

such mortgage. Section 15 has no application. The *Marcelia Ann*, 34 Fed. 143.

Sections 43 to 47 abrogate the maritime lien for materials furnished in Maryland for building, repairing, etc., a vessel; a lien secured under said sections is subordinate to a claim secured by a prior mortgage. The *D. B. Steelman*, 48 Fed. 583.

See sec. 15 and notes.

1904, art. 63, sec. 48. 1888, art. 63, sec. 49. 1860, art. 61, sec. 49.
1856, ch. 294, sec. 4.

48. 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.

See sec. 24, *et seq.*

Ibid. sec. 49. 1888, art. 63, sec. 50. 1860, art. 61, sec. 50.
1856, ch. 294, sec. 4.

49. The sheriff shall immediately serve such writ on the owner or his agent, if the agent have charge of the boat or vessel, or, if neither can be found within his bailiwick, shall set up a copy of the writ, or a short notice containing the substance thereof, at the postoffice nearest to the place 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.

See sec. 28.

Ibid. sec. 50. 1888, art. 63, sec. 51. 1860, art. 61, sec. 51.
1856, ch. 294, sec. 4.

50. Upon the return of the writ endorsed "summoned" by the sheriff, or where the owner or his agent can not be found upon its return with the sheriff's and printer's certificates showing that a copy was set up at the nearest postoffice, 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.

See sections 32 and 34.

Ibid. sec. 51. 1888, art. 63, sec. 52. 1860, art. 61, sec. 52.
1856, ch. 294, sec. 4.

51. If the owner shall appear on the return of the writ he may, with 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.

Ibid. sec. 52. 1888, art. 63, sec. 53. 1860, art. 61, sec. 53.
1856, ch. 294, sec. 4.

52. 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.

See sec. 35.