

for work and labor and for materials furnished must be in subordination to prior incumbrances. Subject to such incumbrances, the mechanic and materiel-men have liens on the building, and on the ground covered by the building, by the 1st and 2d sections of the original Act. The 4th section of the Supplement passed in 1845, ch. 176, makes every machine thereafter to be erected, constructed, or repaired in the city of Baltimore subject to the lien, in like manner as buildings are made subject under the provisions of the original Act and the supplement.

It has been urged, that as the mechanic who erects or does work on a building has a lien not only on the building, but also on the ground occupied by the building, whilst the lien of the machinist is confined to the machine, the Courts should in the administration of the law incline to preserve the security of the latter, by protecting the machine, from the operation of the claims of other parties.

It will be found, however, upon reading the 4th section of the Act referred to, that the lien is, in *like manner* as buildings are, made subject under the provisions of the supplementary and the original Act, and by both the lien of the mechanic, in express terms is postponed to prior incumbrances.

If, therefore, the machinist puts up or repairs a machine, which from the nature of its annexation to the building becomes a part of it, and the building itself is subject to a mortgage, the lien of the machinist must yield to the claim of the mortgagee, and can only be asserted in subordination to it. And as, by the former opinion of this Court, it was deemed clear upon authority, that with respect to that part of the machinery furnished by the Messrs. Denmead which constituted the motive power, it was to be regarded as so affixed to the building as to be a part of it, the conclusion follows, that the lien of the machinist must give way to that of the mortgagee, unless upon further consideration effect should be given to the judgments obtained by the Messrs. Denmead in 1849, beyond what it was supposed they were entitled to upon the former argument.