

SEC. 3. *And be it enacted,* That the said act of Assembly, to which this is a supplement, 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 who is indebted for work done, or materials furnished, at his request or in his accounts, the person or persons to which 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 ascertained in such manner and form and by such proceedings as may be equitable and just.

SEC. 4. *And be it enacted,* That in all cases in which a contractor or builder of a building shall have purchased materials or contracted for work, and the party from whom such purchase has been made, or with whom such contract for work has been made, shall have given notice to the owner of the building of the amount due him, and whether for work done, or materials furnished, it shall and may be lawful for such owner to retain from the cost of such building, the amount which he may ascertain to be due to the party giving such notice, and that in case a lien be laid by the party from whom such purchase has been made, or with whom such contract for work has been made, or by the party giving such notice, and be also laid by the contractor or builder, the said contractor or builder shall receive only the difference between the amount due him, and that due to the person from whom such purchase has been made, or with whom such contract for work has been made, or by the party giving such notice.

Owner may retain from the cost of building.

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 said lien until the expiration of the credit agreed upon; *provided, however,* that the lien or claim be filed within the time required by law; *and provided further,* that it does not impair the twelfth section of the act to which this act is a supplement.

Lien not waived by granting a credit

Provisoes.

SEC. 6. *And be it enacted,* That section fourth of the act to which this act is a supplement, shall be so construed that no lien given by said act and the supplement thereto, shall take effect and be available, unless the per-

File claim in 90 days.