

CHAP. 183. published in the county where the property advertised is situated at least ten days before the return day of the writ.

Upon return of writ it is lawful for any other person having filed a claim to enter suggestion.

SEC. 8. *And be it enacted*, That upon the return of such writ it shall be lawful for any other person having filed a 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 actions, and 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 determined, as in other cases, and 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.

Execution for judgment to be by fieri facias.

SEC. 9. *And be it enacted*, That the execution for every judgment shall be by a writ of *feri facias* in the following form:

County to wit:

The State of Maryland to the Sheriff of said county Greeting: We command you, that without any other writ from us of the following described building and lot of ground, of A. B. to wit, (describing the same according to the record) in your bailewick, you cause to be levied as well a certain debt of _____ which C. D. lately in our court for the county aforesaid by the consideration of the said court, recovered of the said A. B. to be levied of the said building and lot of ground, as also the interest thereon from the day of _____ Also the further sum of _____ amounting in the whole to the sum of _____ and also of the sum of _____ further for the costs, which accrued thereon according to the form and effect of the acts of assembly in such case made and provided, and have you these moneys before our judges at our county court, in the county aforesaid, there to be held on the _____ day of _____ next, to render unto the said C. D. for his debt, interest and costs aforesaid, and have you then and there this writ, &c.

Debts to be averaged.

SEC. 10. *And be it enacted*, That if the proceeds of such building and ground 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.

Owner may apply by petition to court.

SEC. 11. *And be it enacted*, That in every case in which any claim shall be filed against any building as aforesaid,