

MARITIME LAW ASSOCIATION OF THE UNITED STATES.

NOVEMBER 15th, 1901.

An adjourned meeting of the Maritime Law Association of the United States was held at the Association of the Bar of the City of New York, No. 42 West 44th Street, at 2 P.M.

There were present: the President, Mr. Robert D. Benedict; Hon. Addison Brown, and Messrs. Bryant, Frederic Dodge, J. W. Leakin, Mattison, Putnam, Shope, Ullo, Wheeler and Ward.

The minutes of the last meeting were approved.

Mr. Dodge read the report of the Committee appointed to draft a uniform lien law, and the bill proposed by the Committee was discussed section by section, and is hereafter printed as finally amended.

Mr. Putnam moved that the Secretary be instructed to send to each member the Bill reported by the Committee as finally amended, and a Bill presented by Mr. Cunningham at the meeting of May 3d, 1901, with the request that he indicate before January 6th, 1902, to the Secretary whether he prefers for presentation to Congress:

- 1st. The Bill reported by the Committee; or
- 2d. The Bill presented by Mr. Cunningham; or
- 3d. The Bill reported by the Committee amended by striking out Sections 4, 5, 6 and 7.

And with the further request that he make any suggestions on the subject that occur to him.

Judge Brown moved that the President appoint two or more committees to prepare answers upon the subjects proposed for discussion at the Conference of the Comité Maritime, to be held at Hamburg in 1902.

A vote of thanks to the Association of the Bar of the City of New York for the use of the room was unanimously carried.

The drafts of bills to regulate and make uniform the subject of maritime liens are appended.

The meeting then adjourned to meet again at the office of Mr. Robert D. Benedict on Friday, November 22d, at 3 P.M.

HENRY GALBRAITH WARD,
Secretary.

NOVEMBER 22d, 1901.

The President appointed Hon. Addison Brown, J. Parker Kirlin and Frederic Dodge a committee to prepare the answers of the Association on the subject of the competency and jurisdiction of courts in cases of collision, to be discussed at the Conference of the Comité Maritime International, at Hamburg, 1902, and Messrs. Harrington Putnam, J. Wilson Leakin and E. P. Wheeler to prepare the answers of the Association on the subject of liens upon vessels.

The meeting was adjourned to meet again at the office of the Secretary, December 13th, 1901.

HENRY GALBRAITH WARD,
Secretary.

DECEMBER 13th, 1901.

The Bill reported by the Committee was further amended, and the meeting adjourned subject to the call of the President.

HENRY GALBRAITH WARD,
Secretary.

1. The bill reported by the committee as finally amended.

AN ACT to Regulate and make uniform the rights of persons furnishing to or for vessels supplies, repairs or other necessities.

SECTION 1. Any person furnishing supplies, repairs or other necessities to any foreign or domestic vessel upon the credit of the vessel shall have a maritime lien and may proceed against the vessel *in rem*.

SECTION 2. When the supplies, repairs or other necessities have been ordered by the master or by the owner of the vessel, or by any one having authority from the owner to procure supplies, repairs or other necessities for the vessel, they shall be presumed, in the absence of evidence to the contrary, to have been furnished on the credit of the vessel.

SECTION 3. The following persons shall be presumed to have authority from the owner to procure supplies, repairs or other necessaries for the vessel:

(1) The master, a managing owner, a ship's husband or any person to whom the management and control of the vessel in the port of supplies is entrusted. But this provision shall not apply to a charterer or to any one employed by him when by the charter party the charterer is required to furnish such supplies, repairs or other necessaries, and the person furnishing knew this or had reasonable means of ascertaining it.

(2) A chief engineer or chief steward actually serving on board, whether employed by the owner or owners or by a charterer, save as above; but the authority of such engineer or steward shall be deemed to extend only to the procuring of such supplies or repairs as are usually and reasonably required in their respective departments.

SECTION 4. No lien for supplies, repairs or other necessaries for a sum exceeding \$100 upon a vessel of the United States shall continue to be valid for more than ninety 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 5. 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, unless suit to enforce such lien shall have been begun; except that if at the expiration 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 port where the lien was filed.

SECTION 6. The statement of lien required by this Act shall set forth the name of the vessel, the port from which she hails, the person who ordered the supplies, repairs or

other necessaries, the amount of the claim with the items thereof, their dates and all just credits, and the balance due at the time of filing the statement. The statement shall be signed and verified by the lien claimant or by some person on his behalf.

SECTION 7. 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 8. This Act is intended to supersede all State statutes purporting to create rights of action against vessels for supplies, repairs and other necessaries.

SECTION 9. 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 right to proceed *in personam*.

SECTION 10. This Act shall take effect on

2. The Bill presented by Mr. Cunningham

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.

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