

HIGH COURT OF JUSTICE.

DIVISIONAL COURT.

SEPTEMBER 22ND, 1909.

ALEXANDRA OIL AND DEVELOPMENT CO. v. COOK.

*Fraudulent Conveyance—Transfer of Property by Husband to Wife
—Prosperous Financial Condition of Husband at Time of Trans-
fer—Intention to Enter into Hazardous Business — Fear of
Future Creditors—R. S. O. 1897 ch. 334—Fraudulent Intent.*

Appeal by the defendants from the judgment of BOYD, C., 13 O. W. R. 405, holding that the conveyances of certain land and the transfer of certain personal property by the defendant John W. Cook to his wife, the defendant Mary Ann Cook, were fraudulent and void as against the plaintiffs and other creditors of the defendant W. Cook.

The appeal was heard by MEREDITH, C.J.C.P., MACMAHON and TEETZEL, J.J.

W. M. Douglas, K.C., and Wright, for the defendants.

G. H. Watson, K.C., and J. F. Edgar, for the plaintiffs.

MACMAHON, J., delivered the judgment of the Court. After referring to the evidence and the judgment of the Chancellor, he cited and quoted from MacKay v. Douglas, L. R. 14 Eq. 106, and Ex p. Russell, 19 Ch. D. 588, and concluded:—

In the present case Cook, at the time he paid the \$5,000 to his wife, had entered upon an undertaking of considerable magnitude, of a highly speculative character, in connection with what were supposed to be oil lands, about which he admitted he knew nothing, and the frauds in the sale of the said lands resulted in the recovery of the judgment against him for over \$10,000.

Following the cases to which I have referred, and which, I think, govern the case in hand, the appeal must be dismissed with costs.