

LAW SOCIETY OF ONTARIO—MECHANICS' LIEN LEGISLATION.

mittee on the Law School appointed this term.

Mr. Pollard's letter as to the alleged unprofessional conduct of an attorney was read.

The plans of increased accommodation in the library, were laid on the table and referred to the Finance and Library Committees.

Ordered, That the subject of law stamps, and of all contracts between the Government and the Law Society be referred to a committee composed of the following Benchers, namely: Messrs. Hodgins, Maclellan, Bethune, M. C. Cameron, and Meredith, to report to convocation on the last Tuesday of the year.

Tuesday, 26th December, 1876.

Mr. Crickmore in the chair.

The report of the Examiners on the Scholarship Examinations was received, read and adopted, the scholars being:

4th year, Mr. Fullerton.

3rd year, Mr. T. Ridout.

2nd year, Mr. Sheppard.

1st year, Mr. Hodgins.

The Special Committee on Stamps and Contracts between the Government and the Law Society, was re-appointed.

A letter from Mr. Armour, refusing to reconsider his resignation, was read.

Ordered, That Mr. Armour's resignation be accepted, and that a call of the Bench be made for the first Tuesday of next term to elect a Bencher in his place.

Mr. Osler gave notice that he would move on the first Tuesday of next term for the appointment of a Committee on Discipline, under the Act of last session.

Mr. Casey's petition to have his intermediate examination was granted.

MECHANICS' LIEN LEGISLATION.

The manifest injustice to which our present mode of tinkering statutes some-

times leads is well illustrated by the case of *Walker v. Walton*. In that case the plaintiff acquired a lien under the Mechanics' Lien Act of 1873, and duly registered his lien as required by that Act; the plaintiff, however, had given the defendant credit which did not expire until after the passing of the Mechanics' Lien Act of 1874, he consequently had not commenced a suit before that Act came into operation.

Under the Act of 1873, section 4, it would have been sufficient to keep the plaintiff's claim alive if he had commenced his suit and registered a *lis pendens* within 90 days after the period of credit expired. The 14th section of the Act of 1874, however, provides "that every lien shall absolutely cease to exist after the expiration of thirty days after the work shall have been completed * * * unless in the meantime proceedings shall have been instituted to realize the claim under the provisions of this Act, and a certificate thereof is duly registered, &c." And the 20th section comes in with the usual, although unnecessary declaration "that all Acts inconsistent with the provisions of this Act are hereby repealed."

Under this legislation, the Court of Chancery has been driven to hold that although the plaintiff up to the time of the passing of the Act of 1874, had a perfectly good lien equivalent in point of fact to a mortgage on the property for the amount of his debt, yet the moment that Act came into operation, that lien was blotted out, because he did not fulfil the condition which the legislature had imposed by the Act of 1874, of taking proceedings under a statute, which, at the time fixed for taking the proceedings had not even been passed!

We commend this instance of *ex post facto* legislation, and the taking away of vested rights by Act of Parliament, to the attention of the House at its present session.