

MARITIME LAW ASSOCIATION OF THE UNITED STATES.

JANUARY 23, 1902.

Special Meeting called at office of the President, at No. 68 Wall Street, New York.

There were present the President, Mr. Robert D. Benedict, Hon. Wm. G. Choate, and Hon. A. Brown, Messrs. E. N. Taft and H. Putnam.

In absence of Mr. WARD, Mr. PUTNAM acted as temporary Secretary.

A bill introduced in Congress by Mr. NAPHEN (H. R. 8202)—to give to a shipmaster a lien for his wages of like character to that now existing in favor of seamen—was considered at the meeting and disapproved.

Letters from various members regarding the pending Lien Law were read, from which it appeared that but two members had written in favor of the bill proposed by Mr. CUNNINGHAM and eight favored that reported by the Committee. Certain amendments to Section 5 were also suggested in these letters to the Secretary. It was voted not to approve the bill proposed by Mr. CUNNINGHAM.

After discussion of the bill reported by the Committee, the meeting adjourned to January 30th at 3 P.M. at the office of the President, 68 Wall Street.

H. PUTNAM,
Secretary pro tem.

JANUARY 30, 1902.

After further discussion, a further adjournment was had to Feb. 6, 1902, at the same place, at 3 P.M.

R. D. BENEDICT,
President.

FEBRUARY 6th, 1902.

An adjourned meeting of the Association was held at the office of the President, 68 Wall Street, New York.

After discussion, the bill reported by the Committee on the subject of Uniform Maritime Lien Law was adopted in the following form:

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 necessities 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 necessities, 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 necessities 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 necessities 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 necessities were furnished to her.

SECTION 5. No lien for supplies, repairs or other necessities upon a vessel of the United States shall continue to be valid for more than one year after such supplies, repairs or other necessities were furnished, unless suit to enforce such lien shall have been begun; for that purpose a libel for the enforcement of such lien *in rem.* may be filed in the United States District Court of the judicial district wherein the notice of lien is filed, at any time before the expiration of the year, whether the vessel at the time of filing the libel is within the district or not; and if the vessel can not be arrested in such suit, then if the owner or claimant of the vessel does not voluntarily appear therein and give bond or stipulation with surety approved by the Court for the payment of the claim, with interest and costs, in case final judgment be recovered upon said lien, pursuant to the course of the admiralty, the filing of such libel shall be deemed the commencement of suit sufficient to preserve such lien, and the lienor or his legal representatives or assigns may, within a reasonable time thereafter, arrest the vessel by suit *in rem.* for the recovery of his claim in any other place or district wherein the vessel may be found.

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 necessities, the name and address of the lienor, 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 Collector of 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 and upon the filing of a duly executed and acknowledged receipt of payment or satisfaction piece of such claim, or upon the order of the United States District Court for that District, he shall mark the said statement of lien canceled.

SECTION 8. The owner or claimant of the vessel may deposit with the clerk of the United States District Court of the Judicial District wherein the statement of lien is filed the amount claimed with interest, and the clerk's fees thereon, together with a bond with surety approved by the Court, for the payment of any further interest and costs of suit, if the lien be sustained; and thereupon the Court may, on notice by mail to the lienor, at the address stated in the statement of lien, order the statement of lien filed, as afore said to be canceled, and such deposit and bond shall thereafter be held to answer any judgment or decree recovered by the lienor upon his claim. If no suit for the enforcement of such claim be commenced within sixty days thereafter, the Court may, on similar notice to the lienor, unless further time for suit be given, order the deposit returned and the bond canceled.

SECTION 9. This Act is intended to supersede all State statutes purporting to create rights of action against vessels for supplies, repairs and other necessaries.

SECTION 10. 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 11. This Act shall take effect immediately.

HENRY GALBRAITH WARD,
Secretary.