

shall be the duty of the sheriff to affix a copy of said scieri facias upon the door or other front part of the house against which the claim is sought to be recovered. CHAP. 76.

SEC. 9. *And be it enacted,* That it shall also be the duty of the sheriff to whom any such writ of scieri facias may be directed to give notice thereof to all other claimants and persons interested, by advertisement in one or more newspapers published in the town of Cumberland, at least ten days before the return of the writ. Notice to be given.

SEC. 10. *And be it enacted,* That upon the return of such writ, it shall be lawful for any other person or persons having filed his or their claim as aforesaid, to cause to be entered on the record of the same suit, a suggestion setting forth the amount and nature of his demand, and thereupon he may have a rule upon the defendant to appear and plead thereto, as in other cases. Upon return of writ

SEC. 11. *And be it enacted,* That if the defendant shall appear and plead to such suggestion and issue, either in fact or law, be joined upon any plea, such particular issue shall be tried and be determined as in other cases, if the defendant shall not plead to such suggestion after due notice, judgment shall be entered for the claimant filing the same, and the amount of the claim shall be ascertained as in other cases. Determined as in other cases

SEC. 12. *And be it enacted,* That the execution for every judgment rendered in virtue of this act, shall be by writ of fieri facias, in which the sheriff shall be directed to levy the same upon the house and lot particularly referred to and mentioned in the proceedings thereof. Execution to be by fieri facias

SEC. 13. *And be it enacted,* That provided, that if the proceeds of such buildings and ground as aforesaid, shall not be sufficient to pay the full amount of all debts due as aforesaid, for work done and materials furnished, after deducting therefrom any prior liens upon the same, then such debts shall be averaged, and the creditors aforesaid shall be paid in proportion to their respective demands. If not sufficient to pay all liens, proceeds to be divided

SEC. 14. *And be it enacted,* That in every case in which any claim shall be filed against any building as aforesaid, and no scieri facias shall have issued thereon, it shall be lawful for the owner of such building, or any person interested therein, to apply by petition, to the court in which such claim shall be filed, setting forth the facts; whereupon such court may grant a rule upon the party claimant and others interested to appear in court at a time to be fixed for such purposes, and on the return of such rule, may proceed in like manner as if a scieri facias had been issued by such claimant, and had been duly served and returned. Claim filed, and no scieri facias issued