

the event of plaintiff being entitled to recover at all, assist in the determination at the one trial, just to what extent and against whom recovery may be had. *Evans v. Jaffray*, 3 O. L. R. 327, distinguished.

Appeal dismissed. Costs to plaintiff in the cause.

BOYD C.

FEBRUARY 20TH, 1903.

TRIAL.

FAWKES v. ATTORNEY-GENERAL FOR ONTARIO.

Land Titles Act—Claim on Assurance Fund—Transfer Procured by Fraud—Subsequent Fraudulent Transfers—Forgery—Bona Fide Purchaser for Value without Notice—Deprivation of Land—Disposition of Land.

Action by Drusilla Fawkes to recover \$10,000 from the assurance fund created under the Land Titles Act. The action was brought under a direction of the Master of Titles at Toronto, a claim having been made in his office. The land in question had been brought under the provisions of the Act prior to 1893. In April, 1893, the plaintiff transferred the land to one Dakin for value, represented by certain stock. The transfer was duly registered. In May there was duly registered a transfer purporting to be made by Dakin to one William McDonald. This transfer was not signed by Dakin, whose name apparently signed was forged. Later in May there was registered a transfer purporting to be signed by McDonald to one James D. Mulvena, and at the end of May Mulvena made a transfer to Catherine E. Brisley, which was registered, and in September Brisley made a transfer for value to Levi J. Clark, which was duly registered. The stock taken by plaintiff was of no value, and the transaction was altogether such a fraud as would be set aside by the Court as against Dakin and the string of transferees down to Clark, but Clark's position was impregnable as a registered purchaser for value without notice. The real wrongdoers throughout were two men, Griffin and Hawkesworth, who were convicted of this fraud, and were at the time of the trial inmates of the Penitentiary. These men were the chief actors, who deceived the plaintiff, put forward Dakin, forged his name, put forward McDonald, whose real name was McConnell, as a transferee (he had since died) and also put forward their clerk, one Mulvaney, after Italianizing his name, and the person called Brisley, who was the wife of Griffin, as ostensible transferees, and who negotiated the exchange of properties with Clark, the one bona fide person. All the