

Case No. 16,689. UNITED STATES v. WICKHAM.  
[1 Wash. C. C. 316.]<sup>1</sup>

Circuit Court, D. Pennsylvania.

Oct. Term, 1806.

SEAMEN—AUTHORITY OF MASTER—SUPPRESSION OF MUTINOUS CONDUCT.

The master of a vessel, while at sea, has a right to give a seaman moderate correction; and in case of mutinous conduct, he may suppress it in the best mode he can; and therefore he may use a greater degree of violence on such occasions, than when there is misbehaviour only.

[Cited in *Fuller v. Colby*, Case No. 5,149.]

This was an indictment against the captain of a vessel, upon the complaint of one of his mariners, for an assault and battery committed at sea. It appeared in evidence, that the sailor had misbehaved himself very much, had abused the captain, and had even endeavoured to strike him; in consequence of which, the captain gave him a severe blow with his fist.

THE COURT informed the jury, that for misbehaviour of a mariner at sea, the captain was justified in giving a sailor moderate correction; and in ease of resistance or mutinous conduct, he might suppress it in the best way he could; and of course might use a greater degree of violence, than for misbehaviour merely; that a contrary doctrine would destroy all subordination on board of a vessel. The jury found the defendant not guilty.

NOTE. See *Abb. Shipp.* 107, 108; 2 *Bos. & P.* 224. Master may give a seaman moderate correction, but he must plead specially what fault plaintiff was guilty of, and that he corrected him moderately. He cannot give it in evidence, on the general issue, in mitigation of damages.

<sup>1</sup> [Originally published from the MSS. of Hon. Bushrod Washington, Associate Justice of the Supreme Court of the United States, under the supervision of Richard Peters, Jr., Esq.]