

11FED.CAS.—19

Case No. 5,958.

HALLET ET AL. V. PHOENIX INS. CO.

{2 Wash. C. C. 279.}²

Circuit Court, D. Pennsylvania.

Oct. Term, 1808.

ADMIRALTY—VESSEL NOT HEARD FROM—WHEN PRESUMED TO BE
LOST—INTEREST—EVIDENCE OF CUSTOM.

It is a uniform rule, in estimating the loss upon a vessel which has never been heard of, and is therefore considered as lost, to calculate interest after twelve months and thirty days from the last period when the vessel was heard from.

{Appeal from the district court of the United States for the district of Pennsylvania.}

Vessel lost, and never since heard of, on a voyage from Curacoa. The question submitted to the court was, from what time interest is to run, and the vessel to be considered as lost? A witness was examined, to prove that it is the uniform and undeviating rule in all cases, even of coasting vessels, to calculate interest twelve months and thirty days from the last time she is heard from. No instance of a case to the contrary was shown, and it was stated to be the custom as to all the offices.

BY THE COURT. Upon this evidence of a uniform usage upon this subject, we shall consider ourselves bound by it, and in this fix the interest to run from twelve months and thirty days, from the last period when the vessel was heard from.

² {Originally published from the MSS. of Hon. Bushrod Washington, Associate Justice of the Supreme Court of the United States, under the supervision of Richard Peters. Jr., Esq.}