

CHAP. 205. Assembly in such case made and provided, and have you these monies 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 this debt, interest and costs aforesaid, and have you then and there this writ: &c.

Case proceedings
be not sufficient

Sec. 21. *And be it enacted, That, provided,* that if the proceeds of such building 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.

Averaged in pro-
portion

Case of claim filed

Sec. 22. *And be it enacted,* That in every case in which any claim shall be filed against any building as aforesaid, and no scire 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, where upon 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 purpose, and on the return of such rule, may proceed in like manner, as if a scire facias had been issued by such claimant, and had been duly served and returned.

No scire facias is-
sued

Petition to court

Rule granted

May proceed

Lien expires in 5
years

Sec. 23. *And be it enacted,* That the lien of every such debt, for which a claim shall have been filed as aforesaid, shall expire at the end of five years from the day on which such claim shall have been filed, unless the same shall be revived by scire facias in the manner provided by law in the case of judgments, in which case such lien shall continue in like manner, for another period of five years, and so from one such period to another, unless such lien be satisfied, or the same to be extinguished, by a sheriff's sale, or otherwise, according to law.

Unless revived

On payment

Sec. 24. *And be it enacted,* That in every case in which the amount of any claim as aforesaid, shall be paid, or otherwise satisfied, it shall be the duty of the claimant, or his legal representative, at the request of the owner of the building, or of any other person interested therein, and on payment of the costs, to enter satisfaction on the record of such claim, in the office of

Satisfaction to be
entered