

THE SANTEE.

[6 Blatchf. 1.]¹

Circuit Court, E. D. New York. Nov. 26, 1867.

COLLISION—DEMURRAGE—COMPENSATION.

The fact that the claimant in a suit, in rem, for a collision, by putting repairs on the libellant's vessel, before suit was brought, made her worth more than she was worth before the collision, furnishes no reason for refusing to the libellant a recovery for demurrage, for the time occupied in making such repairs.

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

This was a libel, in rem, filed in the district court, in a case of collision. The claimants had repaired the damage done to the libellant's vessel, but refused to pay any demurrage, for the time occupied in making repairs, and the libel was filed to recover such demurrage. The district court decreed for the libellant [case unreported], and the claimants appealed to this court. The ground taken, on the appeal, was, that no demurrage ought to be recovered, for the reason that, by the repairs, the vessel had been made worth more than she was worth before the collision.

THE COURT held, that the ground taken furnished no reason for reversing the decree below, and that it must be affirmed.

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

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