

CHAP. 290.

sons entitled to such lien, shall file his or their claim with the clerk of the county court in ninety days after the furnishing of materials, or work done to such building, or within sixty days after the completion of the same.

On unfinished buildings lien to attach to the extent of work done,

SEC. 7. *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 there to the extent of the work done and materials furnished; *provided*, however, that no lien shall take effect where an express contract exists between the owner of a building and the builder thereof, in whole or in part, unless such contract shall be fulfilled on the part of such builder so constructing; *and provided further*, that the foregoing proviso in this section shall not be so construed as to impair the lien or claim of any other person or persons filed in pursuance of the provisions of the said original act and this its supplement, and that if any person or persons shall file liens or claims as aforesaid for work done or materials furnished to a contractor in the construction of the building, and such contractor shall not have performed, fulfilled or completed said contract with the owner of such building, the courts in making allowance for and enforcing the payment of such liens and claims filed as aforesaid, shall consider the loss and injury of all kinds, if any, resulting to the owner of such building by the non-performance, non-fulfilment or non-completion of such contract by said contractor; and shall, if there be any loss or injury as aforesaid, reduce, allow, disallow or regulate such liens or claims as aforesaid in such mode or manner as will be equitable and just.

May appear by petition.

SEC. 8. *And be it enacted*, That any person having, or claiming to have, any interest in any building proceeded against, may, upon petition, be authorised to appear and be made a party defendant, and that the person so doing shall become responsible for costs.

Relate to Washington co'ty.

SEC. 9. *And be it enacted*, That this supplement only relates to Washington county and none other.

Repealed.

SEC. 10. *And be it enacted*, That all acts, and parts of acts, inconsistent with this act be, and the same are hereby repealed,