

Case No. 4,122.

THE DUIVELAND.

District Court, D. Massachusetts.

1866.

ADMIRALTY PRACTICE—SETTING ASIDE DEFAULT—TWENTY-NINTH
ADMIRALTY KULE—ACTIONS IN REM.

1. Under the twenty-ninth admiralty rule, providing that in case of default, for not answering the libel, the court may, in its discretion, set aside such default, the defendant cannot apply to have a default set aside after a decree has been made which would give a right of appeal as from a final decree.
2. It was assumed that this and the fortieth rule apply as well to suits in rem as to those in personam.

{See *Scott v. The Young America*, Case No. 12,550.]

{Decided by LOWELL, District Judge. Nowhere reported; opinion not now accessible. The statement of the points determined was taken from 2 Pars. Shipp. & Adm. 401.]