

PHILIP F. THOMAS, ESQUIRE, GOVERNOR. 1847.
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be equitable and just; *provided*, nothing herein contained shall be so construed as to prevent any and all persons employed as laborers or furnishing materials from filing liens in their own names.

CHAP. 181.
Proviso.

SEC. 3. *And be it enacted*, That in all cases in which a building shall be commenced and the same shall not be finished, the said liens shall attach thereto to the extent of the work done or materials furnished.

Liens to attach to extent of work done.

SEC. 4. *And be it enacted*, That no person having a lien for work done or materials furnished shall be considered as waiving such by granting a credit or receiving notes or other securities, unless the same be received as payment, or the said lien be expressly waived, but that the sole effect thereof shall be to prevent the issuing of a scire facias or other proceeding to enforce the said lien until the expiration of the credit agreed upon; *provided however*, that the lien or claim be filed within the time required by law.

Reception of notes not to be waiver of lien.

Proviso.

SEC. 5. *And be it enacted*, That in case there be no designation of the boundaries of the lot or curtilage to a building against or upon which any claim or lien is filed, it shall and may be lawful for the judges of the county court to appoint three commissioners to fix and determine the said boundaries as the court may direct, and that it shall be the duty of the said commissioners to examine the building or place at which such building is being or has been erected, and to make a report to the clerk of Allegany county court, in which they 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 ground necessary for the convenient use of such building for the purposes for which it was designed, and such report shall be entered at length upon the mechanics lien docket, and if approved by the court shall be conclusive upon all persons concerned; *provided however*, that if the owner of said lot or parcel of ground, previously to the commencement of the building to be erected thereon, declares and defines in writing the boundaries of the said lot or parcel of ground, and causes the same to be entered upon the docket aforesaid, such designation of boundaries so made and entered upon record shall be obligatory upon all persons concerned.

Commissioners to be appointed to designate boundaries in certain cases.

Proviso.

SEC. 6. *And be it enacted*, That where a building shall be erected by a lessee or tenant for life or years of a lot or parcel of ground, or by a contractor or builder employed by such lessee or tenant, that the lien for work and materials aforesaid shall apply and attach on-

Cases where liens may attach.