

The Guy

The Guy

SooperKanoon Citation : sooperkanoon.com/81831

Court : US Supreme Court

Decided On : 1869

Appeal No. : 76 U.S. 758

Appellant : The Guy

Judgement :

The Guy - 76 U.S. 758 (1869)

U.S. Supreme Court The Guy, 76 U.S. 9 Wall. 758 758 (1869)

The Guy

76 U.S. (9 Wall.) 758

APPEAL FROM THE CIRCUIT COURT FOR

THE EASTERN DISTRICT OF NEW YORK

SYLLABUS

1. The principles laid down in *The Grapeshot* (*supra*, 76 U.S. 129|129), so far as relates to liens upon foreign vessels for repairs, affirmed.
2. The fact that the person calling himself owner and agent of the vessel gave acceptances for the amount charged for the repairs held not to affect the case, the

acceptor having been insolvent and unworthy of credit, and the credit having in fact been given to the boat.

Tall filed a libel in the District Court at New York against the steamer *Guy*, claiming a lien on the boat for repairs made upon her in Baltimore, Maryland, and alleged by the libel to have been necessary to fit her for the prosecution of her then employment, which was, in connection with several other boats, the transportation of the government mails and of passengers and freight, between Norfolk, Virginia, and Newbern, North Carolina. It was admitted that Baltimore was not the home port of the *Guy*, and indeed that she did not belong to Maryland at all. The repairs were ordered by one Olney, who called himself proprietor and agent of the line and seemed to have been the owner of the *Guy*, and they were reasonably fit and necessary. There was proof that the libellant received from Olney acceptances for the amount of the repairs, but none that they were taken in absolute payment. On the contrary, it appeared that the acceptor was insolvent and unworthy of credit, and that in fact the credit was given to the boat.

The boat, having subsequently arrived in New York, was arrested on this libel. One Healy now appeared as claimant, setting up a transfer to him subsequent to the date of the repairs made, and resisted a condemnation.

Page 76 U. S. 759

The district court decreed in favor of the libellant, and the circuit court having affirmed the decree, the case was brought here.

THE CHIEF JUSTICE delivered the judgment of the Court to the effect that upon the facts established, it was apparent that the case was to be governed by the principles settled at this term in the case of *The Grapeshot, supra*, 76 U.S. 129|129, and that the decree of the circuit court having been in accordance with those principles, must be

Affirmed.

