

LIEN ON WATERCRAFT (EXCERPT)
Act 59 of 1864 (Ex. Sess.)

570.402 Liens upon certain watercraft for certain debts.

Sec. 2.

Every watercraft of above 5 tons burthen, used, or intended to be used, in navigating the waters of this state, shall be subject to a lien thereon—

First. For all debts contracted by the owner or part owner, master, clerk, agent or steward of such craft, on account of supplies and provisions furnished for the use of said watercraft; on account of work done, or services rendered, on board of such craft, by seamen, or any employee, other than the master thereof; on account of work done, or services rendered, by any person, in or about the loading or unloading of said watercraft; on account of work done, or materials furnished by mechanics, tradesmen or others, in or about the building, repairing, fitting, furnishing or equipping such craft: Provided, That when labor shall be performed, or materials furnished as aforesaid, by a sub-contractor, or workman, other than an original contractor, and the same is not paid for, said person or persons may give the owner, or his agent, or the master or clerk of said craft, timely notice of his or their said claim, and from thenceforth said person or persons shall have a lien upon said craft, pro rata, for his or their said claims, to the amount that may be due by said owner, to said original contractor, for work or labor then done on said water-craft.

Second. For all sums due for wharfage, anchorage, or dock hire, including the use of dry docks; the lying immediately in front of, or attached to any wharf, dock, or pier, within this state, so as to prevent the use of any portion of such wharf, dock or pier, by other watercraft, with or without the discharge of freight or passengers across such wharf, dock or pier, after a notice to leave, shall be an evidence of an agreement to pay for such use whatever the same may be worth.

Third. For sums due for bottomry, salvage, towage, lighterage, insurance, labor at pumping out or raising such watercraft, and for general average, whether in whole or in part, within this state.

Fourth. For all damages arising from the non-performance of any contract of affreightment, or of any contract touching the transportation of persons or property, entered into by the master, owner, agent or consignee of such water-craft, where any such contract is to be, or shall have been performed, in whole or in part, within this state.

Fifth. For all damages arising from injuries done to persons or property, by such water-craft, where the same shall have occurred through the negligence or misconduct, of the owner, part owner, master, agent or other employee of said water-craft, or through the failure, on the part of such water-craft, to observe any law of the United States relative to the equipment or management of such craft, including injuries to any person, not of the ship's company, from accidents on board said water-craft, occurring as aforesaid.

History: 1864, Ex. Sess., Act 59, Eff. May 7, 1864 ;-- Am. 1865, Act 323, Eff. June 22, 1865 ;-- Am. 1867, Act 82, Eff. June 27, 1867 ;-- CL 1871, 6648 ;-- How. 8236 ;-- CL 1897, 10789 ;-- CL 1915, 14892 ;-- CL 1929, 13138 ;-- CL 1948, 570.402