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No. 21

COURT OF APPEAL.

JANUARY 27TH, 1913.

*LESLIE v. HILL.

Contract—Interest in Oil Leases—Oral Agreement—Evidence to Establish—Finding of Fact by Trial Judge—Reversal on Appeal to Divisional Court—Further Appeal—Variation of Judgment—Partnership—Interest in Land—Statute of Frauds.

Appeal by the defendants Hill and Paget from the judgment of a Divisional Court, 25 O.L.R. 144, 3 O.W.N. 303.

The appeal was heard by GARROW, MACLAREN, MEREDITH, MAGEE, and HODGINS, J.J.A.

W. M. Douglas, K.C., for the defendants.

G. Lynch-Staunton, K.C., for the plaintiff.

MEREDITH, J.A.:—All things about which there can be no dispute as to their truth support the judgment appealed against, and are altogether opposed to the conclusions of the County Court Judge; indeed, the probabilities are so strongly in favour of the plaintiff's claim that it ought to have required a very considerable weight of testimony to turn the scale the other way; but, in truth, the weight of the testimony is more in accord with the probabilities of the case than opposed to them.

The appellants were wholly inexperienced men in the business of gas and oil production and speculation; the plaintiff's husband was not only a man of considerable knowledge of that kind, but was a practical well-digger and had on hand the machinery

*To be reported in the Ontario Law Reports.