

MENZIES V. THE AGNES.

[39 Hunt, Mer. Mag. 331.]

District Court, S. D. New York.

1858.

MARITIME LIEN—TIMBER FOR
BUILDING—QUANTITY AND VALUE—BURDEN
OF PROOF.

This was a libel [by William Menzies against the bark Agnes] to recover for certain timber furnished for the vessel to Erskine for building the same vessel. No direct evidence was given whether the timber was furnished to Erskine or directly to the vessel. But enough evidence was given to raise a presumption that the libelant and Erskine dealt, in respect to the lumber, on the understanding that it was supplied mainly, if not wholly, for the particular vessel.

HELD BY THE COURT (BETTS, District Judge). That this affords adequate ground for lien in favor of the vendor to the value of the material used in the vessel. But it devolves upon the libelant to establish by clear evidence the quantity and value of the material procured for and used in constructing this vessel. Decree for the libelant with reference accordingly.

[See Case No. 4,308.]

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