

SEAGRAM V. HALBERSTADT—SUTHERLAND, J.—MAY 30.

Trusts and Trustees—Conveyance of Land—Alleged Trust for Execution Debtor—Action by Execution Creditors for Declaration—Evidence—Bona Fide Sale for Value.—Action by unsatisfied execution creditors of the defendant George Halberstadt for a declaration that conveyances of land made to the defendants Max Halberstadt and Mary Halberstadt were in trust for the defendant George Halberstadt, and that the land conveyed should, subject to a certain mortgage, be sold to satisfy the plaintiffs' judgment. The action was tried without a jury at Hamilton. The learned Judge, in a written opinion, after setting out the facts, said that there was no evidence upon which he could find that the defendant Max Halberstadt had any notice or knowledge of the existence of the plaintiffs' judgment at the time the land was conveyed to him. While the transaction on the face of it was somewhat suspicious, there was nothing in the evidence from which it could be concluded that the sale to the defendant Max Halberstadt was not bona fide and for the price mentioned. The defendant Max Halberstadt was entitled to demand from the defendant Mary Halberstadt a conveyance of her interest in the land free from any claim on the part of the plaintiffs. Action dismissed with costs. W. S. MacBrayne, for the plaintiffs. J. L. Counsell, for the defendants.

WALTZ V. KREIT—KELLY, J.—MAY 31.

Title to Land—Mistake as to Number of Lot on Plan—Removal of Cloud on Title—Declaration of Title—Deed—Costs.—Action for a declaration of the plaintiff's title to lot 9 upon a registered plan of part of farm lot 146 in the 1st concession of the township of Sandwich East, and for the removal from the register of a conveyance thereof to the defendant Schadt. It appeared that, through no fault of the plaintiff, he had accepted a conveyance of another lot than that which he had purchased from the defendant Kreit, and that he had gone into possession and made improvements; and afterwards found that a conveyance of his lot to the defendant Schadt had been registered, though Schadt was actually in possession of the adjoining lot. The action was tried without a jury at Sandwich. The learned Judge, in a written opinion, after stating the facts, said that the trouble was caused by a change in the numbers on the plan, and that the plaintiff's at-