

Case No. 5,086.

{Crabbe, 178.}<sup>1</sup>

FREEMAN V. THE JANE.

District Court, E. D. Pennsylvania.

Sept. 8, 1837.

SEAMAN—SHIPPING FOR PART OF VOYAGE—SUIT FOR WAGES.

Where a seaman, shipped for a part of a voyage, is discharged, at the termination of his engagement, without payment of wages; if he makes every exertion to follow up the vessel, and, immediately he meets her, commences suit against her, his lien for wages is not destroyed though the vessel has made one or more voyages since his discharge.

This was a libel for wages. The libellant [Edmund Freeman] shipped on board the schooner Jane [William J. De Wolf, master], at New York, in December, 1836, for a voyage to Washington, North Carolina. On the 11th February, 1837, he was discharged at Washington, without payment of wages, and the schooner immediately sailed from that port. It was proved that the libellant followed the schooner to New York, and from there to Philadelphia, where he found her and immediately commenced suit. It was also proved that the schooner had made at least two voyages between New York and Philadelphia before she was attached in this suit, and since the libellant had been discharged. The respondent's counsel abandoned all other grounds of defence which had been taken, and relied on the fact that the vessel had made several voyages since the cause of libel accrued.

Mr. Grinnell, for libellant

Mr. Shoemaker, for respondent

HOPKINSON, District Judge, decreed for the libellant, for the whole amount of wages demanded.

<sup>1</sup> [Reported by William H. Crabbe, Esq.]