

Case No. 18,104.

[2 Pet. Adm. 263.]¹

WRITER V. THE RICHMOND.

District Court, D. Pennsylvania.

1807.

INVALID SEAMAN—RIGHT TO WAGES.

A mariner affected with a severe pulmonic disease, shipped as an able-bodied seaman, to perform a voyage to the East Indies. He died of this complaint soon after the vessel left the port. The claim of his administrator to wages for the voyage was rejected by the court.

[Cited in *The Mary Sanford*, 58 Fed. 926.]

The mariner Sheffer had shipped on board the *Richmond* to perform a voyage to the East Indies, and back to Philadelphia. He died on the outward passage; and now Writer, his administrator, claimed wages for the whole voyage. The decisions of the court in the case of the administrators of *Walton v. The Neptune* [Case No. 17,135], were relied on by the counsel for the claimant. The surgeon of the *Richmond* was examined, who stated, that Sheffer was affected with a severe pulmonic disease at the commencement of the voyage, and fell a victim to that complaint soon after the *Richmond* left the port of Philadelphia. It was stated, that at the time he shipped, the master of the *Richmond* objected to him as not being able from sickness to perform the intended voyage, but he insisted on his being an able-bodied seaman, and as such was received on board.

THE JUDGE said he could not consider the claim of the administrator as well-founded. The principles established in former cases could not be applied to this. The mariner was not competent to perform the voyage for which he had shipped as an able-bodied seaman, and it was a fraud on his part to have represented himself as such. Merchants were not to be thus imposed on by mariners being placed on board their vessels to die, and thus to give a foundation to claims of this nature.

¹ [Reported by Richard Peters, Jr., Esq.]