

Case No. 2,401.  
[Bee, 254.]<sup>1</sup>

CAREY ET AL. V. THE KITTY.

District Court, D. South Carolina.

March 25, 1808.

LIABILITY OF OWNERS FOR SEAMEN'S WAGES.

The owners of a vessel are liable for wages if the vessel prove insufficient to pay them.

[See *Bronde v. Haven*, Case No. 1,924; *Skol-field v. Potter*, Id. 12,925.]

[In admiralty. Libel by Carey and others against the schooner Kitty and her owners].

No case including this question has been brought before me hitherto. I have fully considered the arguments that have been adduced, and have looked into the precedents of this court; as well as those in *Clarke's Praxis*, a book of high authority. I find that before, and since the American revolution, suits like the present have always been sustained. The arguments adduced to the contrary do not appear to me sufficient to upset the old practice of the court, I decree, therefore, that the process prayed for against the owners of the Kitty be granted, if the vessel should not prove to be sufficient for payment of seamen's wages.

[NOTE. For subsequent proceedings, see next following Case, No. 2,402.]

<sup>1</sup> [Reported by Hon. Thomas Bee, District Judge.]