

The defendant is a shrewd, forceful woman, and her husband is a business man.

The plaintiff did not understand the transaction which she entered into. It is clear that she supposed the advance of the money by the husband of the defendant was by way of gift, or loan, and that she was to be taken care of by the defendant and that she by her will, or in some way to take effect after her death, would give this property to her daughter.

I feel quite sure that neither the defendant nor her husband is satisfied that in procuring the conveyance to the defendant was a fair thing, and in order to give colour of right, to what was done, they aver the illegitimacy of the defendant, and as such could not inherit from the mother in case of the mother dying intestate. I cannot accept the story of the defendant or her husband, but on the contrary I do accept the evidence of the plaintiff, that the defendant was born in lawful wedlock. The consent by the plaintiff to the defendant getting the conveyance was an improvident thing on the plaintiff's part. She acted without advice. She was not a match in business matters for the defendant. Getting this conveyance was not all. Even as defendant understood the arrangement it has not been carried out by the defendant. No provision whatever has been made for the plaintiff's maintenance or her residence on the land. It would be most inequitable that the plaintiff should be at the mercy of her daughter or her husband.

Judgment will be for the plaintiff. There will be a declaration that the defendant holds the land in the statement of claim mentioned as trustee for the plaintiff. The land will be charged in favour of the defendant with the sum of \$70 paid by her on the land, and with the amounts paid for taxes and insurance premiums, with interest upon each of these sums at 5 per cent. per annum from the date of payment by defendant to date of repayment by the plaintiff. Upon payment being made, the defendant will execute a conveyance to the plaintiff of the land in question free of all encumbrances, if any created by the defendant, or her assigns.

Judgment will be without costs.

Twenty days' stay.