

hardships, contending with the elements in their most violent and tempestuous agitations, and encountering these dangers and hardships with the most persevering courage. But with all this, they are of a temperament hasty and choleric, quick to take offence and ready on the excitement of the moment to avenge any supposed wrong or indignity. The law looks on the fairer traits of their character with kindness and as making some compensation for defects and faults, which are perhaps not unnaturally, or at least are very frequently associated with those qualities which render them so valuable to their country in peace as well as in war. And when these show themselves but occasionally, and are not habitual, it will not visit them with severity, but imposes its penalties with a sparing hand. From considerations of this kind the court will seldom punish a single offence with a forfeiture of all the wages antecedently earned, much less will it be held as a justification of a discharge of a seaman from the vessel.

But still there are causes which will justify the master in dismissing a seaman and putting an end to the contract. Was this such a case? The conduct of the libellant up to the time when this affray took place had been, if not entirely unexceptionable, such as had not exposed him to any special censure. But on this occasion, though in the judgment of a jury, the part which he took did not amount to the offence charged in the indictment, it was highly censurable and approximating to mutiny. Hadley, under the excitement of liquor, had been turbulent and noisy, so much so as to attract the attention of persons in the vicinity of the vessel. Both the mates, the master being on shore, had before by gentle means, attempted, and for the time, succeeded in quieting him. Tappan told him if he continued his noise he should put him below. This was certainly no harsh punishment, but a very proper act of discipline unless quiet and order were restored. The answer of Hadley was insolent, but no notice was taken of that, nor was there any attempt by the mate to put the threat in execution. It is apparent that he was satisfied with putting