

street; but this difficulty was one which the vendor ought not to cast upon the purchaser; and it constituted, if not a defect in, at least a cloud on, the vendor's title, and was a matter which the vendor was bound to clear up. L. B. Spencer, for the plaintiff. W. M. German, K.C., for the defendant.

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VANSICKLE v. RATCLIFFE—MIDDLETON, J.—DEC. 14.

*Fraudulent Conveyance—Insolvency of Grantor—Scheme to Defeat Claims of Creditors—Findings of Fact of Trial Judge.*]—The plaintiff, a creditor of the defendant Ratcliffe, sued to set aside a certain transaction by which, on the 2nd September, 1914, Ratcliffe conveyed to the defendant Ward, his sister-in-law, nine houses in the city of Hamilton, and upon the same day assigned to her eight mortgages upon other houses in the same city. The action was tried without a jury at Hamilton. The learned Judge, in a written opinion, states the facts, and finds as follows: (1) that on the 2nd September, 1914, Ratcliffe was entirely insolvent and unable to pay his debts; (2) that the whole transaction was a deliberate scheme and conspiracy on the part of Ratcliffe, his sister-in-law, and his wife, to defeat the claims of his creditors under certain mortgage assignments and to prevent them from reaching the property. Judgment declaring the conveyance and assignment void and directing that they be set aside with costs. G. Lynch-Staunton, K.C., for the plaintiff. A. M. Lewis, for the defendants.

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BRADISH v. CITY OF LONDON—FALCONBRIDGE, C.J.K.B.—DEC. 18.

*Highway—Nonrepair—Injury to Traveller—Notice to City Corporation—Contributory Negligence—Findings of Fact of Trial Judge—Evidence—Conflict between Witnesses—Weight of Negative Statements—Damages.*]—Action by a farmer to recover damages for personal injuries sustained by being thrown from a waggon loaded with hay while travelling along Wellington street, in the city of London, the plaintiff alleging a defective condition of the roadway by reason of nonrepair. The action was tried without a jury at London. The learned Chief Justice said that he had experienced some doubt about the proper disposition of the case, the evidence being conflicting; but, carefully weighing all the evidence, he was of opinion that