

THE MAMIE.

Circuit Court, E. D. Michigan.

August 13, 1881.

1. LIMITED LIABILITY ACT—STEAM PLEASURE YACHT.

A steam pleasure yacht, running in and out of the port of Detroit, is to be treated as a barge, within the exception in section 4289, Rev. St., and her owners are not entitled to the benefit of the provisions for limitation of liability.

In Admiralty. Appeal by owners from a decree of the district court dismissing their petition for limitation of liability.

The contents of the petition and plea, with the testimony and opinion of District Judge Brown, are given in the report of the case in the district court, 5 FED. REP. 813.

H. H. Swan and *F. H. Canfield*, for appellants.

Alfred Russell, for appellees.

BAXTER, C. J. The decision of Judge Brown is correct. The Mamie, the vessel mentioned in the pleadings, not only comes within the spirit of the statute, (section 4289 of the Revised Statutes,) excepting canal-boats, barges, and lighters from the preceding sections, limiting the liability of owners of vessels, but is a "barge" within the meaning of the statute.

There are other questions in the case worthy of consideration, but as a determination of them is not necessary to a decision of the case, and as my judgment would not settle them, but only add to the conflict of authorities already existing, I shall forbear to express any opinion touching the questions made.

The libel will be dismissed, and a decree to that effect will be entered during my next visit to Detroit in September.

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