

An Act to give Mechanics and others a Lien on Real Property in Upper Canada, for work done by them to or upon the same.

WHEREAS it is expedient, that Builders and Mechanics employed in constructing or improving houses and other property in Upper Canada should under certain conditions have a Lien thereon for the value of their work, which lien should be preferred even to prior incumbrances on the same property, to the extent only of the increased value given to it by the work, inasmuch as such Lien would not only be manifestly just, but would encourage and facilitate the improvement of property: Be it therefore enacted, &c., as follows :

Preamble.

I. Every Builder, Mechanic or other person, who shall under a contract under seal with the owner of the land, build, construct repair, or improve any house or other building, upon any land in Upper Canada, described in such contract, or any machinery therein or appurtenance thereof, which would pass with the land under a conveyance of such land with the buildings and appurtenances generally, may obtain a Lien upon such land and the buildings and appurtenances thereof, to the amount of the sum mentioned in such contract as the price of the work to be done by him, provided such sum be not less than pounds: And such Lien shall from the date of the registration of the contract creating it in the Registry Office of the proper County, have priority and preference over all claims or incumbrances to or upon the same property subsequently registered, and also over all claims or incumbrances to or upon such property registered before the registration of the said property by the work mentioned in such contract and performed under it, if such additional value be not greater than the price mentioned in such contract; and the said lien shall attach to the property, into whose hands soever it may pass, subject to the provisions hereinafter made.

How the Lien may be acquired.

What priority such Lien shall give.

II. The said Lien shall not be enforced or exist as against any person having any title or claim to the said property or to any estate therein or charge or incumbrance thereon, except such only as claim under some instrument registered subsequently to that by which such Lien is created, unless the additional value given to the property by the work performed under such contract be proved at the trial of the suit for the recovery of the sum secured by such Lien, nor unless it shall then be proved that before the commencement of the work an examination of the state of the property was made by some competent and disinterested persons and a certificate thereof made and signed by him, and sworn to

On what conditions only the Lien shall have priority over claims registered before it.