

**Case No. 7,873.** KNAP ET AL. V. THE ELIZA AND SARAH.  
[1 Pet. Adm. 200.]<sup>1</sup>

District Court, D. Pennsylvania.

1802.

SEAMAN'S WAGES—LOSS OF BOAT—NEGLIGENCE.

The mate and two hands were sent from the ship on shore, with the boat. One of the hands was detached on the business of the ship, from the boat. The mate first and then the other seaman, left the boat; and it was stolen. The sailor detached is not responsible, but the whole is chargeable to the mate and the negligent seaman.

The mate [Reuben Knap], with two hands, were sent from the ship on a special mission, in the boat. The mate detached one of the hands from the boat lying at the quay, on the business of the ship. He, the mate, and the other seaman, ought to have taken care and charge of the boat: but he first, and then the seaman, left the boat, on their own affairs. The boat was stolen.

BY THE COURT. The sailor detached is not responsible. The loss must fall on the mate, and the other negligent seaman. Sailors taken by pirates or enemies, when on special mission, are entitled to wages for the voyage. They have this advantage separate from those in the ship; who lose their wages, if captured in the ship; they must therefore be separated in cases of negligence. The loss must fall on such of the sailors as are in fault; and those in the ship must not partake in retributing the owner. The seaman in the business of the ship, sent from the boat, was the only hand in execution of the mission. The mate and the other seaman abandoned their duty, and must bear all the consequences of their fault and gross negligence.

<sup>1</sup> [Reported by Richard Peters, Jr., Esq.]