

The objections to the advertisement and sale were as follows :

1. There was no advertisement in any local newspaper ; but only in a newspaper published in the town of Brandon, between seventy and eighty miles distant, and which was not shown to have any circulation in the neighborhood of Portage la Prairie.

2. The advertisement itself made no mention of the fact that the farm was an improved one, with valuable buildings on it, and 100 acres ready for next year's crop, but simply described the property as the N. E. $\frac{1}{2}$ of section 22, tp. 12, range 7, west ; and it also contained a description of other properties to be offered for sale at the same time. As to another of these, it stated that "the vendors are informed that on parcel (1) there is a two-story dwelling house," thus suggesting the inference that the plaintiff's land was unimproved.

3. The sale took place at Brandon instead of Portage la Prairie.

Aldrich v. Canada Permanent, 24 A. R. 193, followed.

C. H. Campbell, Q. C., for plaintiff. *A. D. Cameron*, for defendant.

MASSEY-HARRIS COMPANY v. WARENER.

Exemptions—*R. S. M., c. 80, s. 12*—*Queen's Bench Act, 1895, Rules 803-806*—*Evidence*—*Affidavit*.

This was an appeal from the decision of BAIN, J., noted 33 C. L. J. 777, who held that where the judgment debtor had conveyed his farm to his wife for the purpose of defeating and delaying creditors, he could not claim the benefit of the Exemption Act, as against the plaintiffs' registered judgment, although he was living on the land.

The judgment debtor had been served with a notice of motion under the Queen's Bench Act, 1895, Rule 803, calling upon him to show cause why the land should not be sold, and took the objection which he had also taken before the Referee and BAIN, J., that the evidence produced by the plaintiffs was not sufficient to prove the registration of the judgment relied on. This evidence consisted of an affidavit sworn by a clerk in the plaintiffs' employment, in which he stated that the plaintiffs had recovered a judgment against the defendant in the County Court of Belmont, and caused a certificate of said judgment in the proper form required by the statute to be issued, and that the same was duly registered in the land titles office for the district of Morden, where the lands in question are situated, but did not show his means of knowledge of such facts. Besides this affidavit, a post card was filed, having a memorandum on it to the effect that a certificate of judgment for \$110.20 at the suit of the *Massey-Harris Co. v. Robert Warener* was received and registered 24th July, 1896, but not stating where the same was registered. The post card was not signed otherwise than by the stamping of the words "District Registrar" at the foot, and at the top were written the words, "L. T. O. Morden."

Held, that such evidence was not sufficient to prove the registration of the