

# The Ontario Weekly Notes

VOL. X.

TORONTO, APRIL 14, 1916.

No. 5

## APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

MARCH 29TH, 1916.

EVANS v. EVANS.

*Husband and Wife—Alimony—Evidence—Finding of Fact of Trial Judge—Dismissal of Action—Rule 388—Costs—Disbursements—Appeal.*

Appeal by the plaintiff from the judgment of BRITTON, J., 9 O.W.N. 493.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and MASTEN, JJ.

W. E. Kelly, K.C., for the appellant.

C. J. Holman, K.C., and S. E. Lindsay, for the defendant, respondent.

THE COURT dismissed the appeal without costs.

SECOND DIVISIONAL COURT.

MARCH 31ST, 1916.

\*JEFFREY v. ALYEA.

*Contract—Evidence—Husband and Wife—Promise of Wife to Pay Debt of Husband—Oral Guaranty—Statute of Frauds—Finding of Primary Liability of Wife—Reversal by Appellate Court.*

Appeal by the defendant Florence Aleya from the judgment of the Judge of the County Court of the County of Hastings in favour of the plaintiff in an action against the appellant and her husband for a balance of the price of apples sold to the defendants.

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