

ing ties at the defendants' mill, and to enforce the plaintiff's claim of lien for that amount dated the 23rd day of August, A.D. 1911, and filed under the provisions of the Woodmen's Lien for Wages Act, 10 Edw. VII. c. 70."

It was admitted that the plaintiff was engaged by defendants as foreman in their sawmill, and had been so employed for one hundred and seven days at \$4.50 per day, between April 1st and July 24th, 1911, and for said work defendants were indebted to him in the said sum, being the balance due to him on the said 24th day of July, and for which he filed a claim for a lien under the Woodmen's Lien for Wages Act upon certain railroad ties manufactured in said mill.

It was also admitted that the ties upon which the labour had been performed and the lien was claimed were now in the possession of the Imperial Bank of Canada, to whom they had been assigned by the defendants as security for money advanced. It was also admitted there was a claim or lien of the Crown for dues on said ties amounting to \$3,504.50, which had precedence under said Act over all other claims.

CHAPPLE, DIST. CT. JUDGE:—It was contended on behalf of the plaintiff that he having performed labour on the logs or timber out of which these railroad ties were manufactured that under s. 6 of the Woodmen's Lien for Wages Act he was entitled to a lien thereon for the amount due for such labour. The Woodmen's Lien Act was passed for the special benefit of woodmen to enable them to secure their wages in a summary way. It is not in force in any of the counties of Ontario, but only in the districts. It is an exception to the common law, and, therefore, must be construed strictly. See *Dallaire v. Gauthier*, 24 S.C.R. 495.

The words "logs or timber" are interpreted by s. 3 of the Act "to mean and include logs, cordwood, timber, cedar posts, telegraph poles, railroad ties, tan bark, pulpwood, shingle bolts and staves, or any of them."

It is quite clear by the above interpretation that "railroad ties" are intended to be within the Act, and if it were not for the authorities I hereinafter refer to, there could not be any doubt, but we must bear in mind that this Act was first passed in 1891 when "railroad ties" were, I think, altogether manufactured or hewn in the wood by the use of the axe, the same as logs and posts, etc., and the plaintiff's claim is "for work manufacturing ties at the defendants' sawmill." The evidence