

execution shall issue for the enforcement of the said claim so adjudicated and established, in the same manner as in cases upon judgments in such Courts in actions of *assumpsit*.

5 7. On the appearance of both parties in pursuance of the above requirements, issue shall be joined upon the claims made, and notices of set off served, and the same may be noticed for trial and put upon the docket of said Court by either party, and shall be governed, tried and
10 the judgment therein enforced in all respects in the same manner as upon issues joined and judgments rendered in actions of *assumpsit* in said Court.

If both parties appear.

8. Costs shall be allowed upon the same principles and by the same rules in such proceedings as they are now
15 allowed by Statute in an action of *assumpsit*, and shall form a part of the judgment recovered in the same.

Costs.

9. Any person performing such labor or furnishing such materials in pursuance of any agreement made by him "with the original contractor, with such owner or
20 his said agent," who shall have done the acts prescribed by the second section of this Act, to create a lien therefor, shall have a lien for only such labor as shall be performed, and for only such materials as shall be furnished subsequently thereto.

Lien of sub-contractors.

25 10. Any person performing such labor or furnishing such materials as mentioned in the preceding section, in pursuance of any agreement made by him, "with the original contractor with such owner or his said agent" within thirty days after such labor has been performed or
30 such materials have been furnished and claiming to have a lien therefor by virtue of this Act, shall produce and deliver to such owner or his said agent a statement in writing, signed by himself and the said contractor, specifying how much is due to such person for labor done or
35 materials furnished, or in default of so doing shall take the necessary proceedings against such contractor to procure an accounting and settlement of the amount due or owing for such labor or materials, which proceedings shall be conducted in all respects as prescribed by, and be sub-
40 ject to all the provisions contained in sections four, five, six, seven and eight of this Act; and in case such person shall fail to produce and deliver such statement, or take the necessary proceedings within the said period of thirty days, to compel such accounting and settlement
45 between himself and such contractor, or shall fail to prosecute the proceedings so to be taken with effect, and without delay to a final judgment, he shall forever lose the benefit and be precluded of his said lien. The amount of any judgment which may be recovered by

What a sub-contractor must do to enforce his claim.

Forfeiture of lien if such proceedings be not taken.

Mode of enforcing payment of