

## THE THALES.

{10 Blatchf. 203.}<sup>1</sup>

Circuit Court, S. D. New York.

Oct. 2, 1872.<sup>2</sup>

PRACTICE IN ADMIRALTY—DISCHARGE ON  
STIPULATION—REARREST.

A vessel, which has once been arrested, in the admiralty, and discharged on stipulation for her value, cannot be arrested again, in the admiralty, for the same cause of action.

{Appeal from the district court of the United States for the Southern district of New York.}

In admiralty.

Dennis McMahan, for libellant.

Robert D. Benedict, for claimant.

WOODRUFF, Circuit Judge. Upon the proofs, I am of opinion that the advances made in this case, for reimbursement whereof this cause is promoted, were made upon the credit of the owners, on their request, and were not made upon the credit of the vessel. If so, then no lien upon the vessel ever existed.

But, the authorities, cited to the effect that the vessel, having once been arrested and discharged upon stipulation for her value, cannot be proceeded against a second time and arrested again for the same cause of action, seem to me to settle the question, at least in this court. *The Union* {Case No. 14,346}; *The Kalamazoo*, 15 Jur. 885, and 9 Eng. Law & Eq. 557, 560; *Williams & B. Adm. Prac.* 211, and cases cited. I must, therefore, direct a dismissal of the libel, in affirmance of the decree below. {Case No. 13,855.}

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

<sup>2</sup> {Affirming Case No. 13,855.}

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