

to be paid by the defendant and taxed as costs against him, for which and for other costs in prosecuting the claim, the defendant shall be liable, the clerk to be allowed the same fees for recording said statement or account as are now allowed by law for recording deeds or bills of sale.

1865, c. 190  
How long the  
lien shall con-  
tinue

**47.** Every such boat or vessel against which an account or statement shall be filed under this article, shall be subject to a lien for the debt and costs justly chargeable against it for two years from the day on which the account or statement shall be filed, and no longer, but the claimant may have the benefit of any other lien upon said boat or vessel to which he may be entitled by mortgage, bill of sale or otherwise.

Art 61, s 48  
1856, c 294, s 3  
To what not to  
be preferred.

**48.** The lien given by this article on boats or vessels shall not entitle the claimant to preference over creditors or claimants secured by mortgage or bill of sale properly executed and recorded before the claim to be secured by such lien shall have accrued.

Id s 49  
1856, c 294, s 4  
Lien, how  
enforced

**49.** The claimant under such lien on any boat or vessel may, at any time after his claim has been filed as aforesaid, within the period to which he is entitled to the benefit of his lien, sue out of the court in which his claim is filed, a writ of *scire facias* directed to the sheriff of the county or city and returnable to the next ensuing court that shall sit within twenty days after the issuing of the writ.

Id s 50  
1856, c 294, s 4  
Service of *sci fa*

**50.** The sheriff shall immediately serve such writ on the owner or his agent, if the agent have charge of the boat, or if neither can be found within his bailwick, shall set up a copy of the writ, or a short notice containing the substance thereof, at the nearest post-office where such boat was built, and shall also cause a copy to be published once in each of two consecutive weeks in some newspaper having general circulation in said county or city.

Id s 51  
1856, c 294, s 4  
Proceedings on  
return of writ

**51.** Upon the return of the writ indorsed summoned by the sheriff, or where the owner or his agent cannot be found, upon its return with the sheriff's and printer's certificates showing that a copy was set up at the nearest post-office, and also published as directed in the preceding section. if the owner or his agent do not appear, judgment shall be rendered for the principal and interest of the claim and costs.

Id s 52  
1856, c 294, s 4  
Submission or  
trial

**52.** If the owner shall appear on the return of the writ, he may with the consent of the claimant, submit the case upon the evidence to the court, or either party may demand a trial by jury, which shall be had at the term to which the writ is returnable, unless for good cause the court shall continue the cause.

Id s 53  
1856, c 294, s 4  
Judgment, how  
enforced

**53.** The judgment rendered in such *scire facias* may be enforced as other judgments, and the sheriff shall deposit the money made thereon with the clerk of the court, to be disbursed under the order of the court among the parties entitled to the same.