

Case No. 1,271.
[6 Ben. 287.]¹

THE BELLE.

District Court, E. D. New York.

Dec. Term, 1872.

ADMIRALTY—PLEADINGS—SEAMAN'S WAGES.

An admission, in the answer to a libel for seaman's wages, that the seaman shipped for the voyage and performed the service described in the libel, though coupled with a denial that any amount is due to him, and an allegation that the seaman was guilty of smuggling, by reason of which the vessel was subject to penalties and the seaman forfeited his wages, is sufficient, in the absence of evidence, to entitle the seaman to a decree for the amount of his wages.

In admiralty. This was a libel by John Armstrong for seaman's wages. The libel alleged that Armstrong shipped as mate on the vessel, and signed articles for a specified voyage at 50 a month, and served on board from January 7th, 1872, to June 3d, 1872, when he was discharged, and there was due him from the vessel 195, payment of which had been demanded and refused. The answer admitted these allegations, except that it denied that anything was due to the libellant. It further alleged that Armstrong, while he was mate, smuggled segars on shore from the vessel, whereby she became subject to penalties, by which conduct he forfeited his wages. The case was submitted on the pleadings. [Decree for libellant]

Wilcox & Hobbs for libellant.

Beebe, Donohue & Cooke, for claimant.

BENEDICT, District Judge. The admissions in the answer are sufficient to entitle the libellant to recover the amount of his claim for wages as stated in his libel, to wit, \$195, for which amount, with costs, let a decree be entered.

¹ [Reported by Robert D. Benedict, Esq., and here reprinted by permission.]