

to receive the affidavit necessary for proving such execution, and the registry thereof shall be effected by entering a copy thereof at full length in the said Book, and not by memorial.

Mode in which Mechanics or Labourers may secure their Lien.

IV. And be it enacted, That when any mechanic or labourer shall perform any work to be paid for by the day or day's work, upon any building, for any Contractor or sub-Contractor, it shall be lawful for such mechanic or labourer to furnish every week to the owner of such building or to his agent, a full and detailed account of the work performed by such Mechanic or Labourer and of the sum due to him for the same, duly certified by the foreman, manager or superintendent employed by such Contractor, or sub-Contractor, under whom such work has been performed, and for the amount of such accounts duly proved to have been delivered to such owner or owners, agent or agents, such mechanic or labourer shall have a lien to the amount of the accounts so delivered, upon such building or buildings, and the owner of the building may pay such accounts and deduct the same from any sum due or to become due from him to the Contractor for the work on which such mechanic or labourer shall have been employed, at any time before such Contractor or Sub-Contractor shall have proved to such owner or his agent that such accounts respectively, have been paid.

Provision if the debt to such Mechanic be disputed.

V. And be it enacted, That if any owner of a building as aforesaid shall be notified that any sum is due to any Mechanic or Workman as aforesaid from any Contractor or sub-Contractor, and that the said owner is required to pay such sum to such Mechanic or Workman, and such Contractor or sub-Contractor shall deny that such sum is so due to such Mechanic or Workman, then it shall be lawful for such owner to pay such sum into the Circuit Court having jurisdiction in the place where the building is situate, there to await the judgment of some Court having authority to award the same to the party entitled thereto, and having so paid in the said sum the said owner shall be discharged from further liability: Provided always, that no owner shall be bound to pay for claims under this Act, more than he has contracted to pay for the whole building or work to which they relate, and if the claims amount to more than such sum he may pay the sum due by him into Court as aforesaid and be discharged, nor shall he be bound to pay over again any sum which he may have paid to such Contractor or Sub-Contractor before such notice as aforesaid, and in all cases where the amount so paid into Court shall not be sufficient to discharge all claims against the said building or buildings, the amount so received shall by the said Court be equitably divided among to the several persons whose claims have been duly authenticated, paying to each a like percentage on his claim.

Proviso: where the sum due is not sufficient to pay all such liens,