CHAPTER 9

Liens on Ships and Vessels

**SECTION 29‑9‑10.** Liens for labor performed and materials furnished.

 When, by virtue of a contract, expressed or implied, with (a) the owners of a ship or vessel, (b) the agents, contractors or subcontractors of such owners or any of them or (c) any person having been employed to construct, repair or launch such ship or vessel or to assist them, money is due to any person for labor performed, materials used or labor and materials furnished in the construction, launching or repair of such ship or vessel in this State or for constructing the launchingways for or for provisions, stores or other articles furnished for or on account of such ship or vessel in this State, such person shall have a lien upon the ship or vessel, her tackle and furniture, to secure the payment of such debt which shall be preferred to all others thereon, except mariners’ wages, and shall continue until the debt is satisfied.

HISTORY: 1962 Code Section 45‑351; 1952 Code Section 45‑351; 1942 Code Section 8781; 1932 Code Section 8787; Civ. C. ‘22 Section 5683; Civ. C. ‘12 Section 4153; Civ. C. ‘02 Section 3048; G. S. 2389; R. S. 2504; 1858 (12) 741; 1869 (14) 224.

CROSS REFERENCES

Lien of carriers of goods for charges, see Section 58‑13‑410.

Ports and maritime matters, see Sections 54‑1‑10 et seq.

Library References

Maritime Liens 16.

Westlaw Topic No. 252.

C.J.S. Maritime Liens Section 3.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Shipping Law Section 46, Federal Preemption of State Liens.

S.C. Jur. Shipping Law Section 47, Liens for Labor, Materials, and Storage.

Attorney General’s Opinions

No specific statutory authority exists for constable to conduct sale to satisfy lien for repairs or storage. 1984 Op. Atty Gen, No. 84‑58, p. 144.

NOTES OF DECISIONS

In general 1

1. In general

Lien for repairs where written contract waived, see The Sappho, 1899, 94 F. 545, 36 C.C.A. 395.

Different liens hereunder have equal rank and are not affected by the order in which suits are brought. The Julia, 1893, 57 F. 233.

This section gives no lien to a master of a vessel for his wages. The Aguia, 1947, 72 F.Supp. 201.

A contract with the mortgagor, who has the exclusive control and use of the ship, does not charge the mortgagee for repairs. Cordray v. Mordecai (S.C. 1846) 2 Rich. 518.

**SECTION 29‑9‑20.** Statement of account.

 Such lien shall be dissolved unless the person claiming it shall file, within ninety days after he ceases to labor on or furnish labor or materials for such ship or vessel, in the office of the register of deeds or clerk of court of the county within which the ship or vessel was at the time the debt was contracted, a statement, subscribed and sworn to by himself or by some person in his behalf, giving a just and true account of the demands claimed to be due to him, with all just credits, and also the name of the person with whom the contract was made, the name of the owner of the ship or vessel, if known, and the name of the ship or vessel or a description thereof sufficient for identification. Such statement shall be recorded by the register of deeds or clerk in a book kept by him for that purpose, for which he shall receive the same fees as for recording other papers of equal length.

HISTORY: 1962 Code Section 45‑352; 1952 Code Section 45‑352; 1942 Code Section 8782; 1932 Code Section 8788; Civ. C. ‘22 Section 5684; Civ. C. ‘12 Section 4154; Civ. C. ‘02 Section 3049; G. S. 2390; R. S. 2505; 1869 (14) 224; 1884 (18) 735.

Code Commissioner’s Note

1997 Act No. 34, Section 1, directed the Code Commissioner to change all references to “Register of Mesne Conveyances” to “Register of Deeds” wherever appearing in the 1976 Code of Laws.

Library References

Maritime Liens 26, 32.

Westlaw Topic No. 252.

C.J.S. Maritime Liens Sections 6 to 7, 13, 15, 41 to 42.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Clerks of Court Section 10, Duties.

S.C. Jur. Shipping Law Section 47, Liens for Labor, Materials, and Storage.

**SECTION 29‑9‑30.** Place of debt when ship built in two places.

 If the ship or vessel is partly constructed in one place and partly in another, either place shall be deemed the port at which she was when the debt was contracted, within the meaning of this chapter.

HISTORY: 1962 Code Section 45‑353; 1952 Code Section 45‑353; 1942 Code Section 8783; 1932 Code Section 8789; Civ. C. ‘22 Section 5685; Civ. C. ‘12 Section 4155; Civ. C. ‘02 Section 3050; G. S. 2391; R. S. 2506; 1869 (14) 224.

Library References

Maritime Liens 26.

Westlaw Topic No. 252.

C.J.S. Maritime Liens Sections 6 to 7, 13, 15, 41 to 42.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Shipping Law Section 47, Liens for Labor, Materials, and Storage.

**SECTION 29‑9‑40.** Inaccuracies in statement.

 No inaccuracy in the description of the ship or vessel, if she can be recognized thereby, or in stating the amount due for labor or materials, shall invalidate the proceedings, unless it appears that the person filing the certificate has knowingly and wilfully claimed more than his due.

