

The Ontario Weekly Notes

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APPELLATE DIVISION.

FIRST DIVISIONAL COURT.

NOVEMBER 12TH, 1917.

*VANZANT v. COATES.

Gift—Parent and Child—Voluntary Conveyance of Land by Mother to Daughter—Undue Influence—Fiduciary Relation—Onus—Evidence—Public Policy—Findings of Trial Judge—Appeal.

Appeal by the plaintiff from the judgment of MULLOCK, C.J. Ex., 39 O.L.R. 557, 12 O.W.N. 239.

The appeal was heard by MEREDITH, C.J.O., MACLAREN and MAGEE, JJ.A., LENNOX, J., and FERGUSON, J.A.

George Wilkie, for the appellant.

Frank Arnoldi, K.C., for the defendant, respondent.

FERGUSON, J.A., read the judgment of the Court. After a full discussion of the evidence and a review of the leading cases, he said that the learned trial Judge had found against the appellant, and the Court could not say either that his findings of fact were not supported by the evidence, or that, in arriving at his conclusions of law, he erred in the law or its application to the facts as they appeared in evidence.

Appeal dismissed with costs.

* This case and all others so marked to be reported in the Ontario Law Reports.