

This part of the Commissioner's judgment is undoubtedly right, and the appeal in that regard should be dismissed.

The other branch of the case is on a simple question of fact, which in the view I take, is not necessary to be set out.

After a careful examination of all the evidence, I am not able to say that the conclusions of the learned Commissioner are not wholly justified by the evidence; much depends upon the credibility of Saville, who gave testimony before the Commissioner in conflict with what he had previously said before the Recorder. The explanation given is not wholly satisfactory, but the Commissioner saw the witness, and he chose to give credit to the testimony before himself—we cannot, I think, interfere.

In a matter of credit to be given to witnesses the Master (or Commissioner), is the final Judge of the credibility of these witnesses "according to the well established practice in Ontario."

Booth v. Ratte, 21 S. C. R. 637, 643; *Hall v. Berry* (1907), 10 O. W. R. 954; *Bishop v. Bishop* (1907), 10 O. W. R. 177.

The appeal should be dismissed on all grounds taken and with costs.

HON. MR. JUSTICE BRITTON:—I agree that appeal should be dismissed with costs.

HON. SIR GLENHOLME FALCONBRIDGE, C.J.K.B.:—
And I.
