

1927

c 174 Woodmen's Lien for Wages Act

Ontario

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CHAPTER 174.

The Woodman's Lien for Wages Act.

Application
of Act.

1. This Act shall apply only to the Provisional County of Haliburton and to the provisional judicial districts. R.S.O. 1914, c. 141, s. 2.

Interpreta-
tion.

2. In this Act,

"Bailiff."

(a) "Bailiff" shall include a constable who under *The Division Courts Act* may execute an attachment or perform other service;

Rev. Stat.
c. 95.

"Labour."

(b) "Labour" shall mean and include cutting, skidding, felling, hauling, sealing, banking, driving, running, rafting or booming any logs or timber, and any work done by cooks, blacksmiths, artisans and others usually employed in connection therewith;

"Logs or
timber."

(c) "Logs or timber" shall mean and include logs, cordwood, timber, cedar posts, telegraph poles, railroad ties, tan bark, pulpwood, shingle bolts and staves or any of them. R.S.O. 1914, c. 141, s. 3.

Proceedings
in Provi-
sional
County of
Haliburton.

3. Wherever in this Act any act is required to be done by, or any paper to be filed or proceedings taken in the office of the clerk of the district court of a district, or jurisdiction is conferred upon a district court or the judge thereof, the like acts may be done, papers filed and proceedings taken by and in the office of the clerk of the county court of the County of Victoria, and the like jurisdiction may be exercised by that court or a judge thereof in respect of matters arising in the Provisional County of Haliburton. R.S.O. 1914, c. 141, s. 4.

Contracts
waiving
application
of Act to
be void.

4.—(1) Every agreement, verbal or written, express or implied, on the part of any person employed in labour that this Act shall not apply, or that the remedies provided by it shall not be available for the benefit of such person, shall be null and void.

Exceptions.

(2) This section shall not apply to any manager, officer or foreman, or to any person whose wages are more than \$3 a day. R.S.O. 1914, c. 141, s. 5.

5.—(1) A person performing labour shall have a lien upon the logs or timber in connection with which the labour is performed for the amount due for such labour, and the same shall have precedence over all other claims or liens thereon, except a claim or lien of the Crown for any dues or charges or which a timber slide company or any owner of a slide or boom may have thereon for tolls.

Lien for labour on logs or timber.

(2) A contractor who has entered into any agreement under the terms of which he himself or by others in his employ has cut, removed, taken out or driven logs or timber, shall be deemed to be a person performing labour upon logs or timber within the meaning of this section, and such cutting, removal, taking out and driving shall be deemed to be the performance of labour within the meaning of this section.

Contractors, with respect to labour or services to be performed on timber got out for export.

R.S.O. 1914, c. 141, s. 6.

6. The lien shall cease unless the claim therefor is filed and proceedings are taken to enforce the same as hereinafter provided. R.S.O. 1914, c. 141, s. 7.

Lien to cease unless proceedings taken.

7.—(1) The person claiming the lien shall state his claim in writing (Form 1), setting out briefly the nature of the claim, the amount claimed to be due and a description of the logs or timber upon which the lien is claimed.

Claim of lien to be filed.

(2) The claim shall be verified by the affidavit of the claimant, his solicitor or agent.

Verified by affidavit.

(3) In the case of a contractor coming within the provisions of subsection 2 of section 5 the claim and affidavit shall be filed on or before the 1st day of September next following the performing of the labour.

Time for filing claim.

Contractors.

(4) In other cases, if the labour was performed between the 1st day of October and the 1st day of April next thereafter, the claim shall be filed on or before the 30th day of the same month of April, but if the labour was performed on or after the 1st day of April and before the 1st day of October in any year the claim shall be filed within thirty days after the last day on which such labour or any part thereof was performed. R.S.O. 1914, c. 141, s. 8.

Wage-earners.

8.—(1) Except as hereinafter provided the claim and affidavit shall be filed in the office of the district court of the provisional judicial district in which the labour or some part thereof was performed.

Place for filing claim.

(2) Where the labour was performed upon logs or timber got out to be run down or which have been run down any of the rivers or streams flowing into the Georgian Bay, Lake Huron, Lake Superior, Lake of the Woods, Rainy Lake or Rainy River or Pigeon River, the claim may, at the option of the claimant, be filed in the office of the clerk of the

Where labour performed in certain localities.

district court of the district in which the labour was performed or in the office of the clerk of the district court of the district in which the drive terminates or reaches the waters of such bay, lake or river.

