

spondent in any event, and over and above any other costs which he may ultimately become entitled to.

Kerr, Davidson, Paterson, & Grant, Toronto, solicitors for the petitioner.

Lancaster & Campbell, St. Catharines, solicitors for the respondent.

FERGUSON, J.

AUGUST 25TH, 1902.

WEEKLY COURT.

# BANK OF OTTAWA v. McLEOD.

*Fraudulent Conveyance—Injunction—Receiver—Money in Custodiâ Legis.*

Motion by the plaintiffs for judgment in an action to have a certain conveyance declared void as against them and for an account, injunction, and receiver. In March, 1902, the plaintiffs issued execution against the defendant W. A. McLeod. McLeod had on January 10th, 1901, conveyed his lands in Rat Portage to the defendant Mary McLeod. She mortgaged the lands for \$1,608.96 on January 15th, 1902. On May 1st, 1902, the defendant W. A. McLeod was arrested in Winnipeg on the charge of unlawfully removing his property to defraud creditors, and when arrested \$1,808.96 was found on his person and placed in the hands of the clerk of the peace. The plaintiffs alleged that this sum consisted of the aforesaid \$1,608.96 and the sum of \$200 received by McLeod from the sale of certain stock. The plaintiffs desired to have it declared that the said deed by the defendant W. A. McLeod to the defendant Mary McLeod was fraudulent and void as against them. They desired, also, to have an account of the defendant Mary McLeod's dealings with the land and to have it declared that the sum of \$1,808.96 was the defendant W. A. McLeod's property and liable to their claim, and they desired an injunction to prevent the defendants interfering with the said sum of \$1,808.96, and to have a receiver appointed as to the money found with McLeod at the time of his arrest.

F. A. Anglin, K.C., for plaintiffs.

J. S. Ewart, K.C., for defendant.

FERGUSON, J., held, that an injunction should be granted restraining the defendant from interfering with the sum of \$1,608.96, although it is in custodiâ legis: *Lloyd v. Eagle*, 28 L. J. Ch. 389, and *High on Injunctions*, sec. 402 et seq. Receiver also appointed in regard to \$484.44, the amount remaining due to plaintiffs.

Boyce & Draper, Rat Portage, solicitors for plaintiffs.

T. R. Ferguson, Rat Portage, solicitor for defendant.