

LATCHFORD, J.

MAY 10TH, 1913.

RE WOODHOUSE.

Land Titles Act—Application for Registration—Objection—Bar—“Action”—Judicature Act, sec. 2(2)—Possession of Land.

An appeal by Christie Brown & Co. Limited, under sec. 140 of the Land Titles Act, from an order of the Master of Titles declaring the appellants precluded from bringing any action against John Woodhouse to recover possession of certain lands, and debarred from objecting to the registration of Woodhouse and his wife as the absolute owners of the lands.

W. B. Milliken, for the appellants.

Edward Meek, K.C., for Woodhouse and wife.

LATCHFORD, J.:—The appellants are, by the terms of the order, precluded from bringing any action against John Woodhouse for possession of the lands in question. They are also thereby debarred, in the opinion of the learned Master, from objecting to the registration of Woodhouse and his wife as the absolute owners of the lands.

It seems clear to me that, in filing the objection, the appellants were not “bringing an action.” Unless a contrary intention appears, the word “action” shall be construed “to include suit, and shall mean a civil proceeding commenced by writ or in such other manner as may be prescribed by Rules of Court:” Judicature Act, sec. 2, sub-sec. 2. No contrary intention appears; and the objection filed is not a suit or a civil proceeding begun by writ, or as prescribed by any of the Rules. “Action,” as the term is used in the order, has, in my opinion, the meaning attributed to the word by the Judicature Act, and not any other.

While the appellants cannot sue Woodhouse to recover possession of the property, they can, I think, be heard when they object that he and his wife should not be registered as owners of the land under the provisions of the Land Titles Act. With the shield provided by that Act the appellants can, in my opinion, defend their paper title against aggressors using the weapons forged by the same statute. It may well be that the applicants (Woodhouse and wife) can establish the right which they assert, but Christie Brown & Co. are not precluded from