

ment, saying: "On general principles, and in ordinary cases, a builder has no lien on the house which he has built or repaired—it would be most inconvenient that he should have. The ground on which it stands is inseparable from the house, and such a lien would exclude the owner from his own freehold."

Macaulay, J., in the same case said, "Contractors for such work must rely on the personal liability of their employer under the contract."

We are, accordingly, quite free to admit that, so far as the Act under discussion simply adopts the principles of the common law in respect of the particular lien, and applies it to realty, we see nothing inequitable in it.

We mean by that that if A., a mechanic, has performed services at B's request on certain land owned by B., for which services B. refuses to pay, we see nothing inequitable in allowing A. to register a lien against that land, and to proceed to enforce it for the recovery of his claim.

If the Act stopped there, there would, so far as we can see, be no valid objection to it. It is when it proceeds much further, and, in its solicitude for the mechanic, gives him the right to register a lien on B.'s land, for a claim which is not an indebtedness of B. at all, but of an entirely different person, that the inequitable aspect of the Act develops.

To the writer the Act has always seemed to be, in many respects, a wholly indefensible piece of legislation.

It seems difficult to understand why the law should be solicitous to extend special protection to the workman who performs services in respect of real estate by insisting on a mortgage of such real estate (for a lien is virtually a mortgage) to secure his bill, when it does not deem such a course in the least degree necessary in the case of many other classes of artisans.

Why, for instance, should the carpenter who provides doors for your house be entitled to a special mortgage to secure his account therefor, any more than the butcher or baker, both of whom furnish wares much more essential to the comfort and enjoyment of life than any mere woodwork.