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No. 18

APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

DECEMBER 30TH, 1916.

*BAINES v. CURLEY.

Mechanics' Liens—Action to Enforce—Failure of Plaintiffs to Establish Lien—Rights of other Registered Claimants of Liens not Having Brought Actions—Mechanics and Wage-Earners Lien Act, R.S.O. 1914 ch. 140, secs. 24, 31, 32, 37—Time for Registration—Appeal—Status of Appellants.

Appeal by the defendants Curley and Mosher from the judgment of the Assistant Master in Ordinary in favour of certain lien-holders in an action to establish a mechanic's lien for materials.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, KELLY, and MASTEN, JJ.

J. J. Gray, for the appellants.

J. H. Fraser, for claimants of liens, respondents.

MEREDITH, C.J.C.P., in a written judgment, said that the objection to the appellants' right to appeal and the objection to the respondents' lien, on the ground that it was not registered within the time limited by the Mechanics and Wage-Earners Lien Act, R.S.O. 1914 ch. 140, were answered, adversely to the objectors in each case, in the recent case of *Benson v. Smith & Son* (1916), 37 O.L.R. 257.

If regard be had mainly to some particular words of the enactment, if one's attention be too much rivetted upon them, Mr. Gray's contention that all liens involved in this action are

*This case and all others so marked to be reported in the Ontario Law Reports.