
Statement of the case.

Interest will follow from the date of the decree, at the rate allowed on judgments and decrees in Massachusetts.

THE GUY.

1. The principles laid down in *The Grapeshot* (*supra*, 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.

APPEAL from the Circuit Court for the Eastern District of New York.

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.

Statement of the case.

The District Court decreed in favor of the libellant, and the Circuit Court having affirmed the decree, the case was brought here.

After argument by *Mr. Evarts, for the appellant, and Messrs. W. W. Goodrich and O. Horwitz, contra,*

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*,* and that the decree of the Circuit Court having been in accordance with those principles, must be

AFFIRMED.

WATKINS v. UNITED STATES.

1. Pleading over without reservation to a declaration adjudged good on demurrer, is a waiver of the demurrer.
2. On a suit by the United States upon a marshal's official bond, the government may properly rest in the first instance, after having introduced evidence, in the form of duly certified transcripts of the adjustment of his accounts by the accounting officers of the Treasury. It need not show that the marshal had notice of the adjustment of his accounts or of the balance found against him in the transcript.
3. In order to allow a marshal in such a suit to set off a credit, it must be shown that the claim for credit has been legally presented to the accounting officers of the Treasury for their examination and been by them (except in certain cases) disallowed. And to be legally presented the claim should be presented by items, and with the proper vouchers.

THE United States brought suit in the Circuit Court for Maryland against Watkins, late marshal of the United States, and his sureties, on the official bond of the said marshal. Judgment was given for the United States; and Watkins took a writ of error.

* *Supra*, 129.