

Case No. 4,495. ENSLOW V. THE SARAH AND ABIGAIL.
[N. Y. Times, May 25, 1852.]

District Court, S. D. New York.

May 25, 1852.

MARITIME LIENS—SUPPLIES FOR FOREIGN VESSEL—SALE TO DOMESTIC PURCHASERS WITH NOTICE—DELAY IN ENFORCING LIEN.

- [1. A maritime lien arising upon supplies furnished to a foreign vessel is of force against her in the hands of subsequent domestic purchasers with notice.]
- [2. Notice to purchasers of a vessel that her previous owners are indebted for a set of sails furnished to her is notice of a lien therefor against her.]
- [3. Long delay in enforcing a maritime lien does not affect libellant's right to interest from the time the debt fell due.]

[In admiralty. Libel by Isaac Enslow against the schooner Sarah and Abigail, for supplies furnished to the schooner.]

BETTS, District Judge. This was an action for a suit of sails furnished to the schooner in September, 1838, she being at that time a foreign vessel belonging to citizens of the state of New Jersey. In September, 1839, the schooner was sold to citizens of New York, for a valuable consideration and registered in New York the purchasers having notice at the time of purchase that her previous owners owed the libellant for a set of sails, about \$600, but without knowledge that the demand was a lien upon the vessel. The action was commenced in November, 1839, and the vessel attached.

Held: That the demand was a lien on the vessel when the action was instituted. That the fact that the schooner was a domestic vessel when arrested, and had performed several voyages from this port after she became so, previous to the attachment, does not extinguish the lien which attaches to the vessel under the general maritime law, and not by force of any state statute. That the purchasers had sufficient notice of the lien at the time of purchase to put them on inquiry. That the delay of twelve years in bringing the cause to a hearing after its commencement restricts the litigant parties to their strict legal rights, but does not take away from the libellant his right to interest upon his demand. Decree for libellant for value of sails with interest at six per cent. from Nov. 21, 1839, and costs.