

Case No. 5,022.
[1 Spr. 212.]¹

FOYE V. DABNEY ET AL.

District Court, D. Massachusetts.

Jan., 1853.

SEAMEN—WRONGFUL DISCHARGE IN FOREIGN COUNTRY—MEASURE OF DAMAGES.

1. Wrongful discharge in a foreign country.
2. Measure of damages.

[Cited in *Coffin v. Weld*, Case No. 2,953.]

This was a libel by the second mate of the bark *Ithona*, against the owners, claiming wages for the entire voyage for which he shipped. This case was tried at the same time, and on the same evidence, as *Foye v. Leckie* [Case No. 5,023], with the further fact that the second mate, after his discharge, shipped on wages, at Trieste, in a vessel bound to New York, and voluntarily left that vessel at Leghorn.

J. H. Prince, for libellant.

R. H. Dana, Jr., for respondents.

THE COURT held, that the discharge of the second mate was not voluntary on his part, but coerced by the illegal conduct of the master, and that he was entitled to compensation as for a wrongful discharge. That the measure of damages was not, necessarily, his wages for the whole voyage. See *Hunt v. Colburn* [Case No. 6,886]; *Sheffield v. Page* [Id. 12,743].

His contract wages and expenses were allowed, up to the time when he might have reached his original home port, deducting what he had actually earned, or might have earned, on his passage home.

¹ [Reported by F. E. Parker, Esq., assisted by Charles Francis Adams, Jr., Esq., and here reprinted by permission.]