In Haliburton.

(3) Where the labour or some part of it was performed in the Provisional County of Haliburton the claim may be filed in the office of the clerk of the county court of the County of Victoria. R.S.O. 1914, c. 141, s. 9.

Sale not to affect lien.

9. No sale or transfer of the logs or timber during the time limited for the filing of the claim and previous to the filing thereof, or after the filing thereof and during the time limited for the enforcement thereof, shall affect the lien but the same shall remain in force against such logs and timber in whosoever possession the same shall be found. R.S.O. 1914, c. 141, s. 10.

Enforcement of liens by suit in district or division courts.

10.—(1) Any person having a lien upon logs or timber may enforce the same by suit, where the claim does not exceed \$200, in the division court within whose jurisdiction the logs or timber or any part thereof may be at the time of the commencement of the suit, or, where the claim exceeds \$200, in the proper district court where the claim is filed, and such suit may be commenced to enforce such lien, if the claim is then payable, immediately after the filing of the claim, or, if credit has been given, immediately after the expiry of the period of credit, and such lien shall cease unless the proceedings to enforce the same are commenced within thirty days after the filing of the claim or after the expiry of the period of credit.

Defendant.

(2) In all such suits the person liable for the payment of the claim shall be made the party defendant.

On whom writ to be served.

(3) Where the defendant is not the owner of the logs a copy of the writ shall be served on the owner as well as the defendant, or the person or agent in whose possession, custody or control they may be found, or the person in charge of the operations in respect of which the claim of lien arose.

Owner may be made defendant.

(4) The owner may, on his own application, or by direction of the judge, be made a party defendant. R.S.O. 1914, c. 141, s. 11.

Procedure.

11.—(1) There shall be attached to or endorsed upon the writ or summons a copy of the claim filed, and no statement of claim shall be necessary unless ordered, and no pleading or notice of dispute or defence other than such as is required in a suit or proceeding in a division court shall be necessary whether the suit is brought in a district or in a division court.

Where no defence filed.

(2) Where no dispute or defence is filed judgment may be signed and execution issued.

(3) The court or judge may order particulars to be given or amendments to be made, or may add or strike out the names of parties and may set aside judgment and permit a dispute or defence to be filed, on such terms as may appear just. Powers of court.

(4) The writ or summons shall be in the form, as nearly as may be, of that in use in the court in which it is issued, but the practice thereafter shall follow as nearly as may be that of the division court. Form of writ and practice.

(5) A writ or summons may be served anywhere in Ontario in the same manner as in other cases. Service of process.

(6) The judgment shall declare that the same is for wages, the amount thereof and costs, and that the plaintiff has a lien therefor on the property described when such is the case. Form of judgment.
R.S.O. 1914, c. 141, s. 12.

12. Where an execution has been placed in the hands of a sheriff or bailiff for execution, and no attachment has been issued, the proceedings for the enforcement of the lien shall be by sale under the execution, and the proceedings relating to proof of other claims and the payment of money into court and the distribution of the money and otherwise shall, as far as practicable, be the same as is hereinafter provided for proceedings upon and subsequent to an attachment. R.S.O. 1914, c. 141, s. 13. Procedure subsequent to execution in certain cases.

13.—(1) Where an attachment issues in the first instance the statement of claim and defence and proceedings to judgment shall be the same as where a suit has been begun by writ or summons. Procedure attachment in first instance.

(2) Where an attachment issues after proceedings have been commenced by writ or summons the proceedings, except such as are necessary to be taken under the attachment, shall be carried to judgment under the writ of summons. R.S.O. 1914, c. 141, s. 14. Where attachment after action.

14. The forms of attachment shall be as nearly as may be the same as are in use in the district courts or in the division courts. R.S.O. 1914, c. 141, s. 15. Form of attachment.

15.—(1) Whether the proceedings are commenced by writ or summons or attachment the judge may direct that the same shall be disposed of summarily by him without waiting for the regular sittings of the court, upon such terms as to notice and otherwise as he may deem proper, and the same may be so disposed of. Summary disposal of cases.

(2) The judge may set aside an attachment or seizure or direct the release of logs or timber that have been seized on such terms as he may deem proper. R.S.O. 1914, c. 141, s. 16. Powers of judge.

When attachment to issue from division court.

