

the terms of employment of such other persons, is illegal, and renders all persons engaged in it liable to proceedings under this section." (Section 7 of the Conspiracy and Protection of Property Act, 1875).

The working-men in the unions, in their war against those outside the unions, do not meet with the sympathy from the public which they do in their contests with their employers for shorter hours and better pay. The public almost instinctively make the same distinction between the two kinds of strikes as the Recorder. The decision is a most important one, and will doubtless be appealed from. It may be interesting to some of our readers to know that the Recorder is Mr. Bompas, Q.C., a brother of the respected Bishop of the Mackenzie River Diocese, and who is and has been for many years resident therein.

PRIORITIES UNDER REGISTRY ACT.

Some criticism has been recently offered in the pages of our contemporary, the *Canadian Law Times*, on the cases of *Brown v. McLean*, 18 Ont. 533, and *Abell v. Morrison*, 19 Ont. 669. The reasoning upon which these decisions are based is considered to be inconclusive, and it is suggested that it is inconsistent with the current of previous authorities.

It can, however, hardly be denied that the decisions in both these cases effectuated substantial justice. Even the critic we refer to does not venture to suggest that the contrary is the case; so that even if the reasons assigned for the judgments are in anywise defective, which we do not admit, still one would naturally desire to see the principle which they establish maintained, for the very plain and simple reason that the very object of all law, whether statutory or judicial, should be the effectuating of substantial justice; for whenever the construction of statutes or judicial decisions leads to an unjust conclusion or result, we feel that in that point the law has failed to answer the purpose for which it was intended.

In the construction of such acts as the Registry Act, we think the courts have been careful in the past to construe them so as to give full effect to their provisions for the protection of all persons entering into transactions relying upon the accuracy of the state of facts disclosed by the registry books; and the cases referred to will be found to be no infringement of this fundamental and salutary principle. But it is quite another matter to construe the Registry Act so as to make it the instrument of injustice, by giving a registered instrument thereunder a priority never contemplated when the instrument was registered, and which was never bargained for nor agreed to be given; and for which priority no valuable consideration has ever been paid; and which has the effect of doing an injustice to some other party. It is not to be wondered at, therefore, if the courts are astute to find reasons to prevent such a result.

Apart from, and in addition to, the reasons assigned by the courts for the decisions in *Brown v. McLean* and *Abell v. Morrison*, we venture to submit that there is a very plain and intelligible principle upon which those cases may be supported, and that is the well-known principle of resulting trusts.