

amount paid to the respondent under this judgment or any part of it.

The respondent should have the general costs of the action, but not such as were occasioned throughout by her omission to add Gordon as a party when the action was begun. The costs dealt with under the former order of this Court were not otherwise dealt with by the trial Judge, and could not now be interfered with. The appellant failed substantially in the appeal, and should pay the costs of it.

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FIRST DIVISIONAL COURT.

MARCH 1ST, 1918.

\*REID v. MORWICK.

*Husband and Wife—Business Carried on in Name of Husband—Claim by Wife to Assets of Business as against Execution Creditor of Husband—Business Begun on Moneys Supplied by Wife from Separate Estate—Joint Venture—Partnership between Husband and Wife—Married Women's Property Act, secs. 4 (2), 7 (1)—Husband's Share of Assets Liable to Satisfy Execution—Findings of Trial Judge—Credibility of Witnesses—Inferences from Facts—Appeal.*

Appeal by the plaintiff from the judgment of MIDDLETON, J., at the trial, dismissing the action with costs.

The appeal was heard by MACLAREN, MAGEE, and HODGINS, JJ.A., CLUTE, J., and FERGUSON, J.A.

Peter White, K.C., and W. H. Lockhart Gordon, for the appellant.

A. M. Lewis, for the defendants, respondents.

A judgment was read by FERGUSON, J.A., who said that the plaintiff was an execution creditor of the defendant William Morwick. The defendant May Ann Morwick was the wife of William. The issue tried was, whether or not the assets of a certain business carried on in the name of William Morwick were exigible under the plaintiff's executions, they being claimed by Mary Ann Morwick. The action was prosecuted on the basis that any claim of Mary Ann Morwick to the goods was dishonest. It was, however, clearly established that her money was used to purchase the plant with which the business was commenced; and in her testimony she stated that she neither gave nor lent