The defendant's counsel contended that at least the title offered to the defendant was so doubtful that this Court would not force it on a purchaser; and in support of that contention he cited two cases. One is Francis v. St. Germain, 6 Grant 636, in which the Court sitting on appeal sustained the decision of Esten, V.-C., against the title. The facts of the case were not at all similar to the facts of the present case, and it therefore has no bearing on this case, for no one disputes the general proposition that a doubtful title will not be forced on a purchaser. The other case is Osborne v. Rowlett, 13 Ch. D. 774, and so far as it bears upon the present case is an authority against the defendant. It supports the rule to which I shall presently refer by which Courts of first instance in dealing with this question are bound to decide according to their view, whether they have doubts or not, leaving it to be decided by a Court of Appeal. In that case Jessel, M.R., says: "The case is one which I am bound to decide, as between vendor and purchaser, whether a good title can be made or not." Two or three other cases will illustrate the rule I have mentioned. In Hamilton v. Buckmaster, 3 Eq. 323, already referred to, which was decided in 1866, Mr. Dart, one of the conveyancing counsel to the Court, had given an opinion against the title. Wood, V.-C., said that he never had any doubt that the title was good, but the question was whether the title could be forced upon a purchaser. He says: "With respect to enforcing specific performance against the purchaser it has been contended that, having regard to the difference of opinion between the eminent counsel who have advised upon this title, there is such a reasonable doubt that I ought not to force the title upon the purchaser. But am I to make this estate unmarketable, for that will be the effect of refusing specific performance? If, in deciding in favour of the vendor, I am wrong, my decision can be set right by the Court of Appeal. But if I decide in favour of the purchaser, then I shall be condemning the title beyond the power of appeal, as the Court of Appeal has always held that the simple expression of doubt in the Court below is sufficient to prevent the title from being forced upon a purchaser." The latter part of this passage is scarcely borne out by Beioley v. Carter, 4 Ch. Ap. 230 (1869). The Master of the Rolls, in that case, decided that the title was bad and dismissed the plaintiff's bill for specific performance. Selwyn, L.J., on delivering the opinion of the Court of Appeal,