

deceivers were financially worthless. The plaintiff sought compensation out of the fund.

N. W. Rowell, K.C., and Casey Wood, for plaintiff.

R. C. Clute, K.C., and McGregor Young, for defendant.

BOYD, C.—It was argued that the case was, in terms, within the scope of the Act, because plaintiff has been “deprived of her land by reason of some one else being registered as owner.” (Review of the provisions of the Act) It cannot be said that plaintiff suffered wrongful deprivation of the land when she made the transfer to Dakin, for that was a real transaction, and the intention was to transfer the estate and property in the land. That transaction was voidable when plaintiff discovered the imposition practised upon her, but at the time of that discovery the rights of the bona fide transferee had intervened. Clark’s being registered as owner did not deprive plaintiff of the land; it may have prevented her recovering the land; she had ceased to be owner under the Act when her transfer was registered to Dakin, and the land was transferred in due course to Clark. Under the Registry Act, R. S. O. ch. 136, the forged deed would form an incurable defect, and the status of Clark as bona fide purchaser for value would not avail him: *Re Cooper*, 20 Ch. D. 611. But under the Land Titles Act this defect would seem to be cured in the hands of an honest holder for value: *Gibbs v. Merner*, [1891] A. C. 249. The plaintiff has no claim on the ground of the land being brought under the Act, for these words refer to the initial proceeding by which the particular land is brought under the provisions of the Act. Neither is their any claim under the provisions as to error in the certificate or entry on the record. There remains but the claim that she has been wrongfully deprived by reason of some other person being registered as owner. The word “deprivation” is used in contradistinction to another word used in the Act—“disposition.” The plaintiff’s dealing with the land falls under sec. 124. She made a transfer which was a “disposition” of the land that, if properly attacked, would be declared fraudulent and void. Her act was a “disposition of the land, a voluntary thing, and it is not to be called a “deprivation” of it. *Attorney-General v. Metropolitan R. W. Co.*, 21 Q. B. D. 461, and *Attorney-General v. Sibthorpe*, 3 H. & N. 453, referred to.

Action dismissed. Costs of the defendant to be paid out of the fund.