Case No. 14,142.

TRASK ET AL. V. THE DIDO.
{1 Haz. Reg. Pa. 9.}

District Court, E. D. Pennsylvania.   Dec. 21, 1827.

PRACTICE IN ADMIRALTY—PRIVATE SETTLEMENT—COSTS.

[When a private settlement is consummated of a suit for seamen's wages, without the knowledge of libellant's attorney, the respondent is not relieved from his liability to pay the costs of the suit, for which the said attorney had become security.]

Attachment for wages, Friday 21st December, 1827.

Mr. Troubat, for libellants, stated this to be a claim for wages up to the time when they were discharged from the Dido, which had been wrecked in the Delaware, the libellants having remained on board five days after she grounded, and assisted in saving the spars, rigging and part of the cargo, and further stated that the respondent [John Welsh] refused to pay wages for the said five days, which the libellants insisted on as just and proper. The respondent claimed a postponement until the evening, Friday, in order to prepare himself to resist the claim, which he intimated to contest as far as respected 136 the rights of wages, even to the time when the ship grounded.

THE COURT allowed the postponement.

On Friday the 28th, this claim was again urged on the part of the libellants, when the respondent appeared, and informed the court that he had since settled with the libellants, and taken their receipts in full. It appeared, too. that the libellants had shipped and gone to sea.

Mr. Troubat then stated that he had not seen the libellants since the last Friday, that they had settled without his knowledge or privity, and had not paid the costs of suit for which he himself had become surety.

He therefore concluded by moving for a decree against Mr. Welsh, the respondent, for costs, contending that his alleged settlement with the libellants would not protect him from payment of the usual costs.

PETERS, District Judge, granted the motion, and decreed the respondent to pay the costs.