

be granted. He knew of no conflicting decisions touching the question which would arise upon the proposed appeal, and there was, in his belief, no good ground to doubt the correctness of the decision. The liquidator's motion in Shelden's case should be dismissed with costs. J. W. Bain, K.C., for the liquidator. W. N. Tilley, K.C., for Tudhope. D. C. Ross, for Shelden.

NASMITH v. NASMITH—LENNOX, J.—JUNE 16.

Husband and Wife—Land Conveyed to Wife—Contributions to Purchase-money Made by Husband—Declaration of Husband's Rights—Half Interest in Property—Wife Declared Trustee for both in Equal Shares—Costs.—Action by a man against his wife for a declaration of his rights in respect of a certain house and lot, No. 5 Woodrow avenue, in the city of Toronto, the title to which stood in the name of the defendant. The action was tried without a jury at a Toronto sittings. LENNOX, J., in a written judgment, after stating the facts and reviewing the evidence, found the facts in dispute as to the intentions of the parties and their respective contributions to the purchase-price of the house and lot, in favour of the plaintiff, and directed that judgment should be entered declaring that the plaintiff and defendant were owners of the house and lot in equal shares, and that the defendant held the property in trust for the plaintiff and herself in equal shares as tenants in common. There should be no costs of a motion made to dismiss the action. The defendant should pay the plaintiff's costs of the action, and these costs should be fixed at \$200, unless the defendant should prefer to pay the plaintiff's taxed costs; in that event the plaintiff's costs should be taxed and paid by the defendant. J. W. McFadden, for the plaintiff. T. N. Phelan, for the defendant.