I find Cochrane to be an utterly unrealiable witness; and, if the case depended on his evidence alone, the plaintiffs would fail. An attempt was made to corroborate his evidence by his wife. I cannot believe her story either.

The counsel for Gilmore argues that, inasmuch as I do not believe Cochrane, and as Gilmore has denied the crime charged, and as the onus is upon the plaintiffs, I cannot make the necessary affirmative finding merely because I quite discredit Gilmore.

I think this is too narrow and wooden a view of my duties. While I do not believe either of the men who participated in the transaction of the night in question, I think the proper inference from the evidence is, that the car was wilfully destroyed by both. The extraordinary proceedings already outlined, of taking this sick automobile on a dark and wintry night to this lonely spot to adjust its carburetor, the unexplained proceedings between 11.30 and 1.40, the very unsatisfactory evidence of these two men at the trial, all point irresistibly to the one conclusion. I have a suspicion that the $300 which Cochrane expected to receive was the difference between the cost of the machine, $900, and the $1,200 insurance, and that the real trouble arose when it was found that the company would not pay anything beyond the value of the destroyed automobile. But this is really beside the mark.

I realise fully the difficulties suggested in making a finding such as this; but, I think, unless wilfully blind, no other conclusion is open to me.

Judgment will, therefore, be for the plaintiffs with costs.

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MIDDLETON, J. APRIL 22ND, 1914.

## LAWSON v. BULLEN.

*Limitation of Actions—Title by Possession to Strip of Land Used as a Lane—Placing Gates at Ends of Strip—Equivocal Act—Acts of Possession—Entry—Interruption of Possession—Exclusion of Public only to Extent of Preventing Nuisance—Trespass.*

Action for a declaration of the plaintiff's ownership of a strip of land and for damages for trespass and other relief.