

PROVINCIAL STATUTES OF LAST SESSION.

amount of tolls which persons entitled to tolls under the Act shall be allowed to charge, from the Lieutenant-Governor in Council, and places it in the hands of the County Judge, or the Stipendiary Magistrate of the Judicial District, subject to a right of appeal under sec. 6 to a judge of the Court of Appeal, which right is to be exercised within fifteen days from the judgment or order of the judge or stipendiary magistrate.

Chapter 18 makes certain amendments in the Mechanics' Lien Acts. Sec. 1 amends R. S. O. c. 120, s. 3, by providing that the "express agreement" which shall exclude a mechanics' lien, must be an express agreement "signed by" the mechanic. Sec. 2 provides that among the particulars required to be stated in the registered statement of claim for a mechanic's lien, must be "the date of the expiry of the period of credit agreed to by the lien-holder for payment for his work, materials or machinery, when credit has been given," otherwise the lien shall cease to exist after 90 days, unless proceedings have been instituted, notwithstanding such period of credit. Sec. 3 would appear to have been suggested by the case of *Grant v. Dunn*, 3 O. R. 876, where it was held, that where one claimed a mechanic's lien in respect of materials furnished, by virtue of an assignment from the original furnisher thereof, the affidavit of verification required by R. S. O. c. 120, sec. 4, subs. 2, must be made by the assignor. This decision seems modified by the section now under consideration, which provides that the affidavit of verification may be made by "any agent or assignee of the person entitled to the lien, having full knowledge of the facts required to be verified." Sec. 6 confines the benefits of a suit brought by a lien-holder to all lien-holders of the same class, "who shall have registered their liens before or within 30 days after the commencement

of such suit, or who shall, within the said 30 days, file in the office from which the writ issued a statement of their respective claims."

Chapter 19 is the most important Act of last session, being An Act respecting the property of Married Women, which may be said to be a verbatim adoption of the English Married Women's Property Act, 1882, though, strange to say, our legislature has not thought fit to acknowledge in any way on the face of the act, the source from which it is derived. In respect to this act, we cannot do better than refer our readers to an interesting article published from the *Times* in this journal, vol. xviii, p. 330. Sec. 2, subs. 1, provides that "a married woman shall, in accordance with the provisions of this Act, be capable of acquiring, holding, and disposing, by will or otherwise, of any real or personal property as her separate property, in the same manner as if she were a *feme sole*, without the intervention of any trustee. Sec. 2, subs. 3, alters a leading presumption of law, by enacting that "every contract entered into by a married woman shall be deemed to be a contract entered into by her with respect to and to bind her separate property, unless the contrary be shewn." Secs. 3 and 5 provide that every woman married after the commencement of the Act, July 1st, 1884, shall hold her property, howsoever derived, as her separate property which she can dispose of in manner aforesaid. Sec. 17 saves existing and future settlements from the provisions of this Act. Sec. 11 provides that every woman, whether married before or after this Act, shall have in her own name against all persons whomsoever, including her husband, the same remedies for the protection and security of her own separate property, as if such property belonged to her as a *feme sole*, but, except as aforesaid, no husband or wife shall be entitled to sue