

Case No. 7,255. JEHNER ET AL. V. PHILADELPHIA & R. R. CO.  
[1 Wkly. Notes Cas. 15.]

District Court, E. D. Pennsylvania.

Oct. 2, 1874.

SEAMEN'S WAGES—EMPLOYMENT FOR SPECIFIED TIME—UNJUSTIFIABLE  
DISCHARGE—MEASURE OF DAMAGES.

[Seamen shipped at Philadelphia for voyages to Boston and return for a term of two months, and discharged at Philadelphia before the expiration thereof, without their consent, and merely because of depressed condition of trade, *held* entitled for the remainder of the term, to the difference between the agreed rate of wages and the current rate at the time of discharge, and, in addition thereto, wages and board for seven days; that being apparently sufficient time to find other employment.]

The libel alleged that plaintiffs were shipped as firemen, etc., on board the defendant's steamer *Collier*, July 21st, 1874, under shipping articles "from the port of Philadelphia, to *Boston, Mass., and a port or ports on the coast of the United States, for a term of two months, and return to Philadelphia as often as practicable in the aforementioned time, unless sooner discharged.*" (The words in italics are written in the articles, the rest printed.) That the libellants had performed two voyages, when they were, on the 18th day of August, discharged, without their consent, at the port of Philadelphia, for no cause except that the vessel was laid up on account of the depressed condition of the trade in which she was engaged. The libellants had been paid their wages up to that day, and now claimed pay for the remainder of the two months term. The answer admitted the facts alleged, and denied the right of action. The cause came on for hearing on libel and answer.

Mr. Boudinot, for libellants.

A. D. Campbell, for respondents.

THE COURT decreed for the libellants, and ordered the amount to be ascertained by computing the difference between the agreed wages for the remainder of the term and the current rate at the time of discharge, and adding thereto the amount of wages and board of men for seven days; that period being apparently sufficient, in the state of the trade, to find other employment