

Cheshire, }  
Apr. 6, 1948. } No. 3723.

OLIN MATHERS & a. v. WILLIAM CONNELLY & a.

*Howard B. Lane*, for the plaintiffs.

*Edward C. Sullivan* for the defendants William Connelly and Herbert Brooks. Northern Timber & Landscape Company, Inc. entered no appearance.

BLANDIN, J. The case of *Ferns v. Company*, 81 N. H. 283, is decisive in favor of the defendants and the plaintiff's exceptions must be overruled. There the Court held that to secure a lien under the statute the plaintiff must "(1) state in his writ the purpose for which the suit is brought, s. 17; (2) describe the property on which he claims the lien with reasonable accuracy, . . . and (3) direct the officer to attach it to preserve his lien, . . ." The opinion then goes on to say "While the plaintiffs stated in their writ that the suit was 'brought



for the purpose of securing a mechanic's lien,' they did neither of the other things the court holds they must do to preserve their lien.' See also, *Goudie v. Company*, 81 N. H. 88, 91; *Wason v. Martel*, 68 N. H. 560; *Hill v. Callahan*, 58 N. H. 497; *Bryant v. Warren*, 51 N. H. 213; 53 C. J. S., Liens, s. 5.

*Exceptions overruled.*

All concurred.



Merrimack, }  
Apr. 19, 1948. } No. 3754.

STATE *v.* DONAT F. COTE, *d/b/a* STANDARD CONSTRUCTION CO. & *a.*

