

McGUIRE v. EVANS—FALCONBRIDGE, C.J.K.B.—JAN. 14.

*Church—Contest as to Right to Funds—Dismissal of Action for Account—Findings of Trial Judge.*—Action for an accounting of all funds in the custody, possession, or control of the defendants belonging to or in any way relating to the Toronto branch of the Reorganised Church of Jesus Christ of Latter Day Saints, and for interest and damages. The action was tried without a jury at Toronto. FALCONBRIDGE, C.J.K.B., in a written judgment, said that, acting on the request of counsel, he allowed written arguments to be put in. Most elaborate ones were handed to him on the 30th December. A Judge cannot listen to witnesses for 8 days without coming to some conclusion as to the merits of a case. The learned Chief Justice formed a pretty strong opinion, but was quite willing, with an open mind, to listen to or peruse arguments both as to the facts and the law. A very careful consideration of the arguments and authorities failed to remove the impression indicated. It was unnecessary to go into particulars, the contentions of the parties being so fully set forth in writing. He found in favour of the defendants on all points, and dismissed the action with costs. There were some small figures to be adjusted, which counsel said they were willing to do. George Wilkie and G. Hamilton, for the plaintiff. W. R. Smyth, K.C., for the defendants.