

Case No. 4,023. DOUGHERTY v. AMERICAN STEAMSHIP CO.
[1 Wkly. Notes Cas. 86.]

District Court, E. D. Pennsylvania.

Nov. 13, 1874.

SEAMAN'S WAGES—PENALTY FOR ILLEGAL DISCHARGE—UNAUTHORIZED
ABSENCE FROM VESSEL.

[A seaman discharged in a foreign port for going ashore in violation of orders *held* entitled to his wages to the date of discharge, with \$10 damages, and half costs.]

This was a libel for wages and damages. Libellant shipped as a fireman on respondents' steamship "Indiana" at the wages of \$50 per month, and signed articles on March 21st, 1874, for a voyage from Philadelphia to Liverpool and return. The vessel was advertised to sail from Liverpool on April 15th, at 11 a. m. Orders were given on the morning of April 14th, that none of the crew should go ashore. Libellant left the vessel at about 4 o'clock in the afternoon of the 14th, and did not return until 9:30 in the evening, when he found that the vessel had gone out into the stream. The next morning he went out to the vessel in the tender that carried the steerage passengers, but was

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prevented by the officers from coming on board. Libellant was left for a week in Liverpool, during which time he failed to get employment, and, in the end, had to work his passage home. Respondents showed that a man had been shipped in libellant's place under the direction of the surveyors of the board of trade before he came along side of the tender; and that before the trial of the case they had tendered to libellant's counsel the amount of wages due libellant for the time of his actual service.

Mr. Driver and Mr. Coulston, for libellant.

E. Wilson, Jr., and H. G. Ward, for respondents.

THE COURT (CADWALADER, District Judge) decreed for libellant for his wages until the 15th of April, 1874, amounting to \$41.66, and the additional sum of \$10 for his damages, and half costs.