

on when the cause of action arose. The plaintiff contended that it did not arise until he discovered the fraud, but their lordships agreed with the court below that the cause of action arose when the surplus proceeds were received by the defendants, and that the concealment of a fraud can only be relied on to take a case out of the Statute of Limitations where the fraud is that of, or in some way imputable to, the person setting up the statute. Their lordships also held that under the circumstances the defendants could not be deemed to be in way parties or privies to the fraud of their solicitor, nor could the surplus proceeds be deemed to be "still retained" by them, and that in committing and concealing the fraud the solicitor was not acting as the defendants' agent, and consequently that there was nothing to prevent the statute from beginning to run in 1878. It did not appear by the evidence that the defendants had any actual knowledge of the existence of the second mortgage, and the knowledge the solicitor acquired of it was not acquired in connection with the sale, but as the mortgagor's solicitor, and Lord Herschell doubts whether such knowledge could be imputed to the defendants so as thereby to make them constructive trustees of the fund for the second mortgagee, but that point he considered it was unnecessary to determine. Such a question under the system of registration of deeds prevailing in Ontario could hardly arise.

Correspondence.

SOLICITORS' BENEVOLENT ASSOCIATIONS.

To the Editor of THE CANADA LAW JOURNAL :

SIR,—I have just read the address of the president of the Incorporated Law Society of England at Liverpool, from which I extract the following :

" Having thus pressed on all members of our profession the importance of their becoming members of this society, let me say one word in favour of two institutions which, at all events, cannot be said to exist or be fostered for any selfish objects. I mean, of course, the Solicitors' Benevolent Association, and the other association whose area is confined to London, namely, the Law Association, for the benefit of widows and families of solicitors in