tiff's versions is correct. It is true that there is some corroboration of the plaintiff's story, but there is nothing in our law to oblige a trial judge (any more than a jury) to accept the evidence of two witnesses rather than one. The principle referred to by TASCHEREAU, J., . . in *Lefeunteum* v. *Beaudoin*, 28 S.C.R. 89, at p. 93, has no application to this case, even supposing it to be applicable to our law in any case. The learned judge says: "It is a rule of presumption that ordinarily a witness who testifies to an affirmative is to be credited in preference to one who testifies to a negative, magis creditur duobus testibus affirmantibus quam mille negantibus, because he who testifies to a negative may have forgotten a thing that did happen, but it is not possible to remember a thing that never existed." I do not accept in our law either the reasons for the supposed rule or the rule itself. But, assuming its application to any case, it has none here—each witness gives his version of what took place at the meeting—Kerr's evidence is as affirmative as Staunton's, and Staunton's is as much a negative of Kerr's as the converse.

In view of the decisions, which it cannot be necessary again to cite, I think it impossible to say that the plaintiff has made out a case against the defendant Kerr.

As regards the company, I do not think it necessary to go into the law affecting a director who acts as a solicitor for a company. After an attentive perusal of the evidence, I am unable to find that Staunton was either in fact or in form retained by the company. It may seem clear enough that Van Allen retained him, but the retainer (if any) was for Van Allen himself, and not for the company.

I am of opinion that the appeal should be dismissed with costs. . . .

BRITTON, J.:—I agree that the appeal should be dismissed.

FALCONBRIDGE, C.J.:—I agree with my learned brothers in their disposition of the appeal as to the defendant company.

But I have the misfortune to hold a different view as to the case against the individual defendant.

The finding of the learned Chancellor involves no expression of personal opinion, but is based on a purely academic and scientific rule; and it is not, therefore, in my humble judgment, entitled to the high deference which is accorded to the specific finding of fact of a trial judge on conflicting evidence, as illustrated in *Bishop* v. *Bishop*, 10 O.W.R. 177; *Lodge Holes Colliery Co.* v. *Mayor, etc., of Wednesbury* (1908) A.C. 323, at p. 326.