

Revised Statutes of 1846

R.S. of 1846

Chapter 126 CHAPTER 126. OF THE LIEN OF MECHANICS AND OTHERS. OF CERTAIN LIENS ON PERSONAL PROPERTY.

570.185 Lien of mechanic, artisan or tradesman for manufacturing of goods or keeping of animals.

Sec. 35.

Whenever any person shall deliver to any mechanic, artisan, or tradesman, any materials or articles for the purpose of constructing in whole or in part, or completing any furniture, jewelry, implement, utensil, clothing, or other article of value, or shall deliver to any person any horse, mule, neat cattle, sheep, or swine to be kept or cared for, such mechanic, artisan, tradesman, or other person shall have a lien thereon for the just value of the labor and skill applied thereto by him, and for any materials which he may have furnished in the construction or completion thereof, and for the keeping and care of such animals, and may retain possession of the same until such charges are paid.

History: R.S. 1846, Ch. 126 ;-- CL 1857, 5102 ;-- CL 1871, 6823 ;-- Am. 1873, Act 83, Eff. July 31, 1873 ;-- How. 8399 ;-- CL 1897, 10746 ;-- CL 1915, 14831 ;-- CL 1929, 13186 ;-- CL 1948, 570.185

570.186 Lien of mechanic for repair or alteration of goods.

Sec. 36.

When any person shall deliver to any mechanic, artizan or tradesman, any watch, clock, article of furniture or jewelry, implement, clothing or other article of value, to be altered, fitted or repaired, such mechanic, artizan or tradesman shall have a lien thereon for the just value of the labor and skill applied thereto by him, and may retain possession of the same until such charges are paid.

History: R.S. 1846, Ch. 126 ;-- CL 1857, 5103 ;-- CL 1871, 6824 ;-- How. 8400 ;-- CL 1897, 10747 ;-- CL 1915, 14832 ;-- CL 1929, 13187 ;-- CL 1948, 570.186

Compiler's Notes: In this section, "artizan" evidently should read "artisan".

570.187 Lien of mechanic; enforcement; sale; form of notice, proceeds.

Sec. 37.

In either of the cases mentioned in the 2 preceding sections, if the owner of the property, materials, or stock so delivered, or the person entitled thereto shall not, when such article shall have been constructed, completed, altered, fitted, or repaired, or the time having expired for the keeping such stock, and the same being ready to be delivered to such owner or other persons, and the charges thereon shall be due and payable, pay to such mechanic, artisan, tradesman, or other person the amount of such charges, the person having such lien may enforce the same as hereinafter provided: Provided, however, Any mechanic, artisan or tradesman who shall make, clean, alter or repair any article of personal property at the request of the owner or legal possessor of property shall have a lien on such property so made, cleaned, altered or repaired for his just and reasonable charges for work done, and material

furnished, and may hold and retain possession of the same until such just and reasonable charges shall be paid, and in default of payment may foreclose said lien, as hereinafter provided. When any property upon which a mechanic, artisan, tradesman, or other person shall have a lien for unpaid charges under this act shall remain in possession of a mechanic, artisan, tradesman or other person without payment and without proceeding at law in reference thereto, for a period of 9 months, such mechanic, artisan, tradesman, or other person may sell such property at public sale upon like notice and proceeding as in the case of a constable sale on execution. Thirty days before the date of said sale, such mechanic, artisan, tradesman or other person shall give notice of the time and place of said sale and the amount claimed, by depositing the same in the postoffice with postage prepaid and registered and addressed to the last known address of the said owner or person who delivered said property to such mechanic, artisan, tradesman, or other person and which notice may be in substance as follows:

....., Michigan.

....., 19

John Smith,

..... Michigan.

You are hereby notified that I hold the property hereinafter described and claim a lien upon the same for work (and materials) and expenses in connection therewith, amounting to dollars, and that I shall offer said property for sale at my place of business (in the township of), at number street, in the city of, county of, State of Michigan, on the day of, at o'clock in the noon, to satisfy the amount of my said claim and expenses.

Said property is described substantially as follows:

Signed,

.....

If such owner or other person in his behalf shall not pay the amount of such claim and charges before the advertised day of sale, said property shall thereupon be sold pursuant to said notice of sale, to the highest bidder, and said mechanic, artisan, tradesman or other person may become the purchaser. The proceeds of such sale shall be applied to the payment of said lien, costs and expenses, and the balance, if any, shall be paid to the city or township clerk of the city or township where such sale takes place, for the benefit of such owner, and notice of such deposit shall be sent to him by registered mail.

History: R.S. 1846, Ch. 126 ;-- CL 1857, 5104 ;-- CL 1871, 6825 ;-- Am. 1873, Act 83, Eff. July 31, 1873 ;-- How. 8401 ;-- CL 1897, 10748 ;-- CL 1915, 14833 ;-- Am. 1917, Act 331, Eff. Aug. 10, 1917 ;-- CL 1929, 13188 ;-- CL 1948, 570.187

570.188 Suit for recovery of charges; commencement; jurisdiction.

Sec. 38.

