

HASSARD V. ALLEN ET AL.—FALCONBRIDGE, C.J.K.B.—  
AUG. 21.

*Fraudulent Conveyance—Action to Set aside—Assignments and Preferences Act—Action not Brought within 60 Days—Evidence—Findings of Fact of Trial Judge—Suspicious Circumstances—Dismissal of Action without Costs.*]—Action by a creditor of the defendant Allen, suing on behalf of all creditors, to set aside a conveyance of land by the defendant Allen to the defendant Wilkins, a conveyance by the defendant Wilkins to the defendant Crombie, and a mortgage by the defendant Crombie to the defendant Wilkins, as being fraudulent and void against the creditors of Allen. The action was tried without a jury at Orangeville. FALCONBRIDGE, C.J.K.B., in a written judgment, said that the transactions had a most suspicious appearance; but Wilkins and Crombie were fairly good witnesses, and the benefit of the doubt must be given to them, especially as the action was not brought within 60 days. Action dismissed; but, as the transactions seemed to invite attack, without costs. J. Callahan, for the plaintiff. C. R. McKeown, K.C., for the defendant Allen. W. H. Wright, for the defendants Wilkins and Crombie.

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HASSARD V. ALLEN ET UX.—FALCONBRIDGE, C.J.K.B.—  
AUG. 21.

*Husband and Wife—Conveyance of Land by Husband to Wife—Fraud upon Creditors—Evidence—Findings of Fact of Trial Judge.*]—Action to set aside a conveyance of land by husband to wife as being fraudulent and void against the plaintiff and other creditors of the husband. The defence was that the wife had bought the land and paid for it. The action was tried without a jury at Orangeville. FALCONBRIDGE, C.J.K.B., in a written judgment, said that the plaintiff must succeed. The wife's story of saving up \$400 in bureau drawers without a bank-account is an old story and is always most suspicious. The release of dower also set up by the wife was not mentioned in the statement of defence, nor in the wife's examination for discovery, and appeared to be an after-thought. Judgment for the plaintiff as prayed with costs. J. Callahan, for the plaintiff. C. R. McKeown, K.C., for the defendants.