DIARY FOR FEBRUARY.

1. Mon. ...Hilary Term begins. Q.B. and C.P. Divisions of H.C.J. sittings and County Court non-jury sittings in York begin. Sir Edward Coke born, 1552.
6. Sat.....W. H. Draper, 2nd C.J. of C.P., 1856.
7. Sun.....*5th Sunday after Epiphany.*
9. Tues....Union of Upper and Lower Canada, 1841.
10. Wed.....Canada ceded to Great Britain, 1763.
11. Thur....T. Robertson appointed to Chancery Division, 1887.
13. Sat.....Hilary Term and High Court of Justice sittings end.
14. Sun.....*Septuagesima Sunday.* Toronto University burned, 1890.
16. Tues....Supreme Court of Canada sits.
18. Thur....Chancery Division H.C.J. sits.
21. Sun.....*Sexagesima Sunday.*
24. Wed.....St. Matthias.
27. Sat.....Sir John Colborne, Administrator, 1838.
28. Sun.....*Quinquagesima Sunday.* Indian Mutiny began, 1857.

Early Notes of Canadian Cases.

SUPREME COURT OF JUDICATURE FOR ONTARIO.

COURT OF APPEAL.

[Nov. 10.

HICKERSON *v.* PARRINGTON.

Fraudulent preference—Action to set aside deed—Knowledge by grantee of insolvency.

The fact that the grantors in a deed were to the knowledge of the grantee insolvent at the time of making the deed is in itself insufficient to cause the deed to be set aside as a fraudulent preference under R.S.O., 1887, c. 124 (following *Molsons Bank* v. *Halter*, 18 S.C.R.88); and where valuable consideration has been given, clear evidence of actual intent to defraud the creditors of the grantor is necessary to have the deed declared void under the statute of Elizabeth.

Judgment of Divisional Court of the Common Pleas Division, affirming the judgment of ARMOUR, C.J., reversed.

W. Nesbitt and *J. M. McGregor* for the appellants.

W. D. McPherson and *J. M. Clark* for the respondents.

CAMPBELL *v.* ROCHE.
MCKINNON *v.* ROCHE.

Preferring creditors—Money advanced to insolvent to pay creditors—Action to set aside security—Consideration bad in part.

These were two actions brought to set aside two chattel mortgages as void under R.S.O., 1887, c. 124. The cases were tried together. In the first case the mortgagee raised money and advanced it to the mortgagor, who was then in insolvent circumstances, receiving therefor the mortgage in question. The insolvent thereupon paid off certain of his creditors with the money thus raised.

Held, that the mortgage was valid.

It seems that it would be so whether the mortgagee knew of the insolvent's intention to apply the moneys to pay off certain creditors in preference to others or not.

In the second case, it was shown that the mortgage was unreal as to $500, part of the alleged consideration of $4,000.

Held, that it was therefore void as to the whole, following *Commercial Bank* v. *Wilson & Douglas*, 3 E. & A.R.

Judgment of BOYD, C., in the first case reversed and in the second case affirmed.

Moss, Q.C., and *Thomson*, Q.C., for the appellants.

McCarthy, Q.C., and *Laidlaw*, Q.C., for the respondents.

HIGH COURT OF JUSTICE.

Chancery Division.

Div'l Court.] [Dec. 23.

HUMPHREY *v.* ARCHIBALD ET AL.

Witnesses and evidence—Malicious prosecution—Police officer's privilege—Disclosure of information—Discretion of judge.

In an action for malicious prosecution against two police officers the defendants declined, on examination before the trial, to give the name of the person from whom the information was received on which the plaintiff was arrested and prosecuted, on the ground that it was contrary to public policy and would obstruct the detection of crime if the name of the party informing was given. On an appeal to the Divisional Court,

Held (reversing FERGUSON, J., and the Master in Chambers), that as the information sought was material to the fair trial of the issue the defendants must give the name, and they were ordered to appear at their own expense for further examination.

Per BOYD, C.: It is for the judge to decide whether the answering of any such question