

or piece of ground, or for any person having a lien upon the same by mortgage, judgment or otherwise, or entitled to a lien by virtue of this article, to apply by petition in writing to the judge of the circuit court for the county or the circuit court of the City of Baltimore to designate the boundaries.

Cited but not construed in *Nicolai v. Baltimore*, 100 Md. 585.

See notes to secs. 5 and 7.

An. Code, 1924, sec. 7. 1912, sec. 7. 1904, sec. 7. 1888, sec. 7. 1838, ch. 205, sec. 6.

7. It shall be the duty of said court to issue an order to the county or city surveyor or some other surveyor to examine the building or place at which such building is being erected and to make a report to such court, in which he shall sufficiently designate and describe by metes and bounds with their courses and distances, and by a draft if necessary, the limits and extent of grounds necessary for the convenient use of such building for the purpose for which it was designed and such report shall be entered at length upon the record book hereinafter mentioned and if approved by the court shall be conclusive upon all persons concerned.

Where a petition is filed under sec. 6 as a part of a pending lien case, and surveyor's report is not acted on until final decree in such case, the report may be reviewed on appeal. This section and word "designed" as used therein, construed. *Filston Farm Co. v. Henderson*, 106 Md. 372.

Cited but not construed in *Fulton v. Parlett*, 104 Md. 70; *Nicolai v. Baltimore*, 100 Md. 585.

See notes to sec. 5.

An. Code, 1924, sec. 8. 1912, sec. 8. 1904, sec. 8. 1888, sec. 8. 1838, ch. 205, sec. 7.

8. If any proceedings shall be instituted to enforce any lien under this article before the boundaries of the lot, land or curtilage which ought to be appurtenant thereto shall be designated, it shall be lawful for the court upon application to stay such proceedings until such designation shall be made and thereupon order the surveyor to ascertain and report such boundaries as described in the preceding section.

See notes to sec. 5.

An. Code, 1924, sec. 9. 1912, sec. 9. 1904, sec. 9. 1888, sec. 9. 1845, ch. 287, sec. 7.

9. Where a building shall be erected by a lessee or tenant for life or years of a farm or lot of ground or by an architect, builder, or other person employed by such lessee or tenant the lien shall only apply to the extent of the interest of such lessee or tenant.

This section applied, where land upon which buildings were erected had been leased for ninety-nine years renewable forever. Agreement to lease; rights of *bona fide* purchasers for value. *Hoffman v. McColgan*, 81 Md. 394; *Beehler v. Ijams*, 72 Md. 195; *Lenderking v. Rosenthal*, 63 Md. 34; *Gable v. Preachers, etc., Society*, 59 Md. 458; *Mills v. Matthews*, 7 Md. 322. And see *Real Estate Co. v. Phillips*, 90 Md. 526.

See sec. 15 and notes.

An. Code, 1924, sec. 10. 1912, sec. 10. 1904, sec. 10. 1888, sec. 10. 1845, ch. 287, sec. 7.

10. Where a building shall be erected on a lot of ground belonging to a married woman by her husband or some person by him employed the said lien shall not attach unless notice thereof be given to such married woman in writing within sixty days after doing such work or furnishing such materials, or both, as the case may be.

Unless the husband is proved to have been acting as *agent* for wife and not as *husband*, the notice must be served personally on wife; service on husband as wife's agent under sec. 11 is sufficient, however, where agency is established. *Conway v. Cook*, 66 Md. 292; *Rimney v. Getterman*, 63 Md. 431; *Jarden v. Pumphrey*, 36 Md. 363; *Adkins and Douglas Co. v. Webb*, 160 Md. 574.