

Alpha Steamship Corp. Vs. Cain

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Court : US Supreme Court

Decided On : May-26-1930

Appeal No. : 281 U.S. 642

Appellant : Alpha Steamship Corp.

Respondent : Cain

Judgement :

Alpha Steamship Corp. v. Cain - 281 U.S. 642 (1930)

U.S. Supreme Court Alpha Steamship Corp. v. Cain, 281 U.S. 642 (1930)

Alpha Steamship Corp. v. Cain

No. 457

Argued April 29, 30, 1930

Decided May 26, 1930

281 U.S. 642

CERTIORARI TO THE CIRCUIT COURT OF APPEALS

FOR THE SECOND CIRCUIT

SYLLABUS

An assault on a seaman by a superior authorized to direct his work and who committed the assault for the purpose of reprimanding him for tardiness and compelling him to work *held* negligence of the employer within the meaning of the federal Employers' Liability Act, and actionable against the employer under that Act as made applicable by the Merchant Marine Act. *Jamison v. Encarnacion*, ante p. [281 U. S. 635](#) .

35 F.2d 717 affirmed.

Certiorari, 280 U.S. 549, to review a judgment of the circuit court of appeals affirming a recovery by a seaman for injuries resulting from an assault committed upon him by a superior aboard ship.

MR. JUSTICE BUTLER delivered the opinion of the Court.

Respondent was a seaman employed as a fireman on the American steamship *Alpha* navigating the high seas. The corporation petitioner owned and operated the vessel, and the other petitioners were in possession of her. Respondent sued petitioners in the federal court for the Southern District of New York to recover damages for personal injuries caused by an assault upon him by his superior, one Jackson, an assistant engineer in charge of the engine room. The complaint charged and the evidence was sufficient to warrant a finding that Jackson was authorized by defendants to direct plaintiff about his

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work and that, for the purpose of reprimanding him for tardiness and compelling him to work, Jackson struck plaintiff with a wrench and seriously injured him. That was the basis of fact upon which the jury under the charge of the court was authorized to find for plaintiff. The jury returned a verdict in favor of plaintiff for \$12,000, and the judgment thereon was affirmed in the circuit court of appeals.

That court expressed the opinion, 35 F.2d 717, 721, that 33 of the Merchant Marine Act, 46 U.S.C. 688, and the Federal Employers' Liability Act, 45 U.S.C. 51-59, did not apply, and held defendants liable under the general maritime law without regard to these acts. But, in *Jamison v. Encarnacion*, ante, p. [281 U. S. 635](#) , we hold that such an assault is negligence within the meaning of 1 of the Federal Employers' Liability Act, which is made available to seamen by 33 of the Merchant Marine Act. The ruling in that case controls in this. We need not examine the grounds upon which the circuit court of appeals put its decision.

Judgment affirmed.

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