16. Where the amount of the claim does not exceed \$200, and is not less than \$10, upon the production and filing of a copy of the claim and affidavit and an affidavit of the claimant verifying the claim, and showing that the same has been filed and stating that

- (a) he has good reason to believe and does believe that the logs or timber are about to be removed out of Ontario; or
- (b) that the person indebted has absconded from Ontario with intent to defraud or defeat his creditors; or
- (c) that the logs or timber are about to be cut into lumber or other timber so that the same cannot be identified; and
- (d) that he is in danger of losing his claim if attachment does not issue,

Rev. Stat.
c. 95.

and if affidavits of two persons corroborating the affidavit of the plaintiff in respect of clauses *a*, *b* or *c* are also filed the clerk of the proper division court shall issue a warrant, as in the case of an attachment under section 192 of *The Division Courts Act*, directed to the bailiff of the division court commanding such bailiff to attach, seize, take and safely keep such logs or timber or a sufficient part thereof to satisfy the amount claimed and the costs of the suit and of the proceedings to enforce the lien, and to return the warrant forthwith to the court out of which the same issued. R.S.O. 1914, c. 141, s. 17.

When attachment to issue out of district court.

17.—(1) Where the amount claimed exceeds \$200, upon the filing of a copy of the claim and affidavit, the clerk of the district court of the district where the action may be brought, upon the filing of an affidavit made by the claimant showing such facts as would authorize the issue of an attachment under the next preceding section and such affidavit in corroboration as is provided in the next preceding section, shall issue a writ of attachment directed to the sheriff of the district commanding him to attach, seize and take and safely keep the logs or timber or a sufficient part thereof to satisfy the amount claimed and the costs of the suit and of the proceedings to enforce the lien.

Subsequent seizure.

(2) Where additional claims are made, or the amount of the claim is increased or a sufficient seizure has not been made, a second or subsequent seizure may be made either under the execution or attachment. R.S.O. 1914, c. 141, s. 18.

Warrant or writ to be served on defendant and the owner of logs.

18.—(1) The warrant or writ of attachment shall also, where no writ or summons has issued, summon the defendant to appear before the district court or division court out of which the attachment issued, and a copy of the writ of attachment shall be served upon the defendant, and, if the defendant

is not the owner of the logs or timber described in the warrant or writ, a copy of the warrant or writ of attachment shall also be served upon the owner of the logs or timber or upon the person or agent in whose possession, custody or control they may be found.

(2) When a warrant or writ is served upon a person in possession an order of the judge allowing the service shall be necessary. When order allowing service necessary.

(3) Where the defendant or the owner of the logs or timber cannot be found within the district, and there is no one in possession of the logs or timber, a copy of the warrant or writ may be forwarded to the sheriff of any county or district or the bailiff of any division court within whose jurisdiction the defendant or the owner resides or may be found, and such copy may be served by the sheriff or the bailiff upon the defendant or the owner. Service where no one in possession of logs.

(4) The owner may, on his own application or by direction of the judge, be made a party defendant. Owner may be made a party.

(5) If the defendant or the owner cannot be found within Ontario or the owner cannot be ascertained, and no person is in possession of the logs or timber, the warrant or writ may be served in such manner as the judge directs. When defendant or owner not in Province, etc.

(6) Notwithstanding that a defence has not been entered the judge may admit the defendant and the owner or either of them to make full defence upon such terms as he may deem just. R.S.O. 1914, c. 141, s. 19. Admission of parties to make defence.

19. A sheriff or bailiff shall not seize or detain under a warrant or writ of attachment any logs or timber when in transit from the place where cut to the place of destination when such place of destination is within the district in which the proceedings were commenced, but if such logs or timber are so in transit, or are in the possession of any person for the purpose of being driven or sorted and delivered to the owner, or to satisfy any statutory lien, attachment of the logs or timber may be made by serving a copy of the warrant or writ upon the person in whose possession, custody or control they are, who shall from the time of such service hold the same, both on his own behalf and for the sheriff or bailiff to the extent of the lien, until the logs or timber have reached their place of destination or are driven or sorted, as the case may be, and when they have reached their place of destination or are driven or sorted the sheriff or bailiff may receive the logs or timber from such person, and the statutory lien of such person shall not be released by the holding of such sheriff or bailiff. R.S.O. 1914, c. 141, s. 20. Logs or timber in transit within district not to be detained. Service upon party in charge.

