

There was in fact no valuable consideration for the conveyance. The defendant supported it as a voluntary gift. The plaintiff, by her brother and next friend, alleged that, at the time she executed the conveyance, she was of unsound mind; that the conveyance was obtained by undue influence; that the act of giving it was improvident; and that she had no independent advice. BRITTON, J., after stating the facts, said: "I find that the plaintiff, when she signed the conveyance, was not capable of appreciating and did not appreciate the effect, nature, and consequence of her executing it. The giving away of this property to her nephew, to whom she was under no obligation and from whom she had no reason to expect favours, was not a deliberate, well-considered act of the plaintiff. The plaintiff was feeble-minded; she was forgetful. Considering that the present alleged gift did not take effect until after death, and notwithstanding the fact that the plaintiff had another house and \$2,000 in money, the act was an improvident one." The case was not distinguishable from *Kinsella v. Pask*, 28 O.L.R. 393, which the learned Judge was bound to follow. Judgment for the plaintiff with costs (if demanded) setting aside the conveyance and directing the defendant to reconvey to the plaintiff. In default of such reconveyance, declaration that the plaintiff is, as against the defendant, the absolute owner of the property. C. H. Pettit, for the plaintiff. H. A. Rose, for the defendant.

LABATT LIMITED v. WHITE—LENNOX, J.—MARCH 24.

*Execution—Action for Declaration in Aid—Husband and Wife—Interest of Husband in Land Vested in Wife—Evidence.*—Action by Labatt Limited and the Kuntz Brewery Company Limited, execution creditors of Joseph White, against Sarah White and Joseph White, who were husband and wife, for a declaration that an hotel property in the town of Barrie standing in the name of the defendant Sarah White was really the property of the defendant Joseph White and liable to pay his debts, or that Sarah was a trustee thereof for Joseph, and for a sale of the property to satisfy the plaintiffs' executions, etc. The learned Judge discussed the evidence, in a short written opinion, and found the facts in favour of the defendants. Action dismissed with costs. W. R. Smyth, K.C., for the plaintiffs. A. E. H. Creswicke, K.C., for the defendants.