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APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

DECEMBER 29TH, 1916.

*ANNING v. ANNING.

*Husband and Wife—Conveyance of Land by Husband to Wife—
Oral Agreement that Property to Become Wife's only in Event
of her Surviving him—Predecease of Wife—Issue as to Owner-
ship—Evidence—Delivery of Deed—Registration—Trust—Im-
providence—Corroboration.*

Appeal by the plaintiffs from the judgment of SUTHERLAND, J., 10 O.W.N. 415, finding in favour of the defendants an issue as to the ownership of a house and lot.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, MIDDLETON, and MASTEN, JJ.

Gideon Grant, for the appellants.

W. J. McWhinney, K.C., for the defendants, respondents.

MIDDLETON, J., in a written judgment, said that on the 9th November, 1900, the land was bought by and conveyed to the plaintiff Charles Henry Anning, and no one contended that at that time the wife had any claim thereto. On the 18th October, 1901, Anning conveyed the land to his wife, "in consideration of natural love and affection and the sum of \$1," reciting an intention to confer an absolute title upon the wife. The conveyance was registered on the 21st October, 1901. The transaction was intended to be and was a real one—an actual gift, immediately operative, and without any condition.

Anning now said that the arrangement was that the property

*This case and all others so marked to be reported in the Ontario Law Reports.