ample the judgment of Armour, C.J., in Morton v. Cowan (1894), 25 O. R. 529 at pp. 534, 535.

Nor could it be considered "land" within the meaning of the Execution Act. In addition to "land" proper, sec. 32 (1) makes exigible under a *fi. fa.* lands "Any estate, right, title or interest in land which under section 8 of the Act respecting the transfer of real property may be conveyed or assigned by any person or over which he has any disposing power which he may, without the assent of any other person exercise for his own benefit . . ." The section 8 referred to i.e., that of R. S. O. 1897 ch. 119, reads: "A contingent an executory and a future interest and a possibility coupled with an interest in land . . . also a right of entry . . . may be disposed of by deed . ." A mere tenant at will has none of these.

It is argued however that the position of a holder of a certificate of location is different from that of a mere tenant-at-will and that his interest is exigible.

In *Reilly* v. *Doucette*, 19 O. W. R. 51, 2 O. W. N. 1053, the matter came up for decision, and while the report does not contain any reference to this point, I am informed by my learned brother that he held that a *fi. fa.* could not attach to this kind of property. To give effect to the argument of the appellant it would be necessary to reverse this judgment. I do not think that should be done.

In my view the appeal can be disposed of on the short ground that no transfer by the sheriff could be effective (sec. 73) as he could not be "the recorded holder of the claim." Not being able to transfer effectively he could not sell and as we have said he cannot seize what he cannot sell.

But there are other and valid reasons for this view.

Is this a chattel interest exigible under a *fi. fa.* goods? The argument is that sec. 65 makes the mining claim free from liability to impeachment or forfeiture except as expressly provided by the Act; and that consequently there is a term not liable to be put an end to by the Crown.

But the forfeiture is such a forfeiture as is contemplated by secs. 84, 85, 86, 190, 191, by reason of loss of status of licensee, or doing or leaving undone something. If the provisions of sec. 65 are inconsistent with those of sec. 68, they must give way, the later section speaking "the last intention of the makers": *Atty.-Gen.* v. *Chelsea W. Co.* (1728), Fitzg. 195; *Wood* v. *Riley* (1867), L. R. 3 C. P. 27; Maxwell on