

Thompson Vs. Lucas

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Court : US Supreme Court

Decided On : Mar-29-1920

Appeal No. : 252 U.S. 358

Appellant : Thompson

Respondent : Lucas

Judgement :

Thompson v. Lucas - 252 U.S. 358 (1920)

U.S. Supreme Court Thompson v. Lucas, 252 U.S. 358 (1920)

Thompson v. Lucas

No. 391

Argued December 9, 1919

Decided March 29, 1920

252 U.S. 358

CERTIORARI TO THE CIRCUIT COURT OF APPEALS

FOR THE SECOND CIRCUIT

SYLLABUS

Decided on the authority of *Strathearn S.S. Co. v. Dillon*, ante, [252 U. S. 348](#) . P. [252 U. S. 363](#) .

258 F. 446 affirmed.

The case is stated in the opinion.

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MR. JUSTICE DAY delivered the opinion of the Court.

This case was argued at the same time as No. 373, just decided, ante, [252 U. S. 348](#) . In this case, the libelants shipped as part of the crew of the British Steamer *Westmeath* for a voyage not to exceed one year, before the expiration of which time the vessel arrived in the harbor of New York, where she loaded and discharged cargo. A demand was made for one-half wages under 4 of the Seamen's Act of 1915. The demand was refused, and an action was begun for full wages. A defense was set up that the libelants were deserters, and therefore not entitled to recover. The district court and the circuit court of appeals held that the libelants' case was made out under the statute. 258 F. 446.

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The case is controlled by principles which governed the disposition of No. 373, the difference being that it appears in this case that demand was made more than five days after the vessel had arrived in the United States port. In all other respects as to the constitutionality and construction of the statute, our judgment in the former case is controlling. It follows that the decree of the circuit court of appeals must be affirmed.

Affirmed.

