

THE MECHANICS' LIEN ACT.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

I. 'This Act may be cited as "The Mechanics' Lien Act." R. S. O. 1877, C. 120, S. 1.

II. Where the following words occur in this Act, or in the schedules thereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :—

1. "Contractor" shall mean a person with or employed directly by the owner for the doing of work or placing or furnishing of machinery or materials for any of the purposes mentioned in this Act ;

2. "Sub-contractor" shall mean a person not contracting with or employed directly by the owner for the purposes aforesaid, but contracting with or employed by the "contractor" or under him by another "sub-contractor" ;

3. "Owner" shall extend to and include a person having any estate or interest in the lands upon or in respect of which the work is done, or materials or machinery are placed or furnished, at whose request and upon whose credit or upon whose behalf or with whose privity or consent or for whose direct benefit any such work is done, or materials or machinery placed or furnished, and all persons claiming under him, whose rights are acquired after the work in respect of which the lien is claimed is commenced, or the materials or the machinery furnished have been commenced to be furnished. R. S. O. 1877, C. 120, S. 2.

III. No agreement shall be held to deprive anyone otherwise entitled to a lien under this Act, and not a party to the agreement, of the benefit of the lien, but the lien shall attach, notwithstanding such agreement. 47 V. C. 18, S. 1, *part*.

4. Unless he signs an express agreement to the contrary, every mechanic, machinist, builder, miner, labourer, contractor or other person doing work upon, or furnishing materials to be used in, the construction, alteration or repair of any building or erection, or erecting, furnishing or placing machinery of any kind in, upon or in connection with any building, erection or mine, shall by virtue of being so employed or furnishing, have a lien for the price of the work, machinery or materials, upon the building, erection or mine, and the lands occupied thereby or enjoyed therewith, limited in amount to the sum justly due to the person entitled to the lien. R. S. O. 1877, C. 120, S. 3; 47 V. C. 18, S. 1, *part*.

V. (1) The lien shall attach upon the estate and interest of the owner, as defined by this Act, in the building, erection or mine upon or in respect of which the work is done or the materials or machinery placed or furnished, and the land occupied thereby or enjoyed therewith.

(2) In cases where the estate or interest charged by the lien is leasehold, the fee simple may also, with the consent of the owner thereof, be subject to