

THE WHISTLER.¹
MILLS *v.* THE WHISTLER.

District Court, E. D. New York.

December 31, 1886.

MARITIME LIENS—DOMESTIC VESSEL—DEPARTURE FROM PORT.

The departure of a domestic vessel, in the regular course of her occupation, from Brooklyn to Long Beach, on her return making fast to the shore in Rockaway inlet, is such a leaving of the port as to prevent the enforcing of a lien against her, arising under the laws of the state of New York.

In Admiralty.

John P. Adams, for libelant.

Wilcox, Adams & Macklin, for claimant.

BENEDICT, J. This is an action to enforce a lien upon a domestic vessel, arising under the laws of the state of New York. The libelant's lien, if he ever had one, was, in my opinion, lost when the vessel went in the regular course of her occupation from Brooklyn as far as Long Beach, on the Atlantic ocean, returned, and put into Rockaway inlet; there making fast to the shore. This was, in my opinion, a leaving of the port.

The libel must be dismissed.

¹ Reported by Edward G. Benedict, Esq. of the New York bar.