The defendant admitted that he borrowed $650 from his mother, but says he was not to pay interest and that he re-paid, and over-paid, this money to the deceased.

J. H. Scott, K.C., for the plaintiff.

Otto E. Klein, for the defendant.

HON. MR. JUSTICE LENNOX:—The evidence shews that on the date in question there was $700 drawn from the deceased's bank account; and the defendant admits that he drew out this money. But the defendant says he gave his mother $50 out of that amount, or out of money he had on hand, the same evening. His wife gives some evidence upon this point, too; and although, as I shall mention later, I place no great reliance upon the evidence of the defendant or his wife, yet the plaintiff must establish the loan; and I cannot say that I am satisfied that it was for more than $650. The defendant is not at this point giving evidence of repayment—he and his wife are shewing that only $650 was borrowed.

After careful consideration of the circumstances and evidence, I have come to the conclusion that the defendant agreed to pay interest; and I allow interest at five per centum per annum. As between strangers, a loan imports payment of interest, and, in view of the very limited means of the deceased, the doctrine of advancement could find no proper place.

The onus is, of course, on the defendant to prove repayment; and, being "an opposite or interested party" he is not then entitled to a finding in his favour "on his own evidence . . . unless such evidence is corroborated by same other material evidence." R. S. O. ch. 73, sec. 10, *Thompson* v. *Coulter* (1903), 34 S. C. R. 261. And where the alleged payments are wholly unconnected—as they are here—corroboration of an item here and there is not corroboration of the whole account. *Cook* v. *Grant* (1882), 32 U. C. C. P. 511; *Re Ross* (1881), 29 Grant, 385.

The defendant called evidence which would amount to corroboration within the statute, if I could believe it. But, unfortunately for the defendant, I can place no confidence at all in the testimony of Hector McDonald; and defendant's own evidence and the evidence of his wife fell very far short of convincing me that they were telling the truth.