

No matter what the defendants call the work on which they were engaged—they may call it construction or rebuilding or repair if they please—but it was certainly an Act of misfeasance or negligence to place heaps of gravel from twelve to fifteen inches high in the centre of the road, in the winter, at a time when the highway was being used or likely to be used for sleighing. The defendants were warned of the dangerous condition of the highway, but took no step to obviate it or protect the travelling public.

The appeal should be dismissed with costs.

The plaintiff cross-appealed to increase the damages. We think that the learned trial Judge assessed the damages on a moderate scale, and his discretion should not be interfered with. The cross-appeal should be dismissed without costs.

MARCH 30TH, 1914.

\*DANCEY v. BROWN.

*Husband and Wife—Voluntary Settlements—Conveyances of Lands by Husband to Wife—Action by Subsequent Execution Creditor to Set aside—Rights of Prior Creditors—Absence of Fraudulent Intent—Evidence—Insolvency—Hazardous Business.*

Appeal by the plaintiff from the judgment of DOYLE, Co. C.J., dismissing an action, brought in the County Court of the County of Huron, by an execution creditor of the defendant David Brown, to set aside three conveyances of different parcels of land, made by the defendant David Brown to his wife, the defendant Rosa Brown, on the 22nd February, 1906, the 5th September, 1907, and the 6th January, 1910, respectively, as fraudulent and void against the plaintiff and other creditors of David Brown; the consideration stated in each conveyance being natural love and affection and \$1.

The appeal was heard by MULOCK, C.J.Ex., RIDDELL, SUTHERLAND, and LEITCH, JJ.

R. McKay, K.C., for the appellant.

C. Seager and R. C. H. Cassels, for the defendants, the respondents.

\*To be reported in the Ontario Law Reports.