

1912

## EVANS v. EVANS.

\*Feb. 20.

\*Feb. 22.

ON APPEAL FROM THE SUPREME COURT OF ALBERTA.

*Ownership of horses—Bill of sale—Foreign judgment—Interpleader  
—Secondary evidence—Parol testimony.*

APPEAL from the judgment of the Supreme Court of Alberta(1), affirming the judgment of Harvey C.J., at the trial, by which the claim of the plaintiff, respondent, was allowed with costs, and the counterclaim of the defendant, appellant, was dismissed with costs.

The action was brought to recover possession of horses which the plaintiff claimed as her property and which the defendant refused to deliver to her. By his counterclaim the defendant claimed possession of certain other horses which were in the possession of the plaintiff. At the trial the plaintiff's claim was allowed with costs and the defendant's counterclaim was dismissed with costs. This judgment was affirmed by the judgment now appealed from.

After hearing counsel on behalf of the appellant, and without calling upon the respondent for any argument, the Supreme Court of Canada dismissed the appeal with costs.

*Appeal dismissed with costs.*

*E. B. Williams* for the appellant.

*C. A. Grant* for the respondent.

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\*PRESENT:—Sir Charles Fitzpatrick C.J. and Idington, Duff, Anglin and Brodeur JJ.