

had been fully carried out; and that the trustees had the right to convey. MIDDLETON, J., said that this objection was not well taken. What the registered title disclosed was, that, while the legal estate was vested in Macdonald and Barnhart, they held it in trust for Catharine Barnhart. They conveyed with her assent and approval. There was no room, upon the known facts, for the suggestion that there was ever any trust deed or any trust other than a simple trust for Catharine. The objection taken indicated no defect in the vendor's title. Declaration accordingly. Costs to follow the event unless there was an agreement between the parties. H. R. Welton, for the vendor. G. T. Walsh, for the purchaser.

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LANGWORTHY v. McVICAR—LENNOX, J., IN CHAMBERS—JAN. 13.

*Appeal—Leave to Appeal to Appellate Division from Order of Judge in Chambers—Rule 507—Pleading—Validity of Marriage.*—Motion by the defendant McVicar for an order for leave to appeal from an order of MIDDLETON, J., in Chambers, affirming an order of the Senior Registrar in Chambers, refusing to strike out of the defences of each of the other defendants a clause whereby it was alleged that the applicant was not the wife of the testator whose estate was in question. LENNOX, J., said that no good purpose would be served by giving leave to appeal. It was true that the Supreme Court of Ontario had no power to annul a marriage, but equally true that it was within the power and was the duty of the Court to inquire into and determine the intrinsic validity of alleged marriages when it incidentally or collaterally became necessary to do so in determining rights of inheritance, rights of property, and the like: *A. v. B.*, L.R. 1 P. & D. 559; *Prowd v. Spence*, 10 Dom. L.R. 215. The applicants were not injured by having timely notice of the issues to be raised. They had not brought themselves within Rule 507. There were no conflicting decisions, and it did not appear that there was "good reason to doubt the correctness" of the order from which the applicants sought leave to appeal. Application dismissed; no costs. J. Haverson, K.C., for the defendant McVicar. J. W. McCullough, for the defendant Kains. Featherston Aylesworth, for the other defendants.