

who said that the Official Referee had found that neither the purchaser, Oliver, nor his solicitor, nor his agent, had actual notice of any liens or claims for liens when the purchase by Oliver was completed; and this finding was justified by the evidence. The purchase by Oliver was of an unfinished building to be taken over by him from Jones, the building owner, "as soon as house is completed to inspector's satisfaction." This was done, the deed registered, and the money paid about two weeks before the liens were recorded.

The ground urged by the plaintiffs was, that, the lien having attached by the doing of the work and the supplying of materials, the language of sec. 21 of the Act, "Except as hereinafter provided those Acts" (Registry Act and Land Titles Act) "shall not apply to any lien arising under this Act," took the lien out of the provisions of those Acts, so far as they enacted that registration was necessary to preserve the priority.

Reference to *In re Craig* (1883), 3 C.L.T. 501; *Hynes v. Smith* (1879), 27 Gr. 150; *McNamara v. Kirkland* (1891), 18 A.R. 271.

Recently the decisions in the Appellate Division have adhered to the view that priority of registration, in the absence of notice, must prevail: *Cook v. Koldoffsky* (1916), ante 433; *Marshall Brick Co. v. Irving* (1916), ante 427.

In this case no actual notice of the liens was brought home. Knowledge that building is going on upon the lands is not enough: *Richards v. Chamberlain* (1878), 25 Gr. 402; nor could it be successfully contended that Oliver came within that part of the definition of an owner (sec. 2 (c)) which depends upon privity, consent, or benefit, so as to render the land in the hands of his representatives subject to the liens: *Gearing v. Robinson* (1900), 27 A.R. 364; *Slattery v. Lillis* (1905), 10 O.L.R. 697; *Cut-Rate Plate Glass Co. v. Solodinski* (1915), 34 O.L.R. 604; *Orr v. Robertson* (1915), ib. 147; *Marshall Brick Co. v. Irving*, ante 427; *Reggin v. Manes* (1892), 22 O.R. 443; *Blight v. Ray* (1893), 23 O.R. 415.

*Appeal dismissed with costs.*