mode. But the shipowners are not yet too late to pursue their remedy. The proceeds are still in the possession of the law, and may be subjected to any maritime claim or lien in the court below.

Claim rejected.