

Case No. 7,231. JAUREKHE ET AL. V. THE S. G. TROOP.  
[N. Y. Times, Aug. 2, 1865.]

District Court, E. D. New York.

1865.

PRACTICE IN ADMIRALTY—JOINDER OF CAUSES—SEAMEN.

[Seamen suing for wages cannot be colibelants with the holders of a bottomry bond. Their remedy is by a separate libel.]

This was an application by seamen to be made colibelants. The libel was filed [by Peter Jaurekhe and others] to enforce a bottomry bond; process was issued in the cause and the vessel arrested, and on the return of the process, no one appearing, the default of all persons interested was entered, and an order of condemnation and sale granted. The petitioners, who were seamen on board the vessel, thereupon presented this petition, praying that they might be made colibelants in the cause, and that out of the proceeds of the vessel their claim might be first paid.

W. W. Goodrich, for petitioners.

Isaac L. Miller, for libelants.

BENEDICT, District Judge. The application of the petitioners to be made colibelants must be denied, for the reason that they are in no way jointly interested with the libelants, nor do the facts set forth in the petition raise any questions similar to those raised in the libel. The proper practice on the part of the petitioners is to file their libel in the usual manner, and, when the proceeds have come into court, raise the question of priority by a motion for an order of distribution. Let the default entered herein be opened so far only as to allow the petitioners to file a libel and proceed to enforce their claims against the vessel in the usual manner, the libelants to have leave to proceed in this cause, such proceedings in no way to affect the question of priority, which is reserved for the further order of this court.