

this act shall take effect on the first day of September next.

NER MIDDLESWARTH,  
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,  
Speaker of the Senate.

APPROVED—The thirteenth day of June, Anno Domini,  
one thousand eight hundred and thirty-six.

JOS : RITNER.

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No. 173.

## An Act

Relating to the attachment of Vessels.

### TABLE OF CONTENTS.

SECTION I. Ships and vessels liable to a lien for debts contracted within this commonwealth, for materials and work in the building of the same.

2. The lien shall continue till the ship shall next proceed to sea.

3. Any of the said tradesmen or mechanics, may file a libel in the office of the prothonotary of the court of Common Pleas, or of the District court.

4. All of the said mechanics and tradesmen may join in one libel.

5. Any of the said mechanics, &c. may, pending a libel, become a party libellant therein.

6. If several suits be brought, they may be consolidated.

7. An attachment may be issued upon the libel; form of the writ.

8. But no such writ shall be issued against a vessel under seizure by process of the courts of the United States.

9. The officer upon executing the attachment, shall give notice; what that notice shall contain.

10. The ship may be discharged from the attachment, if the owner shall give bond with condition, &c.

10. Such proceedings upon the return of the writ may be had, as are usual in courts of admiralty.

12. Questions of fact in issue, shall be tried by a jury, unless the parties shall agree to refer, &c.

13. The court may pronounce the same decrees, and enforce them by the like process, as courts of admiralty.

14. After three months from the first publication of notice of the attachment, the court may decree a sale, &c. and award a writ of sale; form of the writ.

15. If the proceeds of sale be insufficient to satisfy all the liens, they shall be distributed *pro rata*.

An act relating to the attachment of Vessels.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That ships and vessels of all kinds, built, repaired, or fitted within this commonwealth, shall be subject to a lien for all debts contracted by the masters or owners thereof, for work done, or materials found or provided in the building, repairing, fitting, furnishing, or equipping of the same, in preference to any other debt due from the owners thereof.

SECTION 2. The lien aforesaid, shall continue during the time that shall intervene between the contracting of such debts, and the time when such ship or vessel shall proceed on her voyage, next after the work done, or the materials furnished, as aforesaid, and no longer.

SECTION 3. The lien for work done and materials furnished as aforesaid, shall exist in favor of the following classes of tradesmen and mechanics, and no others, to wit: carpenters, blacksmiths, mastmakers, boatbuilders, block-makers, ropemakers, sailmakers, riggers, joiners, carvers, plumbers, painters, shipchandlers, coppersmiths, brassfounders, coopers, venders of sail-cloth, and lumber merchants.

SECTION 3. Any of the said persons, having done work or provided materials, may file a libel in the office of the prothonotary of the District court, or court of Common Pleas, of the proper county, wherein the cause of action shall arise, or in any county where the said ship may be found, against such ship or vessel, her tackle, furniture and apparel.

SECTION 4. All, or any of the said persons, may join in one libel for the recovery of all their claims, in the same

manner as mariners are permitted by the usages of courts of admiralty, to join in one suit for the recovery of their wages.

SECTION 5. Whenever a libel shall be filed by any person as aforesaid, it shall be lawful for any other person or persons having a claim as aforesaid, to apply to the court, by petition, at any time during the pendency of the action, to become a party libellant, and upon due proof of his claim, as aforesaid, he shall be received and permitted to prosecute his claim jointly with the other persons who commenced the action.

SECTION 6. If more than one suit shall be brought as aforesaid, against the same ship or vessel, by all or any of the said person or persons, the court shall cause the said actions to be consolidated into one definitive sentence or decree, comprehending all such debts as shall be duly supported.

SECTION 7. Upon the filing of a libel as aforesaid, supported by the oath or affirmation of the libellant, it shall be lawful for him to have a writ of attachment, to be made according to the following form, to wit:

[L. S.] county, ss.

The Commonwealth of Pennsylvania,

To the Sheriff of said county, Greeting:

We command you, that you arrest, attach, and safely keep the schooner of tons burthen, or thereabouts, lying at , of which A. B., late of , is master, (or otherwise sufficiently describing the vessel to be attached,) her tackle, apparel and furniture, and that you summon A. B., (the master or owner who contracted the debt for which the vessel is attached,) if he may be found within your bailiwick, to appear before our court of , to be holden at , in and for said county, on the day of , then and there to answer the libel of C. D. who demands against the said schooner, and the said A. B., the owner, (or the master thereof) the sum of dollars, for materials found (or as the case may be, for work done, &c.) of the building of the said schooner, to wit: For (two thousand feet of plank, &c., setting forth the claim briefly, as in the libel,) which said sum the said C. D. averreth is wholly due; and how you shall have executed this writ, make known to our said judges, at the day and place aforesaid, and have you then there this writ; Witness. &c.

