

argument Osler, J.A., remarked: "That rule applies only to proceedings in an action," and this dictum was subsequently adopted as the judgment of the Court on the point. R. S. O. c. 125, s. 28, (The Bills of Sale and Chattel Mortgage Acts) respecting the taking of the affidavits required by the Act does not in any way affect the question.

In view, therefore, of the authorities quoted, and for the reasons given, I do not think that the provisions of Consolidated Rule 613 are applicable to affidavits taken under the provisions of the Bills of Sale and Chattel Mortgage Acts.

Yours truly,

B. E. BULL.

Toronto, Oct. 22, 1896.

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#### **New Bicycle Law.**

Sir,—It is a little difficult to understand the Scottish Judge's decision, noted in your last number, that a bicycle is not a "passenger vehicle." If it is not that, what is it? What is a "passenger?" A person who passes from one place to another; this a bicyclist certainly does. Then what is a "vehicle"? It is a machine going upon wheels (note the apparent identity of the words "vehicle" and "wheel") to carry something, for the word is a derivative of the Latin *veho*. Then a passenger vehicle is a machine going upon wheels to carry a passenger. It would be difficult to find a more precise definition of a bicycle. To compare a bicycle to a pair of skates requires a stretch of imagination and a misconstruction of terms, and disregard of their meanings which one would not expect to

emanate from a legally trained mind. Has not one of our County Judges held that a bicycle is a vehicle?

#### **TWO WHEELS.**

Toronto, Oct., 1896.

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#### **Mechanics' Lien on a Child.**

Sir,—The following incident is illustrative of the comprehensive character of the law respecting mechanics' liens in one of the southern states. It adds one more to the humorous incidents which are continually cropping up in law offices:

A medical practitioner in the State of ——— left with his attorney for collection an account against a former patient for services rendered in connection with the delivery of a male child. The debtor, on being notified to pay the account, hastened to the attorney, and explained to him that he was not in a position to enable him to pay the account then, whereupon the attorney assured him that it would be necessary for him to file a lien against the child. The paternal affection of the debtor was so thoroughly aroused by this startling proposition that he straightway went and procured the necessary funds to pay the claim, and thereby allayed the anxiety which the suggestion had caused.

The above is an incident related to me some time ago, and as I have never seen it in print I send it to you for publication, if it is not old. It may prove of interest to your readers.

Yours truly,

F. W. WILSON.

Petrolia, Oct. 7, 1896.