

CAMPBELL v. ELLMAN—MIDDLETON, J., IN CHAMBERS—JUNE 16.

Judgment Debtor—Examination — Concealment of Property — Unsatisfactory Answers—Committal—Leave to Apply for Discharge.]—Motion by the plaintiff to commit the defendant, his judgment debtor. It appearing from the examination of the judgment debtor that he had concealed and made away with his property in order to defeat and defraud the plaintiff, one of his creditors, and further that upon the examination he had refused to declare his property and had not made satisfactory answers concerning the same, he was ordered to be committed to the common gaol of the county in which he resided, for the term of 12 months; reserving to him liberty to apply for his discharge at any time after being taken into custody and before the expiry of the period for which he is committed; and he was also ordered to pay the costs of these proceedings. Shirley Denison, for the plaintiff. R. U. McPherson, for the defendant.

BUCOVETSKY v. COOK—RIDDELL, J.—JUNE 17.

Vendor and Purchaser—Contract for Sale of Land—Possession — Improvements—Fraudulent Transfer by Vendor to Another—Land Titles Act — Depriving Purchasers of Lien — Judgment against Vendor for Amount.]—Action to set aside a transfer of a lot of land in Elk City made by the defendant Cook to the defendant Henderson, “fraudulently and with intent to defeat the plaintiffs’ claim . . . and deprive them of the lot.” An agent of the defendant Cook on the 23rd March, 1908, sold the lot to the plaintiffs for \$125; the plaintiffs paid \$25. The sale was approved by Cook. The plaintiffs went into possession and erected a building on the lot at a cost of \$1,200. The agent of Cook saw the building being put up, but raised no objection; he did ask for money, but was told that the money would be paid as soon as the deed of the lot was given. On the 14th June, 1909, Cook affected to cancel the sale to the plaintiffs, and on the 23rd July, 1909, made a transfer to the defendant Henderson, who obtained a certificate under the Land Titles Act. RIDDELL, J., found that the transfer had been made by Cook fraudulently and with the intent charged; but, while the transaction was suspicious, he was unable to find as a fact that Henderson was a party to the fraud intended by Cook; and, therefore, he was of opinion that the Land Titles certificate could not be vacated, and the result was