

**MECHANICS' LIENS IN
PENNSYLVANIA: UNDER THE ACT
OF JUNE 4, 1901, P. L. 431, AND
SUPPLEMENTS THERETO. WITH
FORMS, AND DECISIONS TO DATE**

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Mechanics' Liens in Pennsylvania: under the Act of June 4, 1901, P. L. 431, and Supplements Thereto. With Forms, and Decisions to Date by Francis Chapman

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FRANCIS CHAPMAN

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Pennsylvania. Laws, statutes, etc. Mortgage law

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P. L. 431, and Supple-
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With Forms, and Decisions to Date.

BY

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PREFACE.

The first Mechanics' Lien law in Pennsylvania was the Act of April 1, 1803, P. L. 591, which applied only to portions of the City of Philadelphia. Other Acts were from time to time enacted without regard to "regular order or proportion" and the resulting confusion was so great that in 1898, the Pennsylvania Bar Association instructed the Committee on Law Reform to consider the state of the Mechanics' Lien law and "in the event of their deeming it proper, recommending the enactment of such laws as may in the opinion of the Committee meet the necessities of the case." In 1899 the Committee reported to the Bar Association, the draft of the Act, now known as the Mechanics' Lien Act of 1901. In drafting the Act, the Committee examined all the lien laws enacted in Pennsylvania as well as other States. The principles governing the Committee in the preparation of the Act are thus stated in the report to the Bar Association:

"In so far as it was deemed possible so to do, we have adhered to the existing law and practice of this State, rather than make immaterial changes in accordance with the laws and practice of other States. This has been done partly because of the well established principle that he who asks a change has the burden of proof to show the necessity for it; partly because a method well understood should not be changed except for grave cause; partly because our methods are alone consonant with our general system of laws; and partly because an attentive study of the statutes of other States has satisfied us that the basic principles of ours are to be preferred. We have not hesitated, however, in extending the rights as well of the owner as of the lien claimant, where existing laws, and the decisions under them have shown the necessity therefor. While we cannot claim that the Act we have drafted is either perfect or strictly logical, we trust it will be found that care has been exercised in conserving, as far as may be, the rights of all concerned."

The Act thus drafted was enacted practically without change. Subsequent legislation has been intended to correct minor defects which time has revealed.

Opinions as to the clearness of the Act vary, but a careful

study of and adherence to its text and of the decisions under it will suffice to keep the practitioner from going wrong. This little book is not intended as a philosophical study of the law of Mechanics' Liens but as an aid to the busy lawyer and as information to the contractor, material-man and mechanic who wishes to know the law as it now is. In preparing the book I have examined every reported case decided under the Act prior to May 1, 1909, and have cited each under its appropriate section.

That my work is perfect I do not believe, for perfection is not human, but as I have tried to make my book serviceable both to Bar and layman, I bespeak their kindly judgment of it.

My grateful acknowledgments are due to S. Spencer Chapman and Robert Mair, Esquires, for their aid in preparing the table of contents and index and for valuable suggestions as to the forms used and in reading and correcting the proofs and thus avoiding many errors which I perhaps would have overlooked.

FRANCIS CHAPMAN.

Philadelphia, May 24, 1909.

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