disclosed by the evidence, it would have been proper to amend the conviction, but it should not be amended unless the case was clearly brought within the statute, the prosecution having been commenced under another enactment.

The conviction should be quashed, but without costs and with an order for protection.

MIDDLETON, J.   OCTOBER 11TH, 1916.

RE McCURDY AND JANISSE.

Vendor and Purchaser—Agreement for Sale of Land—Objections to Title—Construction of Clause in Will—Devise of Land and Buildings Absolutely—Tax Title—Confirmation by Statute— Purchase by Person Entitled to Income from Land for Life —Trustee—Acquisition of Title in Derogation of Right of Cestui que Trust—Suspicion of Collusion—Allowing Taxes to Become in Arrear.

Motion by the purchaser, under the Vendors and Purchasers Act, to determine the validity of two objections taken by him to the title of the vendor, upon a contract for the purchase and sale of land.

The motion was heard in the Weekly Court at Toronto.

A. H. Foster, for the purchaser.

R. A. Junor, for the vendor.

MIDDLETON, J., in a written judgment, said that the first objection arose on the construction of the will of the late Moses F. Grey, who apparently died in 1874. By his will, dated the 6th December, 1873, he made the following provision: "I give and devise to my wife . . . the house and other buildings situate lying and being on that north part of park lot letter A in the town of Sandwich which contains five acres, together with the building on one acre of the said five acres, being one-half acre in breadth by two acres deep . . . to have and to hold to her, her heirs and assigns forever." This clause was followed by a provision respecting the remaining four acres, pa t of this lot letter A, which, with other lands, was to be rented during the lifetime of the wife, and the income was to be given to her during her life. Upon one acre, a portion of the five-acre lot, was situated the homestead and all the buildings; and, although the clause was involved, the learned Judge was of opinion that sufficient appeared