



The reasons for judgment of the Court were delivered orally by:

HALLETT J.A.

This is an appeal and a cross-appeal from a decision of Mr. Justice Boudreau dividing property between separated spouses pursuant to the **Matrimonial Property Act**, and granting them a divorce but denying support to the petitioning wife.

The wife's appeal is allowed and the cross-appeal of the husband is dismissed. The trial judge erred in ruling inadmissible a Mr. Amero's evidence of what he paid for a scallop license and what offers he had received. It is impossible for this court to value the fishing licenses as there is no reliable evidence as to the value of them. It would appear their value could be as high as \$300,000.00 (based on the report of the petitioner's expert) which was quite properly given little weight by the trial judge who valued the licenses at \$50,000.00.

We affirm the trial judge's findings with the following exceptions:

- (a) His valuation of the fishing licenses and boats;
- (b) His decision not to award support to Mrs. Robinson.

The evidence of the husband's income on the latter issue was so patently unreliable and vague that the trial judge's finding was arbitrary.

We are specifically satisfied on the following issues that were raised on this appeal:


- a. the fishing licenses are business assets as found by the trial judge;
  - b. the 70/30 split of matrimonial assets by the trial judge was fair and reasonable;
  - c. that each of the parties should share, as found by the trial judge, in 20% of the value of the other's business assets; and
  - d. that there were no hidden assets that accounted for the investment income and lease income shown on the respondent's tax returns as introduced as exhibits at
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There should be no pre-judgment interest awarded.

As to costs, we award the appellant \$2,000.00 plus disbursements on this appeal. We leave alone the disposition of trial costs as arrived at by Mr. Justice Boudreau. With respect to the matters remitted to the Trial Division for determination, the costs shall be for the judge of the Trial Division who hears the matter.

  
J.A.

Concurred in:

Chipman, J.A.   
Roscoe, J.A. 