



MECHANIC'S LIENS ARE A PATRIOTIC PRODUCT OF OUR 'FOUNDING FATHERS'

MANY IN THE CONSTRUCTION INDUSTRY ARE FAMILIAR WITH THE IMPORTANCE OF MECHANIC'S LIENS, BUT ARE NOT AS FAMILIAR WITH THEIR CREATION AND HISTORY.

When George Washington was still president of the United States of America, the young country was planning to build a new capital city on the Potomac River. President Washington chose the site and a federal commission was formed to oversee construction in the newly created capital that would become the District of Columbia. In 1791, Thomas Jefferson, James Madison and other members of that commission suggested to the Maryland General Assembly that it enact a statute "for the encouragement of master-builders to undertake the building . . . within the city, by securing to them a just and effectual remedy for their advances." Late in 1791 – at almost the same time as the Bill of Rights was adopted – the first mechanic's lien law was enacted.

Early lien laws were primarily focused on protecting the laborers and material men who actually performed the work, and tended to be limited to particular cities or areas. But the idea spread until almost all states enacted mechanic's lien laws covering their entire jurisdictions.

Approximately a century ago there were some due process assaults on mechanic's liens laws, but mechanic's liens and their constitutionality prevailed. Many states, including Ohio, enacted constitutional amendments that specifically barred any statute from interfering with mechanic's lien rights.

So the next time you are faced with nonpayment and considering whether or not to take action to protect your mechanic's lien rights, remember your patriotic duty. The Founding Fathers would approve.



**LEGAL CORNER BY:
DONALD W. GREGORY, ESQ.**

Kegler Brown Hill + Ritter Co.
65 East State Street, Suite 1800 • Columbus, OH 43215
(614) 462-5416 • Fax: (614) 464-2634
dgregory@keglerbrown.com

