

SUPREME COURT OF ONTARIO.

2ND APPELLATE DIVISION.

MAY 14TH, 1913,

STUART v. BANK OF MONTREAL.

4 O. W. N. 1280.

Deed—Absolute in Form—Alleged to have been by way of Security only—Evidence.

LATCHFORD, J., 24 O. W. R. 118; 4 O. W. N. 846, dismissed plaintiff's action to have it declared that a certain deed from his father to his grandfather, of certain lands in Hamilton, was, in reality, a mortgage, being by way of security for certain advances, and that the defendants, subsequent purchasers, had notice and knowledge of that fact, finding against both of plaintiff's contentions as above.

SUP. CT. ONT. (2nd App. Div.) affirmed above judgment.

An appeal by the plaintiff from a judgment of Hon. Mr. Justice Latchford, 24 O. W. R. 118; 4 O. W. N. 846, dismissing the action with costs.

The appeal to the Supreme Court of Ontario (2nd Appellate Division) was heard by HON. SIR WM. MULOCK, C.J.Ex., HON. MR. JUSTICE CLUTE, HON. MR. JUSTICE RIDDELL, HON. MR. JUSTICE SUTHERLAND, and HON. MR. JUSTICE LEITCH.

W. M. Douglas, K.C., and W. J. Elliott, for the plaintiff.

Hon. Wallace Nesbitt, K.C., and H. A. Burbidge for the defendants.

THEIR LORDSHIPS (v.v.) dismissed the appeal with costs.

HON. MR. JUSTICE LENNOX.

JUNE 5TH, 1913.

MALOT v. MALOT.

4 O. W. N. 1405.

Statute—Validity of Marriage — 1 Geo. V. c. 32—Constitutionality of.

LENNOX, J., refused to declare a marriage null and void until the question of the constitutionality of 1 Geo. V. c. 32 had been argued before him.

Action to have a certain marriage declared null and void under the provisions of 1 Geo. V. ch. 32.