

swayed in that direction by the old list being thus prominently brought to their attention, and other names not being suggested. The course we spoke of, and now urged by the above resolution, is the proper procedure, and the usual one in other bodies. The change should be made as asked.

Mr. Justice Byrne recently took occasion to make some observations on the fact that on three occasions lately three witnesses in his Court had evaded kissing the Book on the administration of the oath to them, and had, instead, kissed their thumbs, or some part of their hands. He said that this was probably due to an idea that the practice of kissing the Book is liable to spread disease. He pointed out that under the English Act, 51 & 52 Vict., c. 46, s. 5: "If any person to whom an oath is administered desires to swear with uplifted hand, in the form and manner in which an oath is usually administered in Scotland, he shall be permitted so to do, and the oath shall be administered to him in such form and manner without further question,"—and he very properly observed that persons who objected on sanitary grounds to kissing the Book ought to avail themselves of the statute and not make a pretence of going through the other form of oath. Some such statute should be adopted in Ontario, or the Scotch form of oath made the rule, and the practice of kissing the Book abolished. As for those who think, by kissing their thumb, they evade the penalties of perjury, for false swearing, it is well known that the law gives no sanction to any such idea.

We report in the present number an interesting decision of the Local Master at Ottawa under the Mechanic's and Wage Earners' Lien Act (*Gauthier v. Larose*, p. 156). The Master holds that, notwithstanding s. 99 (1) of the Registry Act, advances made under a mortgage to secure future advances after the registration of a mechanic's lien, though without actual notice of the lien, are under s. 13 (1) of the M.L. Act postponed to the lien. He also holds that *Dufton v. Horning*, 26 O.R. 252, has no application to the present Act, and that the officer trying a mechanic's lien action has now jurisdiction to deal with all questions of priority, even as between the lien holder and a mortgagee whose mortgage is prima facie prior to the lien. In considering questions of priority under the Act it is necessary to bear in mind that the date of a mechanic's