

is not so, nor is the application for a renewal of a writ. Writs are not spontaneously issued or renewed by the Court, but only upon the application of the suitor, which because of its routine character is allowed to be made to the officers of the Court instead of to the Court itself. Theoretically they are heard by the Court itself. As Blackstone, J. remarked in *Sparrow v. Cooper*, 2 W.B. 1, 1314, the officer of the Court is supposed to be every day in Court sitting at the feet of the Chief Justice and affixing the seal of the Court to all judicial writs which are witnessed at Westminster in the name of the Lord Chief Justice. The suffering him to do this in a private chamber is a mere indulgence convenient to the Court, the suitor, and the officer, and therefore connived at, but the supposition of the law is otherwise; *mutatis mutandis*, this applies to all proceedings authorized to be taken in the offices of the Court.

We can hardly believe that any learned Judge who took part in this decision would knowingly grant an injunction, for instance, for, or against a dead person, and if he would not, how can the renewal, or issue of a writ, for or against a dead person be justified? On applications *ex parte* whether to the Court or its officers it is the duty of the applicant not to conceal any material fact. If the fact that the plaintiff was dead had been disclosed, we hardly think the application for renewal in his name, could, or ought, to have been successful. It is possible that the summary in the Weekly Notes does not accurately convey the language of the learned Judge.

#### ACTIONS TO ENFORCE MECHANICS' LIENS.

The Second Appellate Division of the same Court in *Barnes v. Cwley*, 110 W.N. 271, reached the satisfactory conclusion that where an action to enforce a lien is brought, the rights of lien holders who are made parties to the action or served with notice of trial, are not affected by the fact that the plaintiff fails to establish his claim: any other decision would have made it necessary for every lien holder to institute an action on his own behalf in order to protect himself, which might have added enormously to the expense of this kind of action. In order,