

fy all demands, to be distributed pro rata.
Limitation of lien.

Creditors paid, to enter satisfaction.

Penalty for not so doing.

Mode of recovering lien.

Proviso.

STATUTE II.

March 2, 1833.

Council to provide for alteration of election districts.

Governor to district territory in case council shall have adjourned.

rials; then, and in such case, the same shall be averaged, and each of the creditors paid a sum proportionate to their several demands: *Provided, always,* That no such debt for work and materials shall remain a lien on the said houses or other buildings longer than two years from the commencement of the building thereof, unless an action for the recovery of the same be instituted, or the claim filed, within three months after performing the work or furnishing the materials, in the office of the clerk of the court for the county in which the building shall be situated: *And provided, also,* That each and every person, having received satisfaction for his or their debt, for which a claim has been or shall be filed, or action brought as aforesaid, shall, at the request of any person interested in the building on which the same was a lien, or in having the same lien removed, or of his or their legal representative, on payment of the costs of the claim or action, and on tender of the costs of office for entering the satisfaction, within six days after such request made, enter satisfaction of the claim in the office where such claim was or shall be filed, or such action brought, which shall for ever thereafter discharge, defeat, and release the same; and if such persons, having received such satisfaction as aforesaid, by himself or his attorney, shall not, within six days after request and payment of the costs of the claim or action, and tender as aforesaid, by himself or his attorney, duly authorized, enter satisfaction as aforesaid, he, she, or they, neglecting or refusing so to do, shall forfeit and pay unto the party or parties aggrieved any sum of money, not exceeding one half of the debt, for which the claim was filed, or action brought as aforesaid, to be sued for and demanded by the person or persons indemnified, in like manner as other debts are now recovered by the existing laws for the recovery of debts.

SEC. 2. *And be it further enacted,* That in all cases of lien created by this act, the person having a claim filed agreeably to its provisions, may, at his election, proceed to recover it by personal action, according to the nature of the demand, against the debtor, his executors, or administrators, or by scire facias against the debtor, or owner of the building; and where the proceedings are by scire facias, the writ shall be served in like manner as a summons upon the persons named therein, if to be found within the county, and if not found in the county, then by fixing a copy of the writ upon the door of the building against which the claim is filed; and upon the return of service and failure of the defendants to appear, the court shall render judgment as in the case of a summons; but if they, or either of them, appear, they may plead and make defence, and the like proceedings shall be had as in personal actions for the recovery of debts: *Provided,* That no judgment rendered in such scire facias shall warrant the issuing an execution, except against the building or buildings upon which the lien existed as aforesaid.

APPROVED, March 2, 1833.

CHAP. LXXXII.—*An Act authorizing an alteration in the election districts for members of the legislative council of the territory of Michigan.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the legislative council of the territory of Michigan be, and hereby is, authorized to provide for such alterations in the election districts of said territory as will more effectually secure to the different sections of said territory a more equal representation in said legislative council.

SEC. 2. *And be it further enacted,* That if the said legislative council shall have adjourned before the first day of April next, the governor of said territory shall, by proclamation, district the said territory according to the provisions of the foregoing section.

APPROVED, March 2, 1833.