

CHAP. 287.

cond sections of the act of Assembly, passed at this December session, eighteen hundred and forty-five, entitled, a supplement to an act entitled, an act relating to the lien of mechanics and others upon buildings, passed at December session, eighteen hundred and thirty-eight, chapter two hundred and five, it shall and may be lawful for such owner to retain from the cost of such building, the amount which he may ascertain to be due to the party giving such notice, and that in case a lien be laid by the party giving such notice, and be also laid by the contractor or builder, the said contractor or builder shall receive only the difference between the amount due him and that due to the person giving such notice.

May be lawful

SEC. 9. *And be it enacted*, That the notice by publication directed by the seventeenth section of the original act to which this is a supplement, shall specify the name of the claimant or person filing a lien, the name of the owner or supposed owner of the building, and the name of the contractor, if any, at whose instance the work was done, or materials were furnished, the amount claimed to be due, and the locality of the building or buildings, against which the said lien has been or may be filed, such as a building fronting on a named street in the city of Baltimore, or a building situate on a farm in a named county occupied by a named person, or such general description of locality as may appear to the said sheriff to be sufficient, and that the sheriff of Baltimore city or county when the said writ of scire facias is to him directed, shall publish the said notice in two daily newspapers published in the city of Baltimore, the first notice to be published at least ten days before the return day of the said writ of scire facias, and to continue the same once or twice or thrice a week as he may think proper; *provided*, the expense of the publication in each paper shall not exceed five dollars, and that the sheriff of any other county to whom the said writ of scire facias, is or may be directed, shall publish the said notice in two newspapers published in such county, if there be two, and if not, in such newspaper as may be there published, and if none, in such newspaper or two newspapers as he may think proper; *provided*, that the expense thereof shall not exceed ten dollars; *and provided also*, that the first of the said publications, shall be inserted at least three weeks before the return day of the said writ of scire facias.

Notice by publication, &c.

Provisoes.

SEC. 10. *And be it enacted*, That no writ of scire facias shall be issued out of any county court, except Bal-

Not to issue a writ of fieri facias.