

DONALD M. ROBERTSON, ON BEHALF
 OF HIMSELF AND ALL OTHER CREDITORS
 OF GEORGE H. ROBINSON (PLAINTIFF)... } APPELLANT; ¹⁹²⁸ *Nov. 28.

AND

ESTHER M. ROBINSON, WIFE OF GEORGE
 H. ROBINSON, AND THE SAID GEORGE
 H. ROBINSON (DEFENDANTS) } RESPONDENTS.

ON APPEAL FROM THE APPELLATE DIVISION OF THE SUPREME COURT OF ONTARIO

Husband and wife—Alleged attempts to defeat husband's creditors—Alleged payment of husband's moneys in purchase of, or for benefit of, property standing in name of wife—Whether property exigible to satisfy claims of husband's creditors—Claim on behalf of creditors as to policies of insurance on husband's life payable to wife.

APPEAL by the plaintiff from the judgment of the Appellate Division of the Supreme Court of Ontario (1) which, reversing in part the judgment of Kelly J. (1), held against the plaintiff's claim that certain land standing in the name of the defendant wife was the property of her husband and exigible to satisfy the claims of the plaintiff and the other creditors of her husband, or that the said

*PRESENT:—Duff, Mignault, Newcombe, Lamont and Smith JJ.

(1) 62 Ont. L.R. 12.

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land should be charged in favour of the plaintiff and all other creditors of the husband to the extent of moneys of the husband alleged to have been paid in the purchase of, or for the benefit of the title to, or for improvements or additions to, the property; and also held against the plaintiff's claim that certain policies insuring the life of the husband, and payable to his wife, should be charged in favour of the creditors of the husband with the amount of premiums paid thereon with interest.

After hearing argument, the Court retired for consideration of the case, and, on returning to the Bench, dismissed the appeal with costs.

Appeal dismissed with costs.

J. P. MacGregor K.C. for the appellant.

D. L. McCarthy K.C. for the respondent.
