

said charge, provided such consent is testified by the signature of such owner upon the claim at the time of the registering thereof, and duly verified. R. S. O. 1877, C. 120, s. 6; 47 V. C. 18, S. 5.

(3) In case the land upon or in respect of which any work as aforesaid is executed, or labour performed or upon which materials or machinery are placed is incumbered by a prior mortgage or other charge, and the selling value of the land is increased by the construction, alteration or repairs of the building, or by the erection or placing of the materials or machinery, the lien under this Act shall be entitled to rank upon the increased value in priority to the mortgage or other charge. R. S. O. 1877, C. 120, S. 7; 45 V. C. 15, S. 13.

VI. (1) Without prejudice to any lien which he may have under the preceding sections, every mechanic, labourer or other person who performs labour for wages upon the construction, alteration or repairs of any building or erection, or in erecting or placing machinery of any kind in, upon, or in connection with, any building, erection, or mine, shall to the extent of the interest of the owner have, upon the building, erection, or mine, and the land occupied thereby and enjoyed therewith, a lien for such wages, not exceeding the wages of thirty days, or a balance equal to his wages for thirty days.

(2) The lien for wages given by this section shall attach when the labour is in respect of a building, erection or mine belonging to the wife of the person at whose instance the work is done upon the estate or interest of the wife in such property, as well as upon that of her husband. 45 V. C. 15, Secs. 2, 3.

VII. In all cases, the owner shall, in the absence of a stipulation to the contrary, be entitled to retain for a period of thirty days after the completion of the contract, ten per centum of the price to be paid to the contractor. 45 V. C. 15, S. 5.

VIII. In case the lien is claimed by a sub-contractor, the amount which may be claimed in respect thereof shall be limited to the amount payable to the contractor or sub-contractor (as the case may be) for whom the work has been done, or materials or machinery have been furnished or placed. R. S. O. 1877, C. 120, S. 6.

IX. (1) All payments, up to ninety per centum of the price to be paid for the work, machinery or materials, as defined by section 4 of this Act, made in good faith by the owner to the contractor, or by the contractor to the sub-contractor, or by one sub-contractor to another sub-contractor, before notice in writing, by the person claiming the lien has been given to such owner, contractor or sub-contractor (as the case may be), of the claim of such person, shall operate as a discharge *pro tanto* of the lien created by this Act, but this section shall not apply to any payment made for the purpose of defeating or impairing a claim to a lien existing or arising under this Act. 41 V. C. 17, S. 1.

(2) A lien shall, in addition to all other rights or remedies given by this Act, also operate as a charge to the extent of ten per centum of the price to be paid by the owner for the work, machinery or materials as defined by section 4 of this Act up to ten days after the completion of the work or of the delivery of the materials, in respect of which such lien exists, and no longer, unless notice in writing be given as herein provided. 41 V. C. 17, S. 2.

(3) A lien for wages for thirty days, or for a balance equal to the wages for thirty days, shall, to the extent of the said ten per cent. of the price to be paid to the contractor, have priority over all other liens under this Act, and over any claim by the owner against the contractor for, or in consequence of the failure of the latter to complete his contract. 45 V. C. 15, S. 4.