

Case No. 4,064.
[1 Cin. Law Bul. 37.]

DRAKE v. THE LIME ROCK.

District Court, N. D. Ohio.

1876.

MARITIME LIENS—WAIVER—TAKING NOTE.

Held: 1. That the taking of a note by the libellant from the owner of a vessel for a balance

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due for services rendered on the credit of the vessel, signed by the owner alone, at sixty days' time, does not operate as a release of the libellant's admiralty lien, unless it was the agreement and understanding between the parties at the time that such lien was to be released, and personal liability accepted instead thereof.

2. That on non-payment of the note, the libellant has a right to proceed to enforce his lien by proceedings in rem.

Before WELKER, District Judge.