will take the trouble to turn to the clause he will find the extraordinary method taken to confound the intention.

"A decree was issued lately at the instance of a mechanic, for the sale of the lot on which the improvements had been made, on which a previous mortgage existed, and the consideration of the decree and of the Acts caused considerable bewilderment. To add to this the decree declared that the plaintiff should, in the first place, be paid his costs and then his claim. It happened, however, that another mechanic had a lien, and under the 9th clause it is declared that all lien-holders in their class shall rank *pari passu,* and the proceeds of the sale be distributed among them *pro rata.* Under the decree the plaintiff would take everything and leave nothing for the second lien-holder.

"In another case a lien-holder, to the amount of $32.00, was made a party in the Master's office, although it was scarcely to be presumed from his position, as a workman, that he would be disposed to redeem a mortgage of some $1,200 which was ahead of him.

"I think it will be found necessary to repeal the Acts in toto."

Mr. W. B. Wallace (now his Honor Judge Wallace) in his work on Mechanics' Lien Laws in Canada (2nd edition, p. 4), says, referring to this Act:—

"The legislative germ introduced in Ontario in 1873 gave little promise of long life or future development. It was an exasperation to the owners of real estate, and in many cases was a disappointment to persons claiming a lien. It was publicly stigmatized as being of profit to no one save the lawyers, and it was suspected of being the offspring of the wanton wooing of the workingman's vote. The Act was vigorously condemned in the press by suitors who had invoked it unsuccessfully," and at p. 5, referring to the consolidation of the Mechanics' Lien Acts in 1877 (R.S.O. 1877, ch. 120) he adds: "there appeared to be general dissatisfaction with the statute."

So much for the inequalities and injustice of the Act. We shall hope, in a future issue, to examine the decisions.

F. P. Betts.