

transferred in any way during the existence of the lien the vendor or transferee must take *cum onere*. It is apparently assumed that a person buying land or advancing money on the security of land which is subject to a lien will go upon the land and make all necessary inquiries to satisfy himself whether or not there are any liens affecting the same. But the decisions of the Courts have certainly not given that effect to the Act but quite the reverse, and have thrown upon the lienholder the duty of notifying all persons dealing with the land of the existence of his lien by the immediate registration of his claim to a lien as soon as he begins to work or furnish materials, although the Act explicitly provides that his lien shall exist without any such registration both as against the person whose interest is primarily bound and all persons claiming under him.

"In the recent case of *Charters v. McCracken*, 36 O.L.R. 260, the learned Chief Justice of the Common Pleas remarks: 'The interpretation clauses of the Registry Act (sect. 2) do not provide expressly that the word 'instrument' shall include mechanics' liens; but do provide (clause (c) that it shall include 'every other instrument whereby land may be transferred, disposed of, charged, incumbered, or affected in any wise;' and sec. 21 of the Mechanics' and Wage Earners' Lien Act provides that 'where a claim is so registered the person entitled to the lien shall be declared a purchaser *pro tanto* and within the provisions of the Registry Act and the Land Titles Act, but except as herein otherwise provided those Acts shall not apply to any lien arising under this Act. 'So registered' means registered under the provisions of the Mechanics' and Wage Earners' Lien Act.

"The effect of the two enactments seems to be in such a case as this, that if the lienholder delays registration of his lien he does so at the risk of being cut out under the provisions of the Registry Act."

How the learned Chief Justice arrives at this conclusion he does not explain, and we confess we are at a loss to understand.