

# MARITIME LAW ASSOCIATION OF THE UNITED STATES.

MAY 3d, 1901.

The Second Annual Meeting of the Association was held at two P.M. at the Association of the Bar of the City of New York, No. 42 West 44th Street.

There were present: Messrs. Robert D. Benedict, C. C. Burlingham, E. B. Converse, Harrington Putnam, Enos N. Taft, Everett P. Wheeler and H. G. Ward of New York; Messrs. Frederic Dodge and Frederic Cunningham and John D. Bryant of Boston; Mr. Frank Healy of Providence; Messrs. Daniel H. Hayne, Beverly W. Mister and George Whitelock of Baltimore; and Mr. William R. Leaken of Savannah.

The by-laws were on motion amended by adding

SEVENTH: There shall be two classes of members, viz., Active and Associate. Active members shall pay annual dues of Five Dollars, payable in May. Associate members shall pay no dues and shall not have the privilege of voting for officers. Those now members shall elect to which class they wish respectively to belong and all members hereafter elected shall be Active members.

The report of Mr. WILHELMUS MYNDERSE for the Committee appointed to consider Congressional action to confer right of action for loss of life caused by negligence at sea was read and accepted, and on motion Mr. EVERETT P. WHEELER was added to the Committee and the Committee continued.

Mr. FREDERIC DODGE, for the Committee appointed to prepare a uniform lien law, requested further time, principally on account of the absence of Mr. ROBERT M. HUGHES, who had gone further into the subject than the other members.

It was, on motion, resolved that the Committee be continued, that the following bills be submitted to them for their consideration and be printed for the benefit of the members of the Association, who are particularly requested to make suggestions on the subject to the Committee.

AN ACT to regulate and make uniform the rights of material men in reference to supplies, repairs or other necessaries furnished to vessels.

Be it enacted, &c. :

SECTION 1. In all cases of the furnishing of supplies, repairs or other necessaries, whether to foreign or domestic vessels, upon the credit of the vessel, the material man shall have a maritime lien, if the credit of the vessel was duly pledged, and may proceed against the ship *in rem*.

SECTION 2. It shall be presumed, in the absence of evidence to the contrary, that the credit of the vessel was duly pledged, if such supplies, repairs or other necessaries were ordered by any one of the following :

- (1) Owner.
- (2) Managing owner.
- (3) Ship's husband.
- (4) Master.
- (5) Engineer, if for his department.
- (6) Steward, if for his department.
- (7) Agent, if his authority from the owner or managing owner is proved.

(8) Charterer, unless it is proved that by the terms of the charter-party the charterer was to furnish the supplies necessary to run the vessel, and that the material man knew this or had such means of knowledge as to put him on inquiry.

SECTION 3. No lien for supplies, repairs or other necessaries upon a vessel of the United States shall continue to be valid for more than sixty days after such supplies, repairs or other necessaries were furnished, unless before the expiration of said time a statement of lien, such as is hereinafter described, shall have been filed in the office of the Collector of Customs for the port where she was when such supplies, repairs or other necessaries were furnished to her.

SECTION 4. No lien for supplies, repairs or other necessaries upon a vessel of the United States shall continue to be valid for more than one year after such supplies, repairs or other necessaries were furnished, except that if at the expira-

tion of said year the vessel is at sea, or without the United States, the lien shall continue for a period of thirty days after her return to the United States.

SECTION 5. The statement of lien required by this Act shall set forth the name of the vessel, the port from which she hails, the person with whom the material man has contracted as representing the vessel, the amount of his claim against her, with the date of the last item and with all just credits and the balance due at the time of filing the statement. The statement shall be signed and sworn to by the material man, or by some person in his behalf.

SECTION 6. The Collectors of the Customs shall file and index the statements of lien required by this Act, according to regulations to be provided by the Secretary of the Treasury.

SECTION 7. This Act is intended to supersede all State statutes purporting to create rights of action against vessels enforceable in the Admiralty, except for pilotage and for injuries resulting in death.

SECTION 8. Nothing herein shall affect the rules of law now existing in regard to the priority of rank of liens on vessels, or in regard to the rights of a material man to proceed *in personam*.

SECTION 9. This Act shall take effect on

AN ACT to declare contracts for the building of ships or vessels to be maritime.

WHEREAS, by the ancient Admiralty law, contracts for the building of ships or vessels were recognized as maritime in their nature, and it is the sense of Congress that the adjudications of the Supreme Court of the United States declaring the contrary were rendered at a time when there was an undue tendency to restrict the jurisdiction of the Admiralty and are unsound in principle, be it therefore enacted:

SECTION 1. In all cases of the building of vessels, whether

foreign or domestic, it shall be presumed, in the absence of evidence to the contrary, that any material man having a contract with the owner or person for whom the vessel is being built is doing the same upon the credit of the vessel, and that the credit of the vessel was duly pledged; and he shall have a maritime lien and may proceed *in rem* against the vessel, or *in personam* against the owner or person for whom the vessel is being built.

SECTION 2. The lien hereby created shall cease to be valid at the expiration of sixty days from the time the said work is completed.

SECTION 3. This Act shall take effect on

AN ACT to simplify the laws relating to the liens of material men upon ships and vessels.

Be it enacted, &c.

SECTION 1. Where money is due for labor performed, materials used, or for provisions, stores or other articles furnished for or on account of a ship or vessel, the person to whom such money is due, without regard to whom he gave credit, shall have a lien upon the ship or vessel, her tackle, apparel, and furniture, whether such ship or vessel belong to the State where such labor is performed or articles are furnished or not, and whether such labor or articles are ordered by the master of such ship or vessel or not, provided the person ordering them is duly authorized.

SECTION 2. This act shall take effect on July 1, 1903.

Article 4 of the By-laws was on motion amended so as to insert the words "a Treasurer" after the word "Secretary."

On motion the present officers of the Association were re-elected for the coming year, Mr. H. G. WARD being elected Secretary and Treasurer.

On motion the President was appointed a delegate to the Conference of the International Maritime Committee to be held at Hamburg, with power to appoint three or more additional delegates.

The meeting then adjourned, to meet again on Friday the 15th day of November at 2 P.M. at the same place.

*In accordance with the provisions of the new by-law, members are requested to notify the Secretary at once, upon the enclosed postal card, whether they wish to be Associate or Active members so that a corrected list may be prepared.*

*Those who elect to be active members are requested to remit the annual dues of five dollars for the year 1901 to 1902.*

HENRY GALBRAITH WARD,  
*Secretary.*