

SCOBEL v. GILES.¹

District Court, E. D. New York. September 21, 1883.

INTERROGATORIES—TIME FOR
PROPOUNDING—ADMIRALTY RULES 23 AND
32—RULES 99 AND 100 OF THE SOUTHERN
DISTRICT OF NEW YORK.

In the eastern district of New York, interrogatories to a party are not permitted in admiralty unless propounded in accordance with the admiralty rules of the supreme court. Rules 99 and 100 of the southern district of New York have never been adopted by this court.

In Admiralty.

The libelant propounded certain interrogatories to be answered by the claimant. These interrogatories were not attached to the libel, and were not propounded until after the claimant had filed his answer.

H. D. Hotchkiss, for libelant.

Benedict, Taft & Benedict, for claimant.

BENEDICT, J. The time for propounding interrogatories on the part of a libelant is fixed by the twenty-third admiralty rule of the United States supreme court, according to which rule interrogatories are required to be put at the close or conclusion of the libel. See, also, rule 27. So, interrogatories propounded by the claimant are by the thirty-second rule required to be made at the close of the answer. The admiralty rules promulgated by the United States supreme court supersede any rule of a district court fixing a different time for propounding interrogatories; and for this reason the 99th and 100th rules of the district court of the southern district of New York, adopted many years prior to the promulgation of the admiralty rules by the United States supreme court, have never been adopted as rules of this court. In this court, interrogatories are not permitted unless

propounded in accordance with the admiralty rules of the United States supreme court.

¹ Reported by R. D. & Wyllys Benedict, of the New York bar.

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