

RIDDELL, J.:—In this appeal counsel for both parties state that either plaintiff or defendant was, before the Master, guilty of wilful and corrupt perjury—and I fear that this statement must be considered well founded. Upon the reference which I directed to the Master at North Bay. the plaintiff, a solicitor of the Court, produced a document which he swore to as signed by the defendant in his presence. This the defendant denied. The effect of the Master's finding is admitted to be that, in his judgment, the defendant's account is the correct one. It is a matter of credit to be given to the witnesses, and "according to the well established practice in Ontario," the Master is "the final judge of the credibility of these witnesses:" *Booth v. Ratte*, 21 S. C. R. 637, 643 . . . ; and see *Fawcett v. Winters*, 12 O. R. 232; *Muter v. Pilling*, 9 Q. B. D. 736.

The plaintiff upon this appeal relies upon a comparison of the disputed signature with two signatures of the defendant, the one to a receipt and the other to an indorsement upon a cheque; but I am unable to see that his case is at all strengthened (in my judgment it is weakened) by such a comparison. The evidence of the defendant, if one were to judge of it simply as it appears in black and white, might have been in some instances more ingenuous, but no one who has not seen the witness can say how far his apparent hesitation should affect his credit. Nothing is more dangerous than for one who has not had the opportunity of seeing and hearing a witness to attempt to say what weight should be given to an apparent shuffling.

The only other point is whether the defendant was prevented from doing certain work by the plaintiff or his wife. The witness says (Q. 321) that the plaintiff said to the effect "that you were not to have your fence made to look like a chicken crop, but I had better leave off from making it until you saw Mr. Berry." These words may intimate anything, from a gentle suggestion to a truculent threat, according to the tone and emphasis. I cannot tell. I have only the skeleton, the dry bones of the evidence. I have only the cold type—the Master had the witness before him, and he could and did determine the real effect of these words. He has held that this was an order to stop building the fence. It was open to the Master so to find, and I cannot interfere. The other matters are too clear even for argument.

The appeal will be dismissed with costs.