

just cause claims a larger sum than is found by such court or judge to be due, the court or judge may order and adjudge him to pay costs to the other party. R. S. O. 1877, C. 120, S. 24; 47 V. C. 18, S. 7.

XXXI. Where any mechanic, artizan, machinist, builder, miner, contractor or other person, has furnished or procured materials for use in the construction, alteration or repair of any building, erection or mine, at the request of and for some other person, such materials shall not be subject to execution or other process, to enforce any debt (other than the purchase thereof) due by the person furnishing or procuring such materials, and whether the same have or have not been in whole or in part worked into or made part of such building or erection. R. S. O. 1877, C. 120, S. 25.

XXXII. (1) Every mechanic or other person who has bestowed money or skill and materials upon any chattel or thing in the alteration and improvement in its properties or for the purpose of imparting an additional value to it so as thereby to be entitled to a lien upon such chattel or thing for the amount or value of the money or skill and materials bestowed, shall, while such lien exists but not afterwards, in case the amount to which he is entitled remains unpaid for three months after the same ought to have been paid, have the right in addition to all other remedies provided by law to sell the chattel or thing in respect of which the lien exists, on giving one week's notice by advertisement in a newspaper published in the municipality in which the work was done, or in case there is no newspaper published in such municipality, then in a newspaper published nearest thereto, stating the name of the person indebted, the amount of the debt, a description of the chattel or thing to be sold, the time and place of sale, and the name of the auctioneer, and leaving a like notice in writing at the last or known place of residence (if any) of the owner, if he be a resident of such municipality.

(2) Such mechanic or other person shall apply the proceeds of the sale in payment of the amount due to him and the costs of advertising and sale, and shall upon application pay over any surplus to the person entitled thereto. 41. V. C. 17, S. 3.