

Case No. 7,459. JONES V. CROWELL ET AL.  
[N. Y. Times, June 15, 1854.]

District Court, S. D. New York.

June 12, 1854.

WAGES—LIBEL FOR—TENDER—ADMISSION OF OWNERSHIP OF  
VESSEL—COSTS—SUIT IN STATE COURT—SUMMONS BEFORE  
COMMISSIONER PREVIOUS TO FILING LIBEL.

- [1. A tender by respondents on libel for services as stewardess of a ship is an admission of ownership of the vessel.]
- [2. Costs will not be refused for not bringing such a suit in the state court or taking out a summons before a commissioner before filing the libel, in the absence of an apparent intention to annoy the respondents.]

The libellant Mary Jane Jones, by her husband, James Jones, sues [William Crowell and owners, owners of the ship Jane D. Cooper] for wages due her as stewardess of the ship during a voyage from New York to Liverpool and back between November, 1852, and March, 1853, at the rate of 810 a month, claiming a balance due her of \$23. The respondents tendered 815, and claimed that by reason of her misconduct during the voyage she was not entitled to receive any more. They also claimed that they were not proved to be the owners of the ship, and that the libellant should at any rate be refused costs, because she had not brought her suit in a state court, and had not taken out a summons before a commissioner before filing the libel.

Benedict & Allen, for libellant.

Cochrane & Donohue, for respondents.

HELD BY INGERSOLL, District Judge. That the respondents, having made a tender in the case, admitted themselves to be the owners of the ship. That no misconduct was shown on the part of the libellant which would deprive her of her right to full wages. That, if the libellant had brought suit without good reason, or in such a way as to show an intention to annoy the respondents, costs would be refused; but that no such intention is shown. Decree for libellant, with costs.