

MACMAHON, J. (after setting forth the evidence).—The defendant denied having borrowed the money. . . . The defendant impressed me as being truthful, and the circumstances strongly corroborate his evidence that the plaintiff never lent him any money.

There will be judgment dismissing the action with costs.

MACMAHON, J.

MAY 29TH, 1903.

TRIAL.

HARRIS v. BURT.

KING v. BURT.

Trespass—Assault—Personal Injuries—Damages.

Actions by Fanny Harris and Ettlestone Harris and by Solomon King and Amelia King against E. J. Burt and Robert H. Sanderson to recover damages for personal injuries sustained by plaintiffs by reason of the wrongful acts of defendants. Ettlestone Harris was the father of the plaintiffs Fanny Harris and Amelia King, and Solomon King was the latter's husband. The defendants were in the employment of the York Loan and Savings Company. On Sunday the 8th June, 1902, the plaintiffs were driving in High Park along a roadway a portion of which had been made by the York Loan and Savings Company, through whose lands it passed.

G. H. Watson, K.C., and S. C. Smoke, for plaintiffs.

W. M. Douglas, K.C., and W. H. Hunter, for defendants.

MACMAHON, J., found that the plaintiffs were, with their horses, trespassing on the lands of the company adjoining the highway, and while so trespassing the defendants appeared and struck the horse owned by Solomon King, which caused it to run away, and occasioned injury to plaintiffs.

Judgment for plaintiff Solomon King for \$400, for plaintiff Amelia King for \$750, for plaintiff Ettlestone Harris for \$75, and for Fanny Harris for \$400, with costs.