

lien is claimed is *commenced* on the materials furnished have been *commenced* to be furnished.

Having regard to this definition of "owner" we might fairly conclude that the Legislature exhausted its ingenuity in order to secure the lienholder the benefit of his statutory lien as against all alienees or representatives of the person who orders, or for whose benefit, or with whose privilege or consent, the work is done or materials are furnished. But, although the Legislature says "all persons claiming under him," "all" is interpreted to mean "some," but by what process, we confess we are utterly unable to understand. To make assurance doubly sure the Legislature seems to provide that except as therein expressly provided to the contrary liens are not to be defeated by the registration of transfers from the owner of land subject to the lien, for it expressly declares that, except as therein otherwise provided, the Registry Act shall not apply to any lien arising under the Act: S. 21.

If the Registry Act does not "apply to the lien," neither can the Act apply to any transfer from the owner of the land subject to the lien which would enable the transferee to defeat the lien, by reason of anything contained in the Registry Act: this seems an obvious proposition, but when the Court comes to consider this section they find it to mean exactly the opposite of what it says in express terms, and, so far from not applying, it is held that the Registry Act does apply, and may be invoked by purchasers acquiring an interest from the owner after the commencement of the work or furnishing the materials for which a lien has arisen, as against the lien, and so as to defeat it.

It cannot be pretended by the Courts that the Mechanics' Lien Act does in fact provide that the Registry Act shall apply in favour of a purchaser of an interest in the land on which a lien has arisen as against a lienholder, yet, nevertheless, although the Mechanics' Lien Act expressly says the Registry Act shall not apply to liens unless otherwise provided by the Act, yet the Courts have said that it shall, and have in fact assumed to apply it, and thereby denied the rights of lien-