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BYRON v. TREMAINE.

*Trust—Lien for costs—Evidence—Husband and wife.*

1898

\*Nov. 7, 8.

\*Dec. 14.  
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APPEAL from a judgment of the Supreme Court of Nova Scotia (1), dismissing the plaintiff's action without costs and vacating the judgment of the Chief Justice at the trial who held that there was a cause of action, but that the evidence was insufficient to justify a verdict for the plaintiff.

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\*PRESENT :—Sir Henry Strong C.J. and Gwynne, Sedgewick, Klng and Girouard JJ.

(1) 31 N. S. Rep. 425.

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—

On the appeal the judgment of the court *en banc* was not attacked but the appellant urged that on the evidence given at the trial, she should have had a verdict. The court however agreed with the trial judge that there was not sufficient evidence and dismissed the appeal.

*Appeal dismissed with costs.*

*Russell, Q.C., and Congdon for the appellant.*

*Gormully, Q.C., for the respondent.*

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