

time ever brought to the Judge's notice; and in any case, after the trial it is too late for either the prosecutor or the accused to apply to the Court to reserve such a question. See sub-section 3 of sec. 1014 of the Criminal Code, and the construction given to the words "during the trial" therein, by the Supreme Court of Canada, in the case of *Ead v. The King* (40 S. C. R. 272).

The appeal will be dismissed and the rulings appealed from confirmed.

---

### PRINCE EDWARD ISLAND.

COURT OF CHANCERY.

JULY 15TH, 1909.

HENDERSON v. HENDERSON AND OTHERS.

*Husband and Wife—Purchase of Land with Husband's Money in Wife's Name—Gift or Trust—Circumstances Rebutting Presumption of Gift.*

G. Gaudet, for complainant.

J. A. Mathieson, K.C., and W. E. Bentley, for defendants.

FITZGERALD, V.C., Acting M.R.:—Thomas Henderson, the father of the complainant, died about four years ago, leaving him surviving his widow, his second wife (since re-married), and three children by her (infants).

His first wife (Ann Campbell) died about 20 years ago intestate and without issue living at her decease.

Henderson and his first wife lived at Brackley Point up to the year 1876 or thereabouts, on a farm which he owned there, and while there a child was born, which died there.

He sold this farm, and about three or four years afterwards, with the purchase money, bought thirty-three acres of land at Newport, and a little over a year afterwards thirty-three acres adjoining. The deed for his first purchase was from Roderick Campbell, dated 5th February, 1883. The deed for the second purchase was from Peter Campbell to Ann Henderson, his wife, and is dated the 16th November, A.D. 1880.