

The Michigan Clothing Company's writ of execution, not having been renewed, expired in the sheriff's hands on the 25th February, 1900. By two conveyances dated the 24th April, 1900, and the 25th April, 1902, respectively, the defendants Charels A. Loughin and Martha A. Loughin, his wife, granted and conveyed all their estate and interest in the lands to one Mary E. Gamble.

An order for sale in lieu of partition of the lands was made on the 3rd December, 1901. On the 31st December, 1901, they were sold to a purchaser, and subsequently the purchase moneys were paid into Court.

On the 20th May, 1902, an order was made adding Mary E. Gamble as a party to the proceedings with respect to any right, title, claim, or interest she might have in the proceeds of the sale. On the 9th June, 1902, the Michigan Clothing Company placed an alias *fi. fa.* in the sheriff's hands, and thereafter the local Master proceeded to ascertain the respective rights and equities of the parties.

The company claimed payment to them of the portion of the purchase moneys attributable to Charles A. Loughin's interest, and to be entitled thereto notwithstanding the conveyances to the defendant Mary E. Gamble. It was shewn that the company had not been paid the amount of their judgment debt, and that the failure to renew the *fi. fa.* was through oversight and inadvertence. On the other hand, the local Master found that the defendant Mary E. Gamble was a bona fide purchaser for value, and held her entitled to the moneys.

The company appealed from the report.

The question on the appeal was whether the filing of the petition, the order of allowance, and the registration of the certificate of allowance, operated to preserve the company's lien and rights against the lands, so as to dispense with renewal of the writ of *fi. fa.*

The appeal was heard by Moss, C.J.O., sitting for a Judge of the High Court.

W. M. Douglas, K.C., for the appellants.

Grayson Smith, for defendant Mary E. Gamble.

Moss, C.J.O.—The certificate of allowance of the petition is clearly "an instrument," within sec. 2 (1) of the Registry Act. It is a certificate of a proceeding in a Court, and under sec. 92 of the Act the registration thereof constituted notice to all persons claiming any interest in the lands subsequent to such registration.