bind the ship, or affect it in the way of lien or privilege." Conk. Adm. 73, 78, 80; *The St. Jago de Cuba*, 9 Wheat. 417.

But Murray, Ferris & Co. were residents of New York, at which port the vessel was lying when the coal was furnished, and they furnished it directly, without the intervention of the official representative of the vessel. They were owners *pro hac vice*, because they had possession of the vessel, and she was at their "sole disposal" until the end of the charter. These facts repel the implication that the coal was furnished upon the credit of the vessel, but warrant the inference that it was furnished upon the personal credit of the charterers and ostensible owners. At least they were sufficient to put the libelant upon inquiry as to the actual relations of Murray, Ferris & Co. to the vessel, and their obligations under the charter-party; and this must have resulted in the knowledge that the act of the charterers could not, under the circumstances, impose a lien upon the vessel. *Beinecke* v. *The Secret*, 3 Fed. Rep. 665; *Coal Co.* v. *The Secret*, Id. 665; S. C. 15 Fed. Rep. 480; and *Stephenson* v. *The Francis*, 21 Fed. Rep. 715.

The libel is dismissed, with costs.

THE ABERCORN.

(Circuit Court, D. Oregon. August 23, 1886.)

PILOTS—COLUMBIA RIVER—RIGHT OF MASTER TO CHOOSE PILOT.

The Columbia river is the boundary between two states, Oregon and Washington, within the purpose and spirit of section 4236 of the Revised Statutes; and therefore the state of Oregon cannot require a vessel bound in or out of said river to take an Oregon pilot, or pay him half or any pilotage, if the master thereof prefers to and does take a Washington pilot. *The Abercorn*, 26 Fed. Rep. 877, affirmed.

Appeal in Admiralty. Suit for half pilotage.

Raleigh Stott, for libelant.

Henry Ach, for respondent.

SAWYER, J. I think the view taken by the district judge is correct. I cannot add anything of importance to the observations made by him at the hearing below. In the language of the syllabus of the case, as reported in 26 Fed. Rep. 877, it was there held that "the Columbia river is the boundary between two states,—Oregon and Washington,—within the purpose and spirit of section 4236 of the Revised Statutes; and therefore the state of Oregon cannot require a vessel bound in or out of said river to take an Oregon pilot, or pay him half or any pilotage, if the master thereof prefers to and does take a Washington pilot."

For the reasons given in the opinion of the district judge, the decree must be affirmed; and it is so ordered.

OSBORNE *v.* CITY OF DETROIT.

(*Circuit Court, E. D. Michigan.* January 11, 1886.)

1. COURTS—RULES OF PRACTICE IN UNITED STATES COURTS.
   Section 914 of the Revised Statutes, adopting the practice of the several states, should be construed in connection with section 918, authorizing the federal courts to adopt rules of their own.
2. SAME—CALLING CASE FOR HEARING.
   Hence, where there was no state statute nor rule of court prescribing the time when an issue of law could be called up for hearing, it was held that a rule of the circuit court, authorizing it to be called up upon five days' notice, was valid, notwithstanding the practice in the state courts did not permit it to be heard until the next term.

On Motion to Postpone Argument of Demurrer.
Henry M. Duffield, for the motion.
F. H. Canfield, contra.

BROWN, J. A demurrer was filed to the declaration in this case, and was brought up on five days' notice, under rule 31 of this court, which provides that notices of trials of all civil issues of fact shall be served at least 14 days before the first day of the term at which the trial is intended to be had; but that issues of law may be brought on at any time upon five days' notice. It is claimed that this rule is inoperative in view of the act of June, 1872, (Rev. St. § 914,) requiring the practice of the circuit courts to conform to that of the state courts, and that the demurrer must stand for hearing at the next term. The question is as to whether the state practice shall regulate the practice of this court in this particular, or whether we are at liberty to adopt a practice of our own. There is no law or statute of the state upon this subject, nor is there any rule of court with regard to the time when a demurrer shall be brought on for hearing. The only intimation we find upon the subject with regard to the practice in this state is contained in 1 Green, Pr. 233, wherein it is said that "at the next term after an issue of law is formed, the cause is placed upon the calendar by the clerk, under the head of 'Issues of Law,' to be taken up for argument in its proper order." In Burrill, Pr. 201, it is said that "it becomes the duty of the attorney for the party demurring to bring on the issue for argument at the earliest calendar term after issue joined."

Now, the question is whether, in view of this rather indefinite practice of the state courts, we have not the power to adopt a rule upon the subject. Section 914 provides that the practice in the circuit courts shall conform "as near as may be" to the practice of the state courts. Section 918, however, which is a part of the Revised Statutes, and which we think is to be read in connection with the above section, provides that the several circuit courts may from time to time make such rules or orders as they may deem necessary or con-