

THE GALINA.

District Court, E. D. New York. —, 1881.

1. DESERTION-FORFEITURE OF WAGES.

Where an assistant engineer of a steam-ship, after a disagreement with the chief engineer, was ordered off duty, and left, but did not leave the vessel, and afterwards the chief engineer requested him to go to work again, but he refused, and being sent for by the captain was told that he must go to work or leave the ship, whereupon he left and brought an action to recover his wages:

Held, that his refusal to return to his duty, and his leaving of the ship thereafter, make out a case of desertion and entail forfeiture of wages earned.

A. L. Bowie, for libellant.

Ullo, Reynand & Harris, for respondent.

BENEDICT, D. J. The evidence does not show facts that entitled the libellant to refuse to do the work for which he had shipped. His refusal to return to his duty when directed so to do, and thereafter leaving the ship, make out a case of desertion and entail a forfeiture of the wages already earned.

The libel is accordingly dismissed.

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