

or even within the 6 months, then probably the plaintiff would be barred, but in the latter event it would have been matter of defence, and the action could not have been dismissed or stayed in Chambers.

BOYD, C.

FEBRUARY 2ND, 1909.

TRIAL.

ALEXANDRA OIL AND DEVELOPMENT CO. v. COOK.

Fraudulent Conveyance—Transfer of Property by Husband to Wife—Prosperous Financial Condition of Husband at Time of Transfer — Intention to Enter into Hazardous Business—Fear of Future Creditors—R. S. O. 1897 ch. 334—Finding of Fraudulent Intent—Judgment—Creditors' Claims—Reference—Costs.

Action by execution creditors of defendant John W. Cook to set aside conveyances of land and transfers of personal property by that defendant to his co-defendant, his wife, as fraudulent as against the plaintiffs and other creditors, and to make the property transferred available for payment of creditors' claims. The judgment of the plaintiffs against the defendant John W. Cook was obtained in a previous action of the same name, reported 10 O. W. R. 781, 11 O. W. R. 1054.

G. H. Watson, K.C., for plaintiffs.

M. Wright, Belleville, for defendants.

BOYD, C.:—It is somewhat difficult to gauge accurately the financial condition of the husband at the time he made a gift to his wife of \$5,000 on the 3rd March, 1905. He gave her, besides, \$500 on 6th April, and \$500 on 2nd May of that year: \$6,000 in all. Of tangible assets all that appears is that after payment of these sums he had a bank balance at the end of March of \$9,716, at the end of April of \$2,822, and at the end of May, \$1,928—all to his credit. Besides this, the farm and chattels thereon, now in question, were worth then, he says, about \$4,000 and \$2,000 respectively. As to his obligations, that is, as I understand, those not secured, he says he did not owe \$4,000 or \$5,000 in March, 1905, but