

make the necessary affirmative finding merely because I quite discredit Gilmore.

I think this is too narrow and wooden a view of my duties. While I do not believe either of the men who participated in the transaction of the night in question, I think the proper inference from the evidence is that the car was wilfully destroyed by both. The extraordinary proceedings already outlined, of taking this sick automobile on a dark and wintry night to this lonely spot to adjust its carburetor, the unexplained proceedings between 11.30 and 1.40, the very unsatisfactory evidence of these two men at the trial, all point irresistibly to the one conclusion. I have a suspicion that the \$300 which Cochrane expected to receive was the difference between the cost of the machine, \$900, and the \$1,200 insurance, and that the real trouble arose when it was found that the company would not pay anything beyond the value of the destroyed automobile. But this is really beside the mark.

I realize fully the difficulties suggested in making a finding such as this, but I think, unless wilfully blind, no other conclusion is open to me.

Judgment will therefore be for the plaintiffs with costs.

---