

The lien claim cannot be amended in the court of appeals. *Baker v. Winter*, 15 Md. 10.

This section does not dispense with the forms of pleading. *Kees v. Kerney*, 5 Md. 422.

Cited but not construed in *Wehr v. Shryock*, 55 Md. 338.

See notes to secs. 1 and 11.

An. Code, sec. 42. 1904, sec. 42. 1888, sec. 42. 1838, ch. 205, sec. 26.

42. Nothing contained in this article shall be construed to affect the right of any person to whom any debt may be due for work done or materials furnished to maintain any personal action against the owner of the building or any other person liable therefor.

This section followed. *McLaughlin v. Reinhart*, 54 Md. 80; *Sodini v. Winter*, 32 Md. 134.

Boats and Vessels.

An. Code, sec. 43. 1904, sec. 43. 1888, sec. 44. 1856, ch. 294, sec. 1. 1865, ch. 190.

43. All boats or vessels of any kind whatsoever used or intended to be used on the waters of the Chesapeake bay and its tributaries, the Chesapeake and Ohio canal, and other waters of this State, as carriers of freight or passengers, and all other boats or vessels belonging in this State shall be subject to a lien and bound for the payment thereof as preferred debts for all debts due to boat builders, mechanics, merchants, farmers or other persons, from the owners, masters or captains, or other agents of such boats or vessels for materials furnished or work done in the building, repairing or equipping the same.

Consumable supplies, such as gasoline or groceries, are not within the lien given by this and the following section. *The Princess*, 185 Fed. 218.

This section referred to in construing sec. 47—see notes thereto. *The D. B. Steelman*, 48 Fed. 583; *The Marcelia Ann*, 34 Fed. 143.

Cited but not construed in *Lucas v. Taylor*, 105 Md. 103.

See secs. 1 and 22 and notes.

An. Code, sec. 44. 1904, sec. 44. 1888, sec. 45. 1856, ch. 294, sec. 1. 1865, ch. 190.
1900, ch. 28.

44. No person shall be entitled to a lien under the preceding section unless he shall, within six months from the commencement of the building, repairing, equipping or refitting of such boat or vessel, deliver to the clerk of the circuit court for the county where the building, repairing, equipping or refitting was done, or the clerk of the superior court of Baltimore city, if done in the city of Baltimore, an account or statement verified by the oath of the claimant taken and subscribed before some justice of the peace or other officer authorized to administer an oath, setting forth the names of the claimant and debtor; and, if the debt was not contracted by the owner but by his agent, the name of such agent, the name or other certain description of the boat or vessel and the place where built, repaired, equipped or refitted and the particulars or items of the claim or debt; and