

## SUPREME COURT.

Monday, July 17.

### IN CIVIL JURISDICTION.

Before his Honour Mr. Justice Chubb.  
Hendle and Another v. Qualtrough and  
Others.

Mr. Stumm (instructed by Messrs. Atchow and M'Gregor) for the plaintiffs; Mr. E. M. Lilley (instructed by Messrs. Roberts and Roberts) for the defendants.

This was an action in which judgment had been reserved. It was tried at the last Civil Sittings of the court, before his Honour and a jury of four.

His Honour delivered a written judgment. The plaintiffs, Lucy Hendle and William J. Heirdsfield, he stated, sought to enforce against the defendant (1) an alleged resulting trust in land in their favour; (2) an express trust of land in their favour, and also a parol declaration of trust in their favour of the sum of £350 each. The issues of fact had been tried by a jury, and as regard claims 1 and 2 had been found against both plaintiffs, and as regards 3 against the plaintiff, Wm. J. Heirdsfield, and as regards Lucy Hendle, the jury had found that on or about December, 1890, the defendants had declared themselves to be trustees for her of a sum of £350 and trustees of certain lands; that the defendants paid her £25 of that sum, and expended the remaining £325 in the purchase for her of a piece of land which had been settled by defendants in trust for her for life, with remainder to her children in fee, and with ultimate remainder in fee to defendants; and that the £25 and the land so purchased and settled were not a gift from defendants. He (his Honour) was of opinion that the evidence showed there was a trust, not for a sum of money simply, but for a sum of money to be laid out by the donor in land for the benefit of the donor, or, in other words, a trust of land of the value of £360. As a trust of that nature was required by the statute of frauds to be evidenced by writing, the plaintiffs' case failed for want of such evidence. The jury had not gone far enough in declaring inasmuch as that they had not proved the whole of the trust. There would therefore be judgment for defendants, with costs upon the whole of the case.

### Millers v. Millers and Another.

Mr. Lukin (instructed by Messrs. Morris and Fletcher) for the plaintiff; Mr. Chambers (Messrs. Chambers, Bruce, and M'Nab) for the defendant; Mr. M'Nab (Messrs. Winter and M'Nab) for the co-defendant.

This was a motion for the name of the co-defendant, W. J. Meldren, who died on 20th June last, to be struck out. The action was one for divorce.

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costs to be dealt with by the Chief Justice.