

There will be judgment for the plaintiff against the defendant executor for the sum of \$3,724.81 and the interest allowed by the bank.

There will be a declaration that the money in the Bank of Nova Scotia at Toronto, viz., the \$3,724.81 standing there to the credit of P. John Nolan, is money belonging to the estate of Martha Nolan and that it may be paid over to the plaintiff as administratrix of the said Martha Nolan.

Payment to the plaintiff of this money will be in full satisfaction of this judgment.

The plaintiff asked for a reference to take the accounts against the estate of the late P. John Nolan.

In an ordinary case of this sort the plaintiff would be entitled at her own risk to such reference, but in this case it is quite clear that plaintiff would gain nothing by having an account of how John Nolan expended his wife's money.

The judgment will be without costs payable by the defendant.

The plaintiff's costs will be payable out of the money belonging to the estate of Martha Nolan.

Thirty days' stay.

HON. SIR G. FALCONBRIDGE, C.J.K.B. JULY 26TH, 1913.

BANCROFT v. MILLIGAN.

4 O. W. N. 1605.

Cancellation of Instruments — Fraudulent Conveyance—Priority of Mortgage—Will—Election—Costs.

Action for declaration that a conveyance of land by defendant John C. Milligan to defendant Maude Milligan was voluntary, fraudulent, and null and void, and that a certain mortgage had priority thereto and for other relief.

FALCONBRIDGE, C.J.K.B., gave plaintiff judgment with costs.

Trial at Cornwall.

G. A. Stiles, for the plaintiff.

R. A. Pringle, K.C., for the defendants, John C. and Maude Milligan.

J. G. Harkness, for the other defendants.