

dial in their nature, and that such amendments may at any time hereafter be made in the proceedings under the said acts of assembly, now pending or hereafter to arise commencing with the claim or lien filed or to be filed, and extending to all subsequent proceedings as may be necessary and proper to effect the objects, intents and purposes of the said acts of Assembly; *provided however*, that the amount of the claim or lien filed shall not in any case or under any circumstances be increased or enlarged.

CHAP. 287.

Proviso.

SEC. 2. *And be it enacted*, That the said acts of Assembly shall extend to all work done or materials furnished, and that in case where a claim or lien is filed by a contractor or builder, whether of the whole or of a part of such building, nothing more shall be necessary than to state in general terms the nature and character of such contract, and the amount due under the same, and that in all cases where such claim or lien may be filed by a contractor or builder who is indebted for work done or materials furnished at his request, or in his accounts the person or persons to whom such contractor or builder is indebted, may by petition, claim to be paid the amounts due him or them by such contractor or builder, out of the monies to be received from such claim or lien, and the same may and shall be apportioned in such manner and form and by such proceedings as may be equitable and just.

Extend to all works done or materials furnished.

SEC. 3. *And be it enacted*, That in all cases in which a building shall be commenced, and the same shall not be finished, the said liens shall attach thereto to the extent of the work done or materials furnished.

Liens attach.

SEC. 4. *And be it enacted*, That in all cases in which a sale shall be made under a judicial process of a court of law or of equity, or by a trustee of an insolvent debtor, of any building to which a lien for work done or materials furnished attaches, the proceeds of such sale shall be applied and distributed in such manner and form as shall be just and equitable, and as shall apportion the same among the claimants thereto, according to their respective rights and priorities.

Applied and distributed.

SEC. 5. *And be it enacted*, That no person having a lien for work done or materials furnished, shall be considered as waiving such lien by granting a credit or receiving notes or other securities, unless the same be received as payment, or the said lien be expressly waived, but that the sole effect thereof shall be to prevent the issuing of a scire facias or other proceedings to enforce the

Waiving lien.