SECTION 8. But no writ of attachment shall be issued against any vessel as aforesaid, which shall have been seized by process of any court of the United States, having admiralty jurisdiction, while the same shall be actually held by virtue thereof, nor against any vessel which shall have been sold by order of such court, for any debt contracted as aforesaid, previously to the time of such sale: *Provided nevertheless*, That if the payment of such debts shall be decreed by the

said court, the lien shall continue until the payment thereof shall be enforced, by the process of such court.

SECTION 9. Immediately after the execution of any writ of attachment as aforesaid, the officer executing the same, shall cause notice thereof to be given, in one newspaper published within the city or county, once a week during six successive weeks, and every such notice shall contain:—

First—the name of the ship or vessel attached, the name of the port or place to which she belongs, and the name of her last commander.

Second—that such ship or vessel will be sold for the payment of debts contracted, for work done, or for materials provided in the building, repairing, fitting, furnishing or equipping of the same, (as the case may be) unless the owner, consignee, commander, or some person in their behalf, shall appear and pay the same, or otherwise obtain the discharge of such ship or vessel, within three months from the first publication of such notice.

Third—In every such notice, he shall require all persons having a lien for any debts contracted as aforesaid, to file the same, within three months from the first publication of such notice, or be debarred from prosecuting their claims, under such writ of attachment.

SECTION 10. If the owner or master of any ship or vessel attached as aforesaid, or his or their agent, shall enter into a bond to the commonwealth, with sufficient sureties, to be approved of by the court from which the process issued, or by a judge thereof, with condition, to answer all the demands aforesaid, which shall be at that time filed against the same, and fully to satisfy and pay all such of them as shall be proved and recovered, such ship or vessel shall be forthwith discharged from the attachment, as aforesaid, and be permitted to proceed on her voyage.

SECTION 11. Upon the return of any such writ, such further proceedings may be had for the recovery of the debts aforesaid, as are usually had in courts of admiralty, and for the recovering of mariners' wages, and other debts actually contracted upon the high seas.

SECTION 12. All questions of fact which shall arise under this act, shall be tried by a jury of the county, forthwith, upon the joining of an issue therein by the parties, unless they shall agree by writing filed, to refer the same to arbitrators, by rule of court.

SECTION 13. The said court shall have power to pronounce the same interlocutory, and final sentence or decree upon such libel, and upon the petition of any other person concerned, and enforce the same, by the like writ, or other compulsory process, as a court of admiralty might in like cases.

SECTION 14. At any time after three months elapsed from the first publication of the notice of the attachment, as aforesaid, the court may proceed to make an order and decree for the sale of such ship or vessel, or of the tackle, apparel and furniture thereof, if the amount necessary to be raised can be satisfied by the sale of the same, without selling the vessel, and thereupon, the court shall award, upon motion, a writ of sale to be made, according to the following form, to wit:

County, ss.

[L. S.]

The commonwealth of Pennsylvania,

To the sheriff of said county, greeting,

Whereas, lately, by our writ of attachment, we commanded you, &c. (reciting the writ and the return,) and afterwards such proceedings were had in our said court, that the said A. B. (C. D. &c.) obtained the judgment and decree of the said court to recover the sums respectively due to them, to be levied by the sale of the said vessel, amounting in the whole to the sum of \_\_\_\_\_, we, therefore, command you that you expose the said schooner \_\_\_\_\_, her tackle, apparel and furniture, (if the order be to sell the tackle, &c. without the vessel, say "her tackle, apparel and furniture,") to sale, by public vendue or outcry, and the money arising from the sale of the said vessel, (or as the case may be, tackle, apparel and furniture,) you have before our said judges, at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, next; Witness, &c.

SECTION 16. If the proceeds of any ship or vessel sold as aforesaid, shall not be sufficient to satisfy all the liens against such vessel, as aforesaid, the same shall be distributed pro rata, among all the creditors aforesaid, whose claims shall have been filed in the office of the prothonotary of the court, previously to the decree of sale, as aforesaid.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

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