

HON. MR. JUSTICE RIDDELL:—The case was presented on both sides most earnestly, exhaustively and ably. I have also the advantage of elaborate and carefully prepared reasons of the Master-in-Ordinary for his judgment: while the Master-in-Ordinary had himself the advantage of a careful personal inspection of the premises and a detailed examination of the goods in the presence and by the consent of counsel for both parties (it is said that this was at the instance of the plaintiff: but that I do not consider of any consequence). The Master had also the inestimable advantage of seeing the witnesses which of course I have not: and I must approach the appeal bearing that handicap in mind—and must remember that according to the well-established practice in Ontario the Master is the final Judge of the credibility of the witnesses he has seen, unless indeed there be some unmistakable document or something of the kind which shews the contrary or which the Master has failed to take into consideration. The findings of a Master are on the same footing as the findings of a trial Judge for which *Beal v. Michigan Central Rw. Co.*, 19 O. L. R. 502, may be looked at, also *Booth v. Ratti*, 21 S. C. R. 637, at p. 643, and like cases, e.g., *Re Sanderson v. Saville* (1912), 26 O. L. R. 616 at p. 623 and cases there cited. I note the complaint of the plaintiff that the Master has in effect at least, reversed the findings at the trial and has in substance found fraud in the proofs of loss. Of course he has not done so in form—no such issue was open before him—and I do not think that a finding of fact as to value upon which an argument could be based tending to shew that the real value of the goods had been misrepresented in the proofs of loss can at all be said to be a reversal of the decision at the trial. The decision was that there was no fraudulent over-valuation at the time in the proofs of loss—not that there was no over-valuation, or that the plaintiff or any of his witnesses would not at some future time lie about the value.

I have read all the material, most of it more than once, and with care, and I am unable to find that the Master-in-Ordinary has made a mistake.

The appeal will be dismissed with costs.

As to the motion for judgment, the costs have been reserved till now except the costs up to trial occasioned by charges of fraud which the defendants have been by the