

LATCHFORD, J.

DECEMBER 19TH, 1914.

WINDSOR AUTO SALES AGENCY v. MARTIN.

*Husband and Wife—Conveyance of Lands of Husband to Wife
Subject to Trust—Reconveyance in Pursuance of Trust—
Action by Judgment Creditors of Wife to Set aside Recon-
veyance—Absence of Fraudulent Intent—Evidence—Es-
toppel.*

Action by judgment creditors of the defendant Elizabeth Martin to set aside a conveyance of all her lands made by her on the 30th June, 1914, to the defendant Joseph Martin, her husband.

The action was tried without a jury at Sandwich.

J. H. Coburn, for the plaintiffs.

T. Mercer Morton, for the defendants.

LATCHFORD, J.:—The plaintiffs' judgment is wholly unsatisfied or was so at the time of the trial. The automobile, for the price of which the judgment was obtained, was under seizure by the Sheriff of Essex, but had not been sold. Although its cost was \$1,875, it is not probable that the car would sell for more than \$800, and Mrs. Martin appears to have no other property liable to seizure.

In March, 1914, the defendants began to look about for a motor car. Mr. Martin was in failing health. It was thought that he would be benefited by frequent airings; and, as he could walk but little, if at all, it was suggested to him that the best means of taking the air was from the seat of an automobile. Mrs. Martin, at first alone, and subsequently accompanied by her husband, visited the plaintiffs' garage, and on the 18th April ordered a car costing \$1,375. This was subsequently—about the 6th May—exchanged for another car, and \$500 additional was agreed to be paid to the plaintiffs.

On the 13th April, 1914, Joseph Martin had conveyed to his wife his lands in the city of Windsor and the township of Maidstone.

I find that this conveyance was made to her on the express understanding that, should the husband recover from the illness he was then suffering from, she was bound, upon his request, to reconvey the lands to him. The deed was to become absolute only in the event of his death.

Martin was childless, but he had many relatives. His ill-