

estates and interests, who shall apply to the Court by Petition stating their claims, within months from the first insertion of the Sheriff's advertisement of the sale in the Canada Gazette, according to the rank and priority of their respective claims, with the costs of such application, and if there be then any surplus it shall belong to the defendant.

5

Effect of the Registry of satisfaction of the Judgment in such case.

XI. Upon payment and satisfaction of any such judgment declaring a lien and the costs, by any person not bound to satisfy the same independently of such Lien, the Clerk of the Court shall upon the demand of such person give him a certificate of the judgment and of such payment and satisfaction, under the seal of the Court, and such certificate may be registered in the manner provided by law with regard to certificates of judgments, and the registry thereof shall transfer to and vest in the person who made such payment and satisfaction, all the claim of the person in whose favor judgment was rendered for the sum so paid, and his lien for securing the same.

15

Lien and another charge may subsist together in the same hands.

XII. Any person may hold a mortgage or other charge upon any property, and a Lien upon the same property arising under this Act out of some other transaction, and the two shall not merge, but may be enforced, discharged assigned or dealt with separately as if held by several persons.

Effect of certificate, &c., as evidence.

XIII. In any action for enforcing payment of any sum secured by lien under this Act, the production of a certificate of examination of any property or work and proof of the signature of the Justice of the Peace, before whom it was declared to, shall be *prima facie* evidence that such examination was really made, and of the facts stated in such certificate, but such evidence may be rebutted by evidence adduced in the suit and disproving such facts or the making of such examination.

25

Interpretation clause.

XIV. The word "owner" in the Act shall mean and include any mortgagor or mortgagee in possession, or any tenant for life or for years or upwards, as well as the actual owner of the fee simple, and number of tenants in common or joint tenants as well as a single tenant: the words "the proper County" shall mean the County in which the property subject to any lien under this Act is situate; the word "person" shall mean and include any number of persons, or any body corporate or politic or other party, and those who may thereafter represent the party to whom the word person applies; and whenever any person is required or authorized to swear to any fact, then such person, if entitled by law to make a solemn affirmation instead of an oath in civil cases, may make a solemn affirmation under this Act instead of an affidavit.

35

Forms in the Schedule.

XV. The forms given in the Schedule to this Act shall always be sufficient, but any other forms to the effect required by this Act shall be equally valid.

40

Extent of Act.

XVI. This Act shall extend only to property situate in Upper Canada.