20. The claimant or the plaintiff, and the sheriff or bailiff may, by leave of the judge, take any proceedings which the owner of any logs or timber may take under *The Lakes and* Separation of logs.

Rev. Stat.
c. 43.

Rivers Improvement Act for the purpose of procuring the separation of any logs or timber so seized by the sheriff or bailiff under this Act from other logs or timber with which they have become intermixed, or a sale may be made without such separation if the judge so directs. R.S.O. 1914, c. 141, s. 21.

Sheriff or
bailiff to
restore pos-
session upon
execution of
bond.

21. In case of an attachment, if the owner of the logs or timber or any person on his behalf executes and files with the clerk of the court out of which the attachment issued a good and sufficient bond to the person claiming the lien, executed by two sureties and approved by the clerk conditioned for the payment of the claim and of all damages, costs, charges, disbursements and expenses that may be recovered by the claimant in such proceedings, together with the amount for which a lien is claimed in any other suit, the clerk shall issue an order to the sheriff or bailiff having in charge the logs or timber directing their release, and upon service of such order upon the sheriff or bailiff he shall release the same. R.S.O. 1914, c. 141, s. 22.

Notice of
dispute.

22.—(1) Any person who has been served with a copy of the warrant or writ of attachment and who desires to dispute the claim shall, within fourteen days after such service, enter in the court in which proceedings are pending a notice that he disputes the claim in whole or in part.

If no notice
of dispute
entered judg-
ment may be
entered.

(2) If no notice of dispute is entered judgment may be entered as in the case of default, and the practice and procedure shall be the same as in a suit begun by writ or summons. R.S.O. 1914, c. 141, s. 23.

Persons
served with
attachment
may pay
amount
claimed
into court.

23.—(1) The defendant may, at any time before the sale of the logs or timber, pay into court the amount for which the lien is claimed, together with the amount for which a lien is claimed in any other suit, and also the costs of the proceedings to the date of such payment to be taxed by the clerk of the court if required, and shall thereupon be entitled to a certificate vacating the liens.

Subsequent
procedure.

(2) Upon such certificate being filed with the clerk of the court in which the claim was filed the liens shall be vacated and all further proceedings thereon shall cease, and the defendant shall be entitled to an order directing the delivery up of the logs or timber seized under the attachment, or the cancellation of any bond given under section 21. R.S.O. 1914, c. 141, s. 24.

Day to be
fixed by
advertisement
for hearing.

24.—(1) After the expiration of the time within which a notice of dispute may be entered the judge shall, upon the application of the plaintiff, appoint a day upon which all persons claiming a lien on the logs or timber shall appear before him for the adjustment of their claims and the settlement of accounts.

(2) The appointment shall be served upon the defendants and upon the owner, if the judge so directs, and shall also, if the judge so directs, be published once a week for two weeks before the day appointed in a newspaper having a general circulation in the district in which proceedings are pending.

Service of
appointment
and
advertisement.

(3) A copy of the appointment shall also be sent by registered post to every claimant known to the plaintiff and to the Minister of Lands and Forests, at least two weeks before the day appointed, directed to the post office address of such claimant where the same is known, and if not known then to his last known address. R.S.O. 1914, c. 141, s. 25.

Notification
of lien-holders
and the
Minister.

25.—(1) Upon the day named in the appointment the persons served with a copy thereof, and all other persons claiming a lien on the logs or timber who have prior to that date filed with the clerk a notice claiming a lien on the logs or timber and stating the nature and amount of their claims, shall attend before the judge.

Parties filing
notices of dis-
putes or
claims to
attend on
day named in
appointment.

(2) Where a claim is brought in pursuant to the notice it may be established *prima facie* by affidavit, but any person interested may cross-examine a deponent, and may require that the claim be established as in other cases.

Proof of
claims.

(3) The judge shall hear all parties and take all accounts necessary to determine the amounts due to the claimants, and shall tax costs, and determine by whom the same shall be paid, and settle priorities and generally determine all such matters as may be necessary for the adjustment of the rights of all parties. R.S.O. 1914, c. 141, s. 26.

Judge to hear
all parties,
take accounts,
etc.

26.—(1) At the conclusion of the enquiry the judge shall make his report and order which shall state his findings and direct the payment into court within ten days thereafter of the amounts found due and the costs, and, in default of payment, that the logs or timber shall be sold by the sheriff or bailiff for the satisfaction thereof.

Order to be
made by
judge at
conclusion of
enquiry.

