

THE RUPEE.

{1 Haz. Reg. U. S. 202.}

District Court, D. Massachusetts.

1839.

SEAMEN'S WAGES—DISCHARGE IN FOREIGN PORT.

{A seaman discharged in a foreign port, without his consent, because his vessel was condemned as unseaworthy, is not entitled to recover three months' extra wages, under the act of congress (1 Stat. 131), if the vessel was seaworthy on commencing the voyage, but was rendered unseaworthy by injuries sustained through violent weather.}

{This was a libel in rem for seamen's wages.} The mate of the brig *Rupee* libelled the vessel for wages, at the rate of twenty-five dollars a month, for several months beyond the time specified in his first article, in which that sum was stipulated, no stated wages having been stipulated in the two subsequent articles under which he served. At Liverpool, whither she had sailed from Boston, the vessel was condemned as unseaworthy, in consequence of injuries she sustained in a storm which she encountered after leaving the former port for Boston, and which compelled her to put back; and he sought, also, to recover three months' wages, as provided by the act of congress, for being discharged in a foreign port without his consent.

THE COURT decided that he was entitled to the rate of wages claimed, up to the time of his discharge at Liverpool, but decreed that his claim for three months' extra wages after his discharge could not be sustained, as the brig was seaworthy when she sailed on her voyage, and the discharge of the libellant at Liverpool having been occasioned by the injury done to the brig by tempestuous weather; therefore the respondents were not bound to pay the three months' extra wages.

This volume of American Law was transcribed for use  
on the Internet

through a contribution from [Google](#). 