The person having such lien may commence a suit for the recovery of such charges in a court of competent jurisdiction against the person liable for the payment thereof.

History: R.S. 1846, Ch. 126 ;-- CL 1857, 5105 ;-- CL 1871, 6826 ;-- How. 8402 ;-- CL 1897, 10749 ;-- CL 1915, 14834 ;-- CL 1929, 13189 ;-- CL 1948, 570.188 ;-- Am. 1991, Act 159, Imd. Eff. Dec. 9, 1991

570.189 Suit for recovery of charges; proceedings in case summons is personally served.

Sec. 39.

If such summons be returned personally served upon the defendant, the same proceedings shall thereupon be had, in all respects, as in other suits commenced by summons, in which there is a personal service of process, and judgment shall be rendered in such suit in like manner.

History: R.S. 1846, Ch. 126 ;-- CL 1857, 5106 ;-- CL 1871, 6827 ;-- How. 8403 ;-- CL 1897, 10750 ;-- CL 1915, 14835 ;-- CL 1929,

570.190 Suit for recovery of charges; proceedings in case defendant cannot be found.

Sec. 40.

If the officer return upon such summons, that the defendant cannot be found within his county, the same proceedings shall be thereupon had, in all respects, as near as may be, as in suits commenced by attachment, in which there is not a personal service of a copy of the attachment upon the defendant, and judgment shall be rendered in such suit in like manner.

History: R.S. 1846, Ch. 126 ;-- CL 1857, 5107 ;-- CL 1871, 6828 ;-- How. 8404 ;-- CL 1897, 10751 ;-- CL 1915, 14836 ;-- CL 1929, 13191 ;-- CL 1948, 570.190

570.191 Suit for recovery of charges; judgment and execution.

Sec. 41.

If the plaintiff recover judgment in such suit, execution shall issue thereon in the same manner and with the like effect, as upon judgments rendered in suits commenced by attachment, and the property upon which the plaintiff holds such lien, or so much thereof as shall be sufficient to satisfy such execution, may be sold thereon in the same manner as if it had been seized and held upon an attachment in such suit.

History: R.S. 1846, Ch. 126 ;-- CL 1857, 5108 ;-- CL 1871, 6829 ;-- How. 8405 ;-- CL 1897, 10752 ;-- CL 1915, 14837 ;-- CL 1929, 13192 ;-- CL 1948, 570.191

570.192 Application of chapter.

Sec. 42.

The provisions of this chapter concerning liens upon personal property, and enforcing the same, shall apply to all cases of personal property on which the bailee or keeper thereof has by law a lien for any keeping, feed, care or labor by him bestowed upon such property.

History: R.S. 1846, Ch. 126 ;-- CL 1857, 5109 ;-- CL 1871, 6830 ;-- How. 8406 ;-- CL 1897, 10753 ;-- CL 1915, 14838 ;-- CL 1929, 13193 ;-- CL 1948, 570.192

570.193 Additional lien for expense of keeping animals.

Sec. 43.

If the property upon which any such lien shall be enforced as provided in this chapter, consists of horses, cattle, sheep, swine, or other beasts, and any expenses shall have been incurred by the person having such lien after the same accrued, in keeping and taking care of such property, the amount of such expenses shall be an additional lien upon the property, and shall be computed and ascertained upon the trial, or assessment of damages, and included in the judgment.

History: R.S. 1846, Ch. 126 ;-- CL 1857, 5110 ;-- CL 1871, 6831 ;-- How. 8407 ;-- CL 1897, 10754 ;-- CL 1915, 14839 ;-- CL 1929, 13194 ;-- CL 1948, 570.193

570.194 Labor lien on property of iron or copper mining corporation; precedence, enforcement.

Sec. 44.

Every person who shall furnish or perform any labor for any corporation, organized for the purpose of mining, smelting or manufacturing iron, copper, silver, or other ores or minerals, in the upper peninsula of this state, and every bona fide holder of any draft or order for the payment of money due for any such labor, issued or drawn by any officer, clerk or agent of any such corporation, shall have a lien for the amount due thereon or therefor, upon all the real and personal property of such corporation, lying and being in the said upper peninsula, which said lien shall take precedence of all other debts, judgments or decrees, liens or mortgages, against such corporation, except liens accruing to this state for taxes, fines or penalties; and every such lien may be proceeded on, enforced and collected out of such real and personal property, or either of the same, in the same manner and under the same regulations, limitations and conditions, as near as may be, as are herein provided for the enforcement and collection of other liens on real or personal property, as the case may be: Provided, That in the enforcement of any lien provided for in this section, it shall not be necessary to file, prove or produce any written contract relative to the labor on which such lien is based.

History: Add. 1867, Act 201, Eff. June 27, 1867 ;-- CL 1871, 6832 ;-- How. 8408 ;-- CL 1897, 10755 ;-- CL 1915, 14840 ;-- CL 1929, 13195 ;-- CL 1948, 570.194