

*Harris* (1896), 27 O. R. at p. 203. See also *MacGregor v. Sully*, 31 O. R. 535, at p. 539.

"The Divisional Courts have more than once said that County Court Judges should give reasons for the conclusions they arrive at." Riddell, J., in *Re St. David's Mountain Spring Water Co., Landlord, and Lahey, Tenant*, 23 O. W. R. 12, at p. 14.

In this case one is at a loss to know just in what way the evidence impressed the trial Judge. While one hesitates in proposing to send back a case for rehearing to express an opinion upon the evidence taken at the first trial, it is perhaps necessary, where no reasons have been assigned, in support of the judgment, to indicate from the written evidence one's reasons for so determining.

One can scarcely read the evidence of the plaintiff without coming to the conclusion that it would be very unsafe to act upon this unsupported testimony on the material facts.

There is also a considerable amount of what looks like reliable evidence given on the part of the defendants to the effect that a reasonable barrier had been erected by them at a suitable distance from the trench and that it was in position just before the accident.

There is the evidence also of one witness to the effect that the plaintiff admitted when it was suggested to him that something must have been wrong with the mare before she would go over the pole put up by the defendants as an obstruction, that she could not help it as she was going at lightning speed.

It is true the plaintiff denied this, but we are left to conjecture which of the two the trial Judge believed. "Where a case tried by a Judge without a jury comes before the Court of Appeal, that Court will presume that the decision of the Judge on the facts was right, and will not disturb it unless the appellant satisfactorily makes out that it was wrong." (Per Lord Esher, M.R., and Lopes, L.J.) in *Colonial Securities Trust Co. v. Massey and others* (1896), 1 Q. B. D. 38.

"The Court must then make up its own mind, not disregarding the judgment appealed from, but carefully weighing and considering it; and not shrinking from overruling it if on full consideration the Court comes to the conclusion that the judgment is wrong. When, as often happens, much turns on the relative credibility of witnesses who have been examined and cross-examined before the Judge, the Court is