

Ellis, 4 O.W.N. 1461, and the judgment was affirmed by the Appellate Division on the 23rd December, 1913: 5 O.W.N. 561. The conveyance was dated the 29th April, 1913, nearly six months after the commencement of the action of Ellis v. Ellis, and was not registered until the 8th September, 1913. The learned Judge, after stating the facts and reviewing the evidence, states his conclusion that judgment should be entered declaring the impeached conveyance fraudulent and void as against the plaintiff, and directing that the registration thereof be vacated, with costs to the plaintiff. J. G. Wallace, K.C., and J. Rowe, for the plaintiff. S. G. McKay, K.C., for the defendants.

RE MCINNES—MIDDLETON, J., IN CHAMBERS—JUNE 30.

*Settled Estates Act—Order for Sale of Lands—Proceeds Invested by Executors in Mortgage Taken in Name of Accountant of Supreme Court—Mortgage-moneys Paid to Executors—Special Order Authorising Accountant to Execute Release.*] — Motion by the petitioners, the executors and trustees under a will, for an order directing the Accountant of the Supreme Court of Ontario to execute a discharge of a mortgage. On the 30th April, 1908, TEETZEL, J., made an order under the Settled Estates Act, allowing a sale of lands; but for some reason this order did not follow the well-established practice, and direct the moneys to be paid into Court, but directed that the moneys should be held by the executors and trustees and be by them invested and reinvested, with the approval of the Official Guardian; the mortgages to be taken in the name of the Accountant. A mortgage was taken in the name of the Accountant, and in due time was paid off to the executors. The executors tendered a certificate of discharge of the mortgage to the Accountant for execution by him. By executing the discharge he would certify to the untrue statement that he had received the mortgage-money. In the meantime the executors had proceeded to reinvest the money in other securities received by them. MIDDLETON, J., said that the Accountant could not be asked to discharge the mortgage, in these circumstances; but an order should be made, by which, upon an affidavit being filed shewing that the money had been received by the executors—that being so far only a statement—the Accountant should be authorised to exe-