
J. F. BOLAND APPELLANT;

AND

MATACHEWAN CANADIAN GOLD, }
LTD. } RESPONDENT.

ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO

The following oral judgment was delivered by the Chief Justice on December 2, 1959: "Accepting the appellant's contention that the onus was upon the respondent to show payment, we are all of opinion that there was evidence upon which the trial judge could decide as he did. We are also of opinion that, in the circumstances, he did not err in refusing to accept, particularly at the stage of the trial at which it was offered, the letter from Mr. Sutherland to the late Mr. Boland, nor in refusing to permit the appellant to call Mr. Sutherland as a witness. The appeal is dismissed with costs.
