

and con that it shows that the execution had expired by reason of the fact that what purported to be renewals thereof were invalid and were not effective to prevent the expiry of the execution. I cannot, however, overlook the fact that under certain circumstances (such, for instance, as a seizure of the lands under the execution during their currency) renewal might be unnecessary in order to permit their expiry, and the existence of any such circumstances is not disproved by the certificate or by any of the materials before me.

The only question argued before me was whether the executions had been effectively renewed and their expiry thereby prevented. Had it been a question merely between the parties represented on the argument, I might have disposed of the argument on that point, but I must consider the terms of the reference and the fact that the Registrar has asked for my opinion as to the effect of the certificate, merely for his guidance. True it is for his guidance in this particular matter, but were I to express the opinion that the certificate showed the expiration of the executions, he would doubtless be justified in relying upon that opinion in other cases in which similar certificates may be presented, and in which the executions may have been kept alive by other means than by renewal.

Even if I were to dispose of this application upon the point referred to, I doubt whether such disposition would be conclusive as between the execution creditor and the transferee. In *Massey v. Gibson*, 7 Man. L.R. 172, it was held that the opinion of a Judge upon a reference under a section of the Manitoba Registry Act, probably similar to sec. III, of the Land Titles Act, would not have that effect.

The Registrar is therefore advised that the certificate attached to the reference is not a certificate within the meaning of sec. 92 of The Land Titles Act because it does not show the expiration, satisfaction, or withdrawal of the writs of execution.

*N. D. Beck*, Q.C. for Marriaggi.

*S. S. Taylor*, Q.C., for execution creditors.