

that is an apparent fallacy; the registration is merely a notification to the public of the fact of the existence of the lien, the registration cannot in any way be said to create or give rise to the lien, any more than the registration of a certificate of *lis pendens* creates or gives right to a cause of action, or any interest in the land in question in the suit. It is a mere notice that a claim exists and is the subject of litigation.

But, after all, is it not reasonably clear that when s. 21 of the Mechanics' and Wage Earners' Lien Act declares that the Registry Act, except as the M.L.A. Act otherwise provides, shall not apply to mechanics' liens, it was not making any law but merely declaring an obvious fact? Suppose that the provision did not exist, how could the Registry Act be said to apply to mechanics' liens? The Registry Act is designed, as we have shewn, to meet the case of competing "instruments," or registered instruments competing with unregistered equitable claims. It contains no provisions whatever that we are able to find giving registered instruments any priority over prior legal statutory liens. To read the statute as if it contained such provisions is really to legislate, not judicially to interpret the statute as it stands.

We do not despair of seeing both the Mechanics' Lien and Wage Earners' Act and the Registry Act so far as mechanics' liens are concerned interpreted by the Courts according to their plain and obvious meaning.

#### NOTES FROM THE ENGLISH INNS OF COURT.

The question whether a company in which practically all the shareholders are enemy subjects can bring actions under the King's Courts has been discussed, but by no means satisfactorily answered, in the *Continental Tyre and Rubber Co. Ltd. v. Daimler Co. Ltd.*, which has by this time found its way into all the Law Reports. This is one of those cases in which an issue which is of absorbing interest to the public and the commercial world, has become confused in a welter of legal procedure and conflicting judicial opinion.