

Case No. 4,618.

THE FALCON.

[4 Blatchf. 367.]<sup>1</sup>

Circuit Court, S. D. New York.

Sept. 29, 1859.

PRACTICE IN ADMIRALTY—PARTIES—INTEREST IN SUIT.

In admiralty, the name of any party who has lost his interest in the suit, can, on a proper application, be stricken from the record.

[Appeal from the district court of the United States for the southern district of New York.]

This was a libel in rem, filed in the district court. After the commencement of the action, the name of Henry P. Gardiner, one of the libellants, was stricken out, on motion, by the district court, on an affidavit showing that he had parted with all his interest in the claim, and Gardiner was examined as a witness for the libellants. The district court decreed in favor of the libellants [case unreported] and the claimants appealed to this court.

Welcome R. Beebe, for libellants.

Charles L. Benedict and Edward C. Delavan, for claimants.

NELSON, Circuit Judge, said that, in admiralty, the name of any party who had lost his interest in the suit could, on a proper application, be stricken from the record. Decree affirmed.

<sup>1</sup> [Reported by Hon. Samuel Blatchford, District Judge, and here reprinted by permission.]