(2) In default of payment into court within the time named in the order the logs or timber shall, within twenty days thereafter, be sold by the sheriff or bailiff in the same manner and subject to the same provisions of law as goods seized or taken in execution, or after such additional publicity has been given to the sale as the judge may direct.

In default of
payment into
court logs or
timber to be
sold.

(3) The amount realized by the sale shall, after deducting the expenses thereof, and the fees and poundage of the sheriff or bailiff, be paid into court and shall be paid out by the clerk to the parties entitled thereto under the order of the judge.

Application
proceeds of
sale.

(4) Where the amount realized upon the sale is not sufficient to pay the claims and costs in full the judge shall apportion the amount realized *pro rata* among the claimants.

Judge to
apportion.

Certificate of balance due after distribution to be entered as a judgment.

(5) Where after sale and distribution any balance remains due to any person under the order of the judge the clerk shall, upon application of such person, give to him a certificate that such amount remains due, and such certificate may be entered as a judgment in the district court or division court having jurisdiction against the person by whom the claim is directed to be paid, and execution may be issued thereupon. R.S.O. 1914, c. 141, s. 27.

Where nothing found due on enquiry, lien to be discharged.

27. Where nothing is found due upon the several claims filed or upon the lien with respect to which proceedings have been taken the judge may order that the lien be discharged and the logs or timber released or the security given therefor delivered up and cancelled, and may order payment of any costs which may be found due to the defendant or the owner of the logs or timber. R.S.O. 1914, c. 141, s. 28.

Costs.

28.—(1) Where the taxed costs, exclusive of necessary disbursements, which are payable out of the amount realized for the satisfaction of the lien exceed twenty-five per centum of the amount realized such costs, upon application by any party, may be reduced by the judge so that the same shall not in the aggregate exceed twenty-five per centum and no more costs than such reduced amount shall be recovered between party and party or solicitor and client.

Limit of where claim not contested.

(2) The costs in addition to actual and necessary disbursements which may be taxed to any claimant proving an uncontested claim shall not exceed \$5 if a solicitor is employed, and where the amount claimed is within the jurisdiction of the division court shall not exceed \$2 where a solicitor is employed.

Where claim contested.

(3) In case of a contest, where a solicitor is employed, the judge may allow such costs, not exceeding in any case \$10 when taxed on the district court scale or \$5 when taxed on the division court scale, in addition to actual and necessary disbursements, but where the claim does not exceed \$50 then such costs shall not exceed \$3.

Tariff.

(4) Subject to the provisions of this section the costs to be taxed to any party shall, as far as possible, be according to the tariff of costs in force as to other proceedings in the court in which proceedings under this Act have been taken. R.S.O. 1914, c. 141, s. 29.

Disposition of balance after sale and satisfaction of liens.

29.—(1) Where money paid into court as the proceeds of the sale of logs or timber is more than sufficient to satisfy the claims which have been proved with interest and costs the judge, upon the application of any creditor within thirty days from the day fixed by the order for payment, shall order that such remaining money be paid over to the sheriff who

shall hold and distribute the same as provided by *The Creditors' Relief Act* in the case of money levied under execution, and all parties having claims may take the like proceedings as those provided by *The Creditors' Relief Act* for proving claims and obtaining certificates or executions. Rev. Stat. c. 113.

(2) If no such application is made to the judge within such period of thirty days the judge may order payment out of court of any remaining money to the person entitled thereto. Order for payment. R.S.O. 1914, c. 141, s. 30.

30. Any person affected by proceedings taken under this Act may apply to the judge to dismiss the same for want of prosecution, and the judge may make such order upon the application as he may deem just. Dismissal of proceedings for want of prosecution. R.S.O. 1914, c. 141, s. 31.

31.—(1) Nothing in this Act shall deprive any person of any other remedy to which he may be entitled for the recovery of any amount due in respect of labour performed upon or in connection with any logs or timber. Other remedies not affected.

(2) Where an action is brought to enforce a lien, but no lien is found to exist in respect of the claim, judgment may be given for any amount found due as in an ordinary action. Where lien not established, judgment for amount found due. R.S.O. 1914, c. 141, s. 32.

32. Any number of lien holders may join in taking proceedings under this Act, or may assign their claims to any one or more persons, but the claim to be filed under section 7 shall include particular statements of the several claims joined which shall be verified by the affidavits of the persons so joining, or separate claims may be filed and one writ, summons or attachment issued on behalf of all the persons so joining. Any number of lien holders may join in proceedings. R.S.O. 1914, c. 141, s. 33.

