

WHITE AND OTHERS V. THE STEAMER
CYNTHIA

District Court, E. D. New York. April 15, 1880.

ADMIRALTY—LIEN OF MATERIAL—MEN BY STATE
LAW.—W. & Co., machinists and steam-fitters, did work
upon a steambost in Norfolk, Va., to the amount of \$117.
The boat was afterwards, and without payment of this bill,
sold to parties in New York; whereupon W. & Co. filed
a libel against her in the eastern district of New York for
their bill.

Held, that they were material-men, whose claim
was a lien upon the vessel by the laws of the state
of Virginia, and that such a lien is enforceable in
admiralty in the state of New York.

Birdseye, Cloyes & Bayliss, for libellants.

Beebe, Wilcox & Hobbs, for defendant.

BENEDICT, D. J. The materials sued for do not,
in my opinion, come within the rule that has been
applied to cases of building a vessel. The relation
of the libellants was not that of builders, but of
material-men. As such they acquired a lien upon the
vessel for the value of the articles sued for, by virtue
of the law of the state of Virginia, where the vessel
then belonged, and where the contract was made. *The
Steamer Raleigh*, 2 Hughes, 44. That lien, unless it
has been lost by laches or waiver, may be enforced by
this court. Neither laches nor waiver has been proved.
The libellants are, therefore, entitled to a decree for
the amount of their bill, with interest and costs.

This volume of American Law was transcribed for use
on the Internet

through a contribution from [Stacy Stern](#). ★