

the dismissal is itself the result of the unwillingness of employers to hire a servant who, in the judgment of one person at least, has been guilty of improper conduct. It seems impossible to deny that an unwillingness traceable to such a cause is to all intents and purposes an unwillingness created by an impairment of the servant's reputation. The conclusion to which these considerations point is that a court which views the increased difficulty of obtaining employment which the servant will encounter on account of his dismissal as an element to be considered in estimating his damages is adopting a doctrine which, so far as the measure of compensation is concerned, is equivalent to one which would permit him to recover damages on the specific ground of a loss of reputation arising from the dismissal. But this conception of the situation is pertinent only in jurisdictions in which the assessment of damages with reference to the period subsequent to the trial is permitted. In computing the damages for the period preceding the trial the difficulty of obtaining employment is material only in so far as it bears upon the question whether the servant has exercised due diligence in seeking another position.

5. *Loss of property or of personal freedom.*—Where a seaman had exercised his right to abandon his ship at a foreign port on account of its being there converted to a purpose which would not only have subjected him to a material increase of risks, but also made him a participant in an illegal voyage, and had afterwards been imprisoned as a deserter by the local authorities at the port, it was held that damages for the imprisonment and the loss of his clothes which had been carried away on the ship while he was in prison were too remote to be recoverable¹. The authority of this decision is weakened by the fact that it was not concurred in by the whole court; and the question involved may perhaps be regarded as being still an open one.

In a case where a seaman was left by the master in a foreign port it was held that the owner was liable for the loss of his

¹ *Burton v. Pinkerton* (1867) L.R. 2 Ex. Ch. 340 (Kelly, C.B., dissented).