

In concluding the reference to this act it is well that especial attention should be drawn to one of its most important provisions which renders valid agreements between employers and employees by means of which a definite share in the annual or other net profits or proceeds of the trade or business may be allotted and paid to the employees in lieu of or in addition to salary, wages or other remuneration. This provision opens the way for the practical adoption and working in this province of the principle of "profit-sharing" which is believed to be greatly in the interests of both employer and employee, and, by establishing common grounds of interest between these classes in regard to mutual interest, welfare and success, to tend towards an increased industrial and commercial development of the province.

MECHANICS' LIENS.

For the purpose of securing to mechanics, artisans and laborers the payment of the price of their labor by means of a lien upon the property improved by such labor, there was passed at the session of 1891 an act intitled "The Mechanics' Lien act, 1891," which is now consolidated as Chapter 132 of the Revised Statutes, 1897. This act in its operation has been found to afford an efficient safeguard to the laboring classes and has in very many instances been the medium for the recovering of wage claims, its merit, however, being, if anything, more preventive than operative, that is to say, it has more the effect of causing property owners to take effectual steps to procure the payment of all labor employed on their property by contractors and their sub-contractors, than of affording laborers the means of securing payment of arrears of wages by means of actually enforcing the lien.

The right of lien is given for labor only, there being no lien in respect of any other claim against property. Unless the workman has signed an express contract under which he agrees that he will not exercise the right of lien conferred on him by the act, he has in respect of all work done upon construction, erecting, improvement or repair of or to any building, erection, wharf, bridge or other work or work in connection with the clearing, excavating, drainage, grading, or irrigating any land a lien or charge for the price of such work upon the property benefited and upon all materials brought upon the property and used for the work or used upon or built into the land and buildings. This lien attaches to the interest in the land vested in the owner at the time the contract is made and to any greater interest

which he may acquire during the progress of the work. The lien is limited in amount to the sum actually owing to the person entitled to the lien and where the moneys are realized upon liens they are distributed in the following manner:

First, to pay the costs of all lien holders in obtaining registering and proving the liens; second, to pay six weeks wages (if due) to all workmen employed by the owner, the contractor and the sub-contractors; third, to the payment of the sub-contractors and persons other than actual workmen employed by the owner and by the contractor, and lastly, the balance (if any) to the contractor.

The right of lien expires in thirty-one days after the completion of the work unless in the meantime the person claiming the lien file in the office of the government agent or of the registrar of titles or of the district registrar of titles an affidavit in the form prescribed by the act, blank forms of which can be procured at these offices. After registration the lien itself will expire unless within thirty days the claimant institutes an action in the County court of the county and files with his original lien a judge's or registrar's certificate of the commencement of his action. The County court is given jurisdiction to deal with all lien claims whatsoever and the procedure to be followed upon the trial of action brought to enforce lien and the mode of realising and disposing of moneys adjudged due thereupon are set forth in the act.

For the purpose of safeguarding the rights of workmen, the act contains two important provisions, one providing that where works of improvement upon any lands or premises are about to be undertaken of an estimated cost exceeding \$500, the contractor shall file in the office of the government agent or in the land registry office a statement setting forth the particulars of the intended work, and the names and addresses of all parties in interest; and the other imposing upon contractors the duty of posting up at the works a copy of the receipted pay roll and of delivering to the owner or his agent the original pay roll receipted in full by the various employees. No payment made by the owner or contractor without delivery of the receipted pay roll has the effect of diminishing the employees' right of lien.

In addition to the foregoing general right of lien the act provides a special right of sale under the ordinary mechanics' lien, whereby every mechanic or other person who has bestowed money or skill and materials upon any chattel so as to increase its value shall while his lien exists have power to sell the chattel after giving two weeks' public notice.