

HELLER v. HELLER—FALCONBRIDGE, C.J.K.B.—Nov. 9.

Husband and Wife—Alimony—Failure of Plaintiff to Shew Reasonable Cause for Leaving Defendant—Evidence—Cruelty—Dismissal of Action—Costs—Rule 388.—An action for alimony, tried without a jury at Toronto. FALCONBRIDGE, C.J.K.B., in a written judgment, said that the plaintiff had failed to make out a case. She was practically uncorroborated as to the alleged violence in language and conduct of the defendant. Half a dozen apparently credible witnesses—near neighbours, some of them under the same roof—said that they never heard any sounds of quarrelling, abusive language, blows, or throwing of crockery. It was impossible that such things could have taken place in small, thinly-constructed houses, without persons in the neighbourhood knowing about it. Also on the question of the plaintiff's neglect to look after the defendant's comfort as to meals, etc., and her staying out late at night, the evidence preponderated in the defendant's favour. There was no imputation on the moral character (in the sense of marital infidelity) of either party; and the plaintiff would be well-advised if she availed herself of the defendant's expressed willingness to receive her back to his home and to support her and her infant child. She left him without reasonable cause. Action dismissed. Costs as provided by Rule 388. E. E. Wallace, for the plaintiff. W. R. Wadsworth, for the defendant.

DISTRICT COURT OF THE DISTRICT OF
TEMISKAMING.

HAYWARD, JUN. DIST.CT. J.

SEPTEMBER 21ST, 1917.

RE TEMISKAMING TELEPHONE CO. LIMITED AND
TOWN OF COBALT.

Assessment and Taxes—Income Assessment—Town Corporation—Telephone Company—Assessment Act, R.S.O. 1914 ch. 195, sec. 14—5 Geo. V. ch. 36, sec. 1—Gross Receipts from Equipment in Town—Receipts from Long Distance Lines—Central Exchange Situated in Town.

Appeal by the company from the decision of the Court of Revision of the Town of Cobalt fixing at \$8,000 the assessment of the company's income for 1917.