HISTORY: 1962 Code Section 45‑354; 1952 Code Section 45‑354; 1942 Code Section 8783; 1932 Code Section 8789; Civ. C. ‘22 Section 5685; Civ. C. ‘12 Section 4155; Civ. C. ‘02 Section 3050; G. S. 2391; R. S. 2506; 1869 (14) 224.

Library References

Maritime Liens 26, 32.

Westlaw Topic No. 252.

C.J.S. Maritime Liens Sections 6 to 7, 13, 15, 41 to 42.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Shipping Law Section 47, Liens for Labor, Materials, and Storage.

**SECTION 29‑9‑50.** Petition to enforce lien.

 Such lien may be enforced by petition to the court of common pleas for the county in which the vessel was at the time the debt was contracted or in which she is at the time of instituting proceedings. The petition may be entered in court or filed in the clerk’s office in vacation or may be served with the summons, with an order of attachment, and returned and entered as other civil actions and the subsequent proceedings for enforcing the lien shall, except as herein otherwise provided, be as prescribed for enforcing liens on buildings and lands, so far as applicable. At the time of entering or filing the petition a process of attachment against such ship or vessel, her tackle, apparel and furniture shall issue and continue in force or may be dissolved like attachments in civil cases, but such dissolution shall not dissolve the lien.

HISTORY: 1962 Code Section 45‑355; 1952 Code Section 45‑355; 1942 Code Section 8784; 1932 Code Section 8790; Civ. C. ‘22 Section 5686; Civ. C. ‘12 Section 4156; Civ. C. ‘02 Section 3051; G. S. 2392; R. S. 2507; 1869 (14) 225.

CROSS REFERENCES

Applicability of this and following sections to enforcement of liens of aircraft, see Section 29‑15‑100.

Library References

Maritime Liens 71, 74.

Westlaw Topic No. 252.

C.J.S. Maritime Liens Sections 78 to 79.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Aviation and Airports Section 11, Liens for Labor and Material.

S.C. Jur. Shipping Law Section 47, Liens for Labor, Materials, and Storage.

**SECTION 29‑9‑60.** Contents of petition.

 The petition shall contain a brief statement of the labor, materials or work done or furnished or the stores, provisions or other articles furnished and the amount due therefor, with a description of the ship or vessel subject to the lien and all other material facts and circumstances and shall pray that the ship or vessel may be sold and the proceeds of the sale applied to the discharge of the demand.

HISTORY: 1962 Code Section 45‑356; 1952 Code Section 45‑356; 1942 Code Section 8784‑1; 1932 Code Section 8791; Civ. C. ‘22 Section 5687; Civ. C. ‘12 Section 4157; Civ. C. ‘02 Section 3052; G. S. 2393; R. S. 2508; 1869 (14) 225.

Library References

Maritime Liens 71, 74.

Westlaw Topic No. 252.

C.J.S. Maritime Liens Sections 78 to 79.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Shipping Law Section 47, Liens for Labor, Materials, and Storage.

**SECTION 29‑9‑70.** Petition filed by multiple lienors.

 Any number of persons having such liens upon the same ship or vessel may join in the same petition to enforce them, and the same proceedings shall be had in regard to the respective rights of each petitioner and the respondent may defend as to each petitioner in the same manner as if they had severally petitioned for their individual liens.

HISTORY: 1962 Code Section 45‑357; 1952 Code Section 45‑357; 1942 Code Section 8784‑3; 1932 Code Section 8793; Civ. C. ‘22 Section 5689; Civ. C. ‘12 Section 4159; Civ. C. ‘02 Section 3054; G. S. 2395; R. S. 2510; 1869 (14) 224.

Library References

Maritime Liens 71, 74.

Westlaw Topic No. 252.

C.J.S. Maritime Liens Sections 78 to 79.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Shipping Law Section 47, Liens for Labor, Materials, and Storage.

**SECTION 29‑9‑80.** Marshalling claims; distribution of proceeds; preference to labor claims.

 When there is money due to more than one person holding a lien upon a ship or vessel under the provisions of this chapter all persons interested having been cited to appear and answer, the claims of all shall be marshalled and the court shall make such order or decree as may be necessary to prevent the enforcement of a double lien for the same labor, materials, stores, provisions or other articles and to secure the just rights of all. And the proceeds arising from the sale of such ship or vessel, after deducting all proper costs and expenses, shall be distributed among the several claimants to the amount of their respective debts. When such proceeds are insufficient to satisfy the liens of all those having liens for labor they shall receive a percentage on their respective claims one third greater, as near as may be, than those having liens for materials, stores or other articles.

HISTORY: 1962 Code Section 45‑358; 1952 Code Section 45‑358; 1942 Code Section 8784‑4; 1932 Code Section 8794; Civ. C. ‘22 Section 5690; Civ. C. ‘12 Section 4160; Civ. C. ‘02 Section 3055; G. S. 2396; R. S. 2511; 1869 (14) 225.

Library References

Maritime Liens 71, 74.

Westlaw Topic No. 252.

C.J.S. Maritime Liens Sections 78 to 79.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Aviation and Airports Section 11, Liens for Labor and Material.

S.C. Jur. Shipping Law Section 47, Liens for Labor, Materials, and Storage.