

Case No. 4,308. EGGLESTON ET AL. V. THE AGNES.
[39 Hunt. Mer. Mag. 75.]

District Court, S. D. New York.

1858.

MARITIME LIENS—MATERIALS USED IN CONSTRUCTION OF VESSEL.

This was a libel [by Thomas Eggleston et al.] brought to recover \$948.87 for the value of certain iron alleged by the libelants to have been furnished to the bark. The evidence shows that it was purchased by one Erskine, who was building the bark now owned by the claimant.

HELD BY THE COURT: That the iron procured from the libelants by Erskine, and used in building the bark, became a lien upon her, whether Erskine was owner of the bark, or builder, or agent of the claimant—the vessel not having left the port since she was built before the suit. The libelants are entitled to recover for whatever iron he shall prove to have been used in constructing the vessel, with costs.

[NOTE. In Case No. 9,430, which was a libel by William Menzies against this same vessel, to recover for certain lumber, a decree was also rendered for libellant.]