

The Ontario Weekly Notes

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TORONTO, MARCH 10, 1916.

No. 1

APPELLATE DIVISION.

FIRST DIVISIONAL COURT.

MARCH 3RD, 1916.

PALANGIO v. AUGUSTINO.

Fraudulent Conveyance—Action to Set aside—Insolvency of Grantor—Intent to Defraud on Part of Grantor—Failure to Shew Knowledge of Insolvency or Intent to Defraud on Part of Grantee—Finding of Fact of Trial Judge—Appeal.

Appeal by the plaintiff from the judgment of BRITTON, J., 9 O.W.N. 244.

The appeal was heard by MEREDITH, C.J.O., MACLAREN and MAGEE, JJ.A., and RIDDELL, J.

R. McKay, K.C., for the appellant.

J. P. Walsh, for the defendants, respondents.

THE COURT dismissed the appeal with costs.

FIRST DIVISIONAL COURT.

MARCH 3RD, 1916.

*REX v. LINDSAY.

Criminal Law—Incest—Sexual Intercourse with Daughter—Evidence—Proof of Marriage—Proof of Penetration and Emission—Comment of Crown Counsel on Failure of Wife of Prisoner to Testify—New Trial.

The prisoner was tried before MULOCK, C.J.Ex., and a jury, at Peterborough, on an indictment for incest—cohabitation with his daughter—and found "guilty."

In his address to the jury at the close of the case, counsel for the Crown commented on the fact that the prisoner's wife had failed to testify.

During the trial no evidence was given to prove the marriage of the accused other than hearsay evidence, evidence of reputa-

*This case and all others so marked to be reported in the Ontario Law Reports.