

OUR ENGLISH LETTER—MECHANICS' LIENS.

with petitions for reserved seats. Still the fact remains that he is so inundated, and that the petitioners are for the most part ladies of high degree who do not hesitate to show in the most public manner their keen love for scandal. I am informed, however, on good authority, that the case is not likely to last long, that the arguments for the petitioner are likely to fail by their inherent weakness, and *mesdames et mes demoiselles* are highly likely to endure a bitter disappointment.

Of the legal topics of the day the prevailing and the most interesting are the law in relation to riots and in relation to bills of sale. As every one in Canada must ere this have been well aware, Monday, the 8th of February, was a memorable day in the history of London. For several hours the mob was in undisputed possession of the richest streets in the West End, and an enormous amount of damage was done. In everybody's mouth is the question, whether or not the hundred is liable for the damage, and the answer is that according to the present state of the law the shopkeepers must make good their own losses. For one thing the Riot Act was not read; therefore the rioters, *qua* rioters, were guilty, not of a felony, but of a misdemeanour. This, however, would not exclude the shopkeepers from their remedy if the demolition of their houses had been felonious. But for some inscrutable reason the Court of Appeal has chosen to say, in connection with an election riot at Great Marlow, that partial demolition is not *per se* felonious, unless the rioters had a defined intention of completing the demolition unless they were interrupted. Whether this decision, which is a well-known one, would be reversed if the shopkeepers had recourse to that Supreme Appellate tribunal known as the House of Lords, is more than one can venture to say. But it is at least open to argument that the sound common-sense

view of the question is that where through the gross and culpable neglect of the civil authority rioters are enabled to inflict terrible loss upon the trading community, it is grossly unfair that the trading community should bear the entire consequences.

With regard to bills of sale there is an appalling strictness in the decisions of the Court of Appeal. It has been laid down that the smallest material deviation from the form given in the schedule to the Bills of Sale Act, 1882, shall be fatal; and amongst other things the forms prescribed by most of the leading text-books have been held to be hopelessly bad. The net result is a panic among the money-lenders which delights the rest of the world, since these gentry are, to quote the words of that eccentric genius, Mr. Commissioner Kerr, the curse of the country. For the rest there are no complaints, except that perennial one, "the judges are away on circuit, and business is almost at a standstill."

Temple, February 13.

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[COMMUNICATED.]

THE cases of *Lang v. Gibson*, 21 C. L. J. 74, and *McCully v. Ross*, *ante* p. 63, are conflicting decisions upon a point of Mechanics' Lien law of some importance. In both cases, after sub-contractors had acquired liens under the Mechanics' Lien Act, an execution creditor of the contractor under whom these sub-contractors claimed, applied for and obtained an attaching order against the owner in respect of the moneys due by him to the contractor before the liens were registered, or any suit brought to enforce them. In neither case, however, had the time for registering the liens, or bringing suit to