

CHAPTER 579

ACTION AGAINST BOATS OR VESSELS

579.01 LIABILITY OF BOAT OR VESSEL.

HISTORY. R.S. 1851 c. 86 s. 1; P.S. 1858 c. 76 s. 1; 1864 c. 39; G.S. 1866 c. 83 s. 1; G.S. 1878 c. 83 s. 1; G.S. 1894 s. 6085; R.L. 1905 s. 4603; G.S. 1913 s. 8318; G.S. 1923 s. 9774; M.S. 1927 s. 9774.

An action will lie against a steamboat by name when the contract was made, and the breach complained of occurred without the state. *Steamboat Reveille v Landreth*, 2 M 175 (146).

An action will lie against a vessel where the cause of action arose wholly within the state or upon a contract made within and broken without the state or upon one made without and to be performed within the state; but not where the cause of action arose wholly without the state. *Irvine v Steamboat Hamburg*, 3 M 192 (124).

An action may, under the statute, be maintained by the administrator or executor of the deceased against a steamboat by name for wrongfully causing the death of a person. *Boutiller v Steamboat Milwaukee*, 8 M 97 (72).

Actions against vessels by name are actions at common law and not proceedings in admiralty. An assignee of a cause of action may maintain it. *Reynolds v Steamboat Favorite*, 10 M 242 (190); *Morin v Steamboat Sigel*, 10 M 250 (195).

An action for breach of contract of affreightment agreed to be performed on the Minnesota river could not be maintained, as this was an attempt to exercise admiralty jurisdiction conferred on the federal courts exclusively. *Griswold v Otter*, 12 M 465.

Inland lakes wholly within the boundaries of the state are not navigable waters of the United States, and suits to enforce a lien against boats thereon are not within the exclusive admiralty jurisdiction of the United States; and as to such claims, the jurisdiction of the state court is not impaired by acts of congress. Chapter 579 is constitutional. *Stopp v Steamboat Clyde*, 43 M 192, 45 NW 430.

The state courts have jurisdiction of an action on a release bond. *Stopp v Steamboat Clyde*, 44 M 510, 47 NW 160.

An action may be maintained, and the vessel may be sold to satisfy the judgment where the consideration is the raising of a sunken vessel and transporting it from Lake Minnetonka to the Minnesota river. *Laing v Steamboat Forest Queen*, 69 M 537, 72 NW 809.

Defendant having executed a charter, party in which it purported to contract as principal is liable for a breach of the contract whether in fact contracting as principal or as agent for an undisclosed principal. The contract was breached by failure of the vessel to report for loading within the time required by the contract. *Cargill Elevator Co. v Sullivan*, 171 M 507, 214 NW 510.

General Statutes 1878, Chapter 83, Section 1 (579.01), creates a lien on the boat or vessel in favor of the liens named. The provision requiring that action be brought within one year applies to proceedings in the federal as well as state courts. Courts of admiralty will recognize liens of this character. One furnishing the master money necessary to release a boat has a lien thereon. *The Menominie*, 36 F 197.

Breach of executory contract of affreightment as giving rise to a maritime lien under state statute. 3 MLR 343.

579.02 ACTION; WARRANT; PROCEDURE.

HISTORY. R.S. 1851 c. 86 ss. 3 to 7, 15, 17, 18; P.S. 1858 c. 76 ss. 3 to 7, 15, 17, 18; 1864 c. 39; G.S. 1866 c. 83 ss. 2 to 6, 18, 20, 21; G.S. 1878 c. 83 ss. 2 to 6, 18,

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20, 21; G.S. 1894 ss. 6086 to 6090, 6102, 6104, 6105; R.L. 1905 s. 4604; G.S. 1913 s. 8319; G.S. 1923 s. 9775; M.S. 1927 s. 9775.

579.03 DISCHARGE OF BOAT; BOND.

HISTORY. R.S. 1851 c. 86 s. 9; P.S. 1858 c. 76 s. 9; G.S. 1866 c. 83 s. 7; G.S. 1878 c. 83 s. 7; G.S. 1894 s. 6091; R.L. 1905 s. 4605; G.S. 1913 s. 8320; G.S. 1923 s. 9776; M.S. 1927 s. 9776.

The courts of the state have jurisdiction of an action on a discharge or release bond. *Stopp v Steamboat Clyde*, 44 M 510, 47 NW 160.

579.04 SALE; EXECUTION.

HISTORY. R.S. 1851 c. 86 ss. 10, 11, 16; P.S. 1858 c. 76 ss. 10, 11, 16; G.S. 1866 c. 83 ss. 8, 9, 19; G.S. 1878 c. 83 ss. 8, 9, 19; G.S. 1894 ss. 6092, 6093, 6103; R.L. 1905 s. 4606; G.S. 1913 s. 8321; G.S. 1923 s. 9777; M.S. 1927 s. 9777.

An action may be maintained in the state courts to enforce a lien against a boat or vessel on the inland lakes of the state, and on a bond given to release an attachment of the boat, including the process of sale and execution. *Stopp v Steamboat Clyde*, 43 M 192, 45 NW 430; 44 M 510, 47 NW 160.

579.05 OWNER SUMMONED TO SHOW CAUSE.

HISTORY. 1862 c. 33; G.S. 1866 c. 83 ss. 10, 11, 12; G.S. 1878 c. 83 ss. 10 to 12; G.S. 1894 ss. 6094 to 6096; R.L. 1905 s. 4607; G.S. 1913 s. 8322; G.S. 1923 s. 9778; M.S. 1927 s. 9778.

579.06 PLEADINGS; TRIAL; JUDGMENT.

HISTORY. 1862 c. 33; G.S. 1866 c. 83 ss. 13, 14; G.S. 1878 c. 83 ss. 13, 14; G.S. 1894 ss. 6097, 6098; R.L. 1905 s. 4608; G.S. 1913 s. 8323; G.S. 1923 s. 9779; M.S. 1927 s. 9779.

579.07 APPEALS.

HISTORY. R.S. 1851 c. 86 s. 20; P.S. 1858 c. 76 s. 20; G.S. 1866 c. 83 s. 22; G.S. 1878 c. 83 s. 22; G.S. 1894 s. 6106; R.L. 1905 s. 4609; G.S. 1913 s. 8324; G.S. 1923 s. 9780; M.S. 1927 s. 9780.

See *McNamara v Minnesota Central*, 12 M 388 (269).

579.08 LIMITATION OF ACTION.

HISTORY. R.S. 1851 c. 86 s. 21; P.S. 1858 c. 76 s. 21; G.S. 1866 c. 83 s. 23; G.S. 1878 c. 83 s. 23; G.S. 1894 s. 6107; R.L. 1905 s. 4610; G.S. 1913 s. 8325; G.S. 1923 s. 9781; M.S. 1927 s. 9781.