

An Act to secure the payment of Mechanics, Labourers and persons furnishing materials towards the erection, altering, or repairing of Buildings, in Upper Canada.

WHEREAS it is expedient and necessary to provide for the protection and safety of mechanics, labourers, and persons furnishing materials towards the erection, altering and repairing of buildings in Upper Canada; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Any person or persons who shall hereafter, as contractor, laborer, workman, merchant or trader, in pursuance of, or in conformity with, the terms of any contract with, or employment by the owner, or by or in accordance with the directions of the owner or his agent, perform any labour or furnish any materials towards the erection of, or in altering, improving or repairing of any building or buildings, or the appurtenances thereto in Upper Canada, on complying with the sixth section of this Act, shall have a lien for the value of such labour and materials, or either, upon such house or building, and the appurtenances and lot on which the same shall stand, to the full value of such claim or demand, and such liens may be filed and become an absolute lien to the full and fair value of all such work and materials, and to the extent of the right, title and interest then existing, of the owner of said premises, in favor of every person or persons who shall be employed by any owner, contractor, sub-contractor, jobber or master-workman in manner aforesaid, and notwithstanding any sale, transfer or incumbrance made or incurred at any time after the commencement of the work or furnishing of materials; provided that all mortgages given in good faith for full value, which shall have been executed and registered at any time prior to any actual work done or materials furnished, shall not be affected or impaired by such lien; and provided also, that no owner shall be required to pay a greater amount than the contract price, or value of the work and materials furnished (when no specific contract is made) upon his land by the contractor.

Preamble.

Contractors, &c., to have liens for value of work done and materials furnished.

Mortgages registered prior to work done, &c., not affected.

2. All persons having liens, in order to enforce the same, shall prove their demands in the same manner as in ordinary actions at law, except that no variance as to the persons named as contractor, owner or debtor in the lien, notice or bill of particulars or statement of claim or any in pleading, shall impair or affect the rights of the claimants as hereinafter defined, and every party shall have relief according to the rights of the parties as they shall appear in evidence.

Enforcement of liens.

3. In case of successive liens by the contractor, sub-contractor, workman, person or persons furnishing materials, and of a number of liens in favor of different persons, their rights and priorities shall be

How priority of liens shall be determined.