

THE LAW
OF
MARITIME LIENS

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PREFACE.

IN this work I have attempted to collect from various sources the law relating to maritime liens and to present the main features of the subject within the limits of a single volume. Attention has been given to historical origins, and chapters on foreign law have been included in order to provide a complete survey of the law as represented by the English, American, French and German systems. France has now put into operation the Brussels Convention of 1926, but the rules of the Convention do not cover everything and the law is still left to some extent to the respective national systems. While German law typifies the rules of maritime lien prevailing in Northern Europe, French law exhibits the characteristics to be found in Italy, Spain and other Latin countries.

Colonial law may be assumed to be identical with English law, except where modified by local statute or where, perhaps, a different basis of jurisprudence exists. As an illustration I have written a short chapter on Canadian Admiralty

Jurisdiction. The recent Canadian Admiralty Act of 1934 does not contain any reference to a maritime lien, but it may be thought desirable to have included clear statutory provisions dealing with the question of maritime liens in regard to which the English law is, in some respects, in a vague and unsatisfactory state.

Throughout the book I have aimed at collecting and summarising the law, but occasionally where it seemed necessary to challenge the statements in the text-books, as in the case of the transfer and assignment of liens, or in dealing with an unsatisfactory decision like *The Minerva*, I have found room for some discussion of the points involved.

The concluding chapter on International Unification has been summarised and adapted from my thesis on the Recent History of the Law of Maritime Liens which was approved for the degree of M.A. in the University of Wales. International unification is specially desirable in the matter of maritime liens which are secret in their operation and where the law of foreign countries is so notoriously at variance. The International Convention, however, has not generally been accepted. The Convention has met with opposition in Great

Britain, and failing its adoption in this country it has been suggested that the British Commonwealth of Nations should draw up their own code in respect of maritime liens. There is probably no divergence between the law of England and the law prevailing in the Colonies in regard to maritime liens, but what is required is to clarify the existing law and rescue it from its somewhat confused state by means of statutory codification.

The law of maritime liens is intriguing and elusive and its study has formed a pleasant occupation for my leisure hours. I should be very pleased if my work on the subject proved of interest to maritime lawyers. To some of these my grateful acknowledgments are due for valuable suggestions, and I have especially to thank Dr. Alfred Sieveking, Mlle. Marguérite Haller, Mr. Arnold W. Knauth and Dr. Fulton C. Underhay.

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December, 1939.

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