And upon the second branch, that the discharge of mortgage and registration did not have the effect contended for, of giving a new right of entry or starting point under the Statute.

I agree with Mulock, C.J., upon both branches.

As to the first, in so far as it depends upon facts concerning which there was conflicting evidence, the finding of the trial Judge should not upon general principles, have been disturbed.

But, apart from that, I am with deference quite unable to see in the evidence as a whole any circumstance which would justify the inference drawn by the Divisional Court that the tenancy at will originally existing was ever put an end to, or a new tenancy of any kind created: see, in addition to the cases referred to by the learned Chancellor, McCowan v. Armstrong, 3 O.L.R. 100.

The second branch seems to largely depend upon the proper construction of the Registry Act, now 10 Edw. VII. ch. 60, sec. 62, as amended by 1 Geo. v. ch. 17, sec. 31, which provides that a certificate of discharge shall when registered be (1) a discharge of the mortgage; (2) as valid and effectual in law as a release and (3) as a conveyance to the mortgagor his heirs or assigns of the original estate of the mortgagor.

The plain object intended to be attained is merely by a short and simple form to discharge from the title the encumbrance created by the mortgage, which, in equity at least, was never considered as more or other than a charge, the beneficial ownership remaining in the mortgagor.

The language does not say that the certificate is a release or is a conveyance, but it shall, of course for the purpose intended, have the effect of a release, and a conveyance. Such being the clear purpose, it seems to me that the proper construction is that placed upon similar language by Street, J., in Brown v. McLean, 18 O.R. 533, at page 535, as "merely replacing the mortgagee's estate in the person best entitled to it, without allowing it to affect the real rights of any person."

Nor can it make any difference in the proper construction, that the question arises in such a case as this, where the estate to be benefited is one acquired under the Limitations Act. At the time of the registration of the discharge the plaintiff's title had, under the provisions of sec. 16 of that Act, now 10 Edw. VII. ch. 34, if I am right as to the first branch, been extinguished for over four years, during which the defendant and those claiming under her late husband had been the statutory owners of the equity of redemption. Statutes of limitation have been called beneficial statutes inasmuch as they are "Acts of peace,"