

be accepted. But, taking the other evidence into account, there was a decided preponderance in favour of the plaintiff. The evidence of the plaintiff's daughter was reliable, and should be accepted as giving a substantially accurate account of what occurred. It was strengthened and corroborated by the plaintiff's wife and son and by Cecil Congram. The learned Judge was satisfied that the defendant was the aggressor throughout, and that the injuries complained of were occasioned by his acts. Both men acted very foolishly, the plaintiff acted improperly, but not illegally, at the beginning. He was quite too eager to make a mountain out of a very little thing—the temporary trespass of cattle upon unenclosed land—too prompt in serving notice; far more dominating and exacting than he should have been. This did not relieve the defendant from responsibility for his attack upon the plaintiff, and the very serious injuries he inflicted, but it justified an assessment of the damages at a somewhat lower sum than would otherwise be right. The plaintiff had shewn an actual financial loss of \$385.50, and, a frail and somewhat helpless man at the best, he will be somewhat less capable for the remainder of his life in consequence of the injuries he received on the 14th May, 1918. The defendant was physically capable of occasioning the injuries and he occasioned them. There should be judgment for the plaintiff for \$500 damages, with County Court costs, and no set-off. O. E. Klein and J. C. Moore, for the plaintiff. R. Vanstone, for the defendant.