33. Where proceedings have been commenced in the district court and proceedings are brought or are thereafter pending in respect of the same logs or timber, or any part of them, in a division court the judge may order the proceedings in the division court to be adjourned before him, and shall in his inquiry include the claims in respect of which proceedings are pending in the division court, and thereafter all persons who have filed claims in the division court shall be entitled to prove their claims and to share in the benefit of the proceedings in the district court. Transfer of suit from division court in case proceedings taken in district court. R.S.O. 1914, c. 141, s. 34.

34. Where suits are brought in several district courts, or in several division courts, the procedure under sections 24 to 26 shall be had in the district or division court out of which an execution or attachment first issued, unless the judge of such court shall otherwise order. Where suits in several courts. R.S.O. 1914, c. 141, s. 35.

Practice.

35. The practice and procedure in actions brought in the district courts or in division courts, shall, so far as they are not inconsistent with this Act, apply to proceedings taken under this Act. R.S.O. 1914, c. 141, s. 36.

Liability for loss occasioned by improper seizure.

36. Any person who unlawfully and maliciously, and without reasonable and probable cause, takes, or causes to be taken, proceedings under this Act by which logs or timber are seized, detained or sold shall be liable therefor in an action at the suit of any person aggrieved thereby, and shall also be liable for all loss and damage occasioned by such seizure by reason of such logs or timber breaking away or being scattered or lost, or otherwise. R.S.O. 1914, c. 141, s. 37.

Illegal payments.

37.—(1) No payment of wages shall be made or offered to any person for any labour performed upon or in connection with any logs or timber by any cheque, order, I.O.U., bill of exchange, promissory note, or other undertaking, other than a bank note or bill, drawn upon or payable at or within any place out of Ontario.

Penalties.

(2) Any person violating, or who shall direct or knowingly suffer his agent or servant to violate, the provisions of this section shall incur a penalty of not less than \$5 and not more than \$20, to be recovered under the provisions of *The Summary Convictions Act*. R.S.O. 1914, c. 141, s. 38.

Rev. Stat. c. 121.

Illegal payments not to be allowed as a defence in any action.

38. No payment made or offered to be made in violation of section 37 shall be a defence to an action or proceeding for the recovery of wages, or be receivable in evidence therein, nor shall any such payment or offer of payment in any way affect any claim of lien for labour on logs or timber under this Act, but in case of the sale, or transfer of any instrument mentioned in section 37, in whole or in part, by the payee the consideration received by him shall be treated as payment on account. R.S.O. 1914, c. 141, s. 39.

Form of proceedings.

39. The judges of the district courts, or a majority of them, may prepare and adopt forms of writs, summonses, attachments and other forms for the more convenient carrying out of the provisions of this Act, and thereafter the same shall be used instead of the forms prescribed by this Act. R.S.O. 1914, c. 141, s. 40.

FORM 1.

(Section 7.)

CLAIM OF LIEN.

A. B., (name of claimant) of (state residence of claimant), (if claim made as assignee then say as assignee of giving name and address of assignor) under *The Woodman's Lien for Wages Act*, claims a lien upon certain logs or timber of (here state the name and residence of the owner of logs or timber upon which the lien is claimed if known) which logs and timber are composed of (state the kinds of logs and timber such as pine sawlogs, cedar or other posts or railway ties, shingle bolts or staves, etc., also where situate at time of filing of claim) in respect of the following work, that is to say, (here give a short description of the work done for which the lien is claimed) which work was done for (here state the name and residence of the person upon whose credit the work was done) between the day of and the day of at per (month or day as the case may be).

The amount claimed as due (or to become due) is the sum of (and when credit has been given, the said work was done on credit, and the period of credit will expire on the day of).

Dated at this day of 19 .

(Signature of Claimant).

AFFIDAVIT TO BE ATTACHED TO CLAIM.

I make oath and say that I have read (or have heard read) the foregoing claim, and that the facts therein set forth are, to the best of my knowledge and belief, true, and that the amount claimed to be due to me in respect of my lien is the just and true amount due and owing to me after giving credit for all sums of money, goods or merchandise to which the said (naming the debtor) is entitled to credit.

Sworn before me at in the district }
of this day of , 19 . }
A Commissioner.

R.S.O. 1914, c. 141, Form 1.