

LAW STUDENTS' DEPARTMENT—OBITUARY NOTICE—CORRESPONDENCE.

mons? When was the clause repealed, and what provisions were subsequently made to mitigate the evils arising from the presence of pensioners and placemen in the House?

JURISPRUDENCE, INCLUDING INTERNATIONAL LAW, PUBLIC AND PRIVATE.

1. "Omne autem jus quo utimur vel ad personas pertinent vel ad res vel ad actiones." How far is this a scientific or convenient distribution of the field of law?

2. Explain the juristic character of marriage, discussing the various views which have been maintained upon the subject.

3. What is "public law," and what is its relation to "the law of nations" and to the so-called "private international law"?

4. What rules of maritime international law which were generally accepted a century ago have now ceased to be so accepted? Through what historical events and by what diplomatic acts has the change in each case been brought about?

5. By what law is the validity of the transfer of property of various kinds to be decided? How far are the authorities agreed upon this point?

OBITUARY NOTICE.

NESBITT KIRCHOFFER, Q. C.

This gentleman died at his residence, in Port Hope, on 26th April last. At a meeting of the Bar in that locality—

Mr. T. M. Benson, seconded by Mr. R. H. Holland, moved—"That we desire to express the regret with which we have received the intelligence of the death, at an early hour this morning, of Mr. Nesbitt Kirchhoffer, Q.C., who was for many years a Benchers of the Law Society of Upper Canada. For a long time he had held the position of senior member of the profession in this County, and he enjoyed the respect of the whole Bar of this District. He will long be remembered as a lawyer of ability and integrity, and as one who, in a profession singularly exposed to misrepresentation, gained and held throughout a long professional career the confidence and esteem of the community in which he lived. It is resolved that we will attend his fun-

eral in a body, and that the members of the profession in Cobourg (the County Town) be invited to join us in paying this last tribute of respect to one whose decease is a loss to the bar of these Counties. We desire also to express our sympathy with his bereaved widow, and to offer her our respectful condolence; and we instruct our Secretary to communicate to her the contents of this resolution." Carried.

At a joint meeting of the Bars of Port Hope and Cobourg, held on the afternoon of Monday, April 28, the members of the Cobourg Bar expressed their concurrence in the above resolution, and desired to join therein.

CORRESPONDENCE.

Mechanic's Lien.

To the Editor of THE LAW JOURNAL.

SIR,—From the note of the case of *Hynes v. Smith*, which appeared in your last issue, it appeared that the plaintiff had commenced work, in respect of which he claimed a mechanic's lien before 31st Dec. 1877. Subsequently the owner made two mortgages, one of which was registered 31st May, 1878, and the other on the 8th June, 1878. On the 18th June, 1878, plaintiff registered his lien, and on 28th August following filed his bill. On this state of facts it was held that the mortgagees were prior to the plaintiff. The reasons of this decision have not yet been published, and it seems at first sight to be difficult to reconcile it with the Act.

The interpretation clause defines that the true "owner" is to include all persons claiming under him, at whose request the work is done, whose rights are acquired after the work is commenced. Section 3 gives the lien-holder a lien "by virtue of being so employed" against the estate and interest of the owner, not by virtue of registration, it is to be observed. Section 26 provides that the Registry Act shall not apply to any lien arising under the provisions of the Act, except as therein otherwise provided, and there is no provision, I think,