

Case No. 2,791. THE CLARA DAVIDSON.  
[6 Wkly. Notes Cas. 356.]

District Court, E. D. Pennsylvania.

Jan. 10, 1879.

ADMIRALTY PRACTICE—DECREE AGAINST DECEASED STIPULATOR.

A decree rendered against a stipulator after his death, although in ignorance of that fact, is void, and will be set aside on motion.

In admiralty. McCoy and others, owners of the schooner *Eliza Ann*, filed a libel for the collision against the schooner *Clara Davidson*. The master of the latter vessel appeared and made claim with one Edwards as stipulator. The suit proceeded and a decree for half damages was made against the claimant and stipulator, in 1876. Edwards had died before the decree, but the fact was unknown to libellant, had never been suggested of record, and no substitution was made.

E. B. Watson, for administrator, moved to-vacate the decree.

J. W. Carleton, contra.

THE COURT (CADWALADER, District Judge), holding the decree against the surety void by reason of his previous death, ordered it vacated.