

the Grand Trunk Railway, about half a mile from where it was two hours before. The car was then struck by a Grand Trunk freight train and destroyed. The train officials state that there were no lights upon the automobile at the time.

Gilmore can give no satisfactory account of what took place in these two hours. His efforts to excuse himself, and his version of the affair, are unworthy of belief. Both he and Cochrane stayed at the Port Credit station till morning, when they returned to town, and immediately a claim was made under the policy in question. Each gave to the insurance company a definite statement of what had taken place.

It should be mentioned that Gilmore had bought this car as a second-hand automobile in the previous July, for \$900, paying \$100 down, the balance secured by a note. He bought it as a speculation, expecting to easily sell it at an advance, but his expectations had not been realized. Two months prior to November he had been using the car in his business and for pleasure, and had had some difficulty in its operation. He had insured it against accident for \$1,200, and admits that he was under the impression, until after the night in question, that on the happening of an accident resulting in total destruction he could collect \$1,200 from the company.

The company paid \$800, as being the value of the car; payment being made on the 26th of November, 1913. Cochrane claimed \$300 from Gilmore, and Gilmore refused to pay this. In the result, Cochrane informed the company that the car had been intentionally destroyed. Gilmore on his part laid an information against Cochrane for endeavouring to extort money by threats. This charge was tried at the sessions, and the jury disagreed. Cochrane now tells a story shewing that the car was deliberately destroyed by Gilmore.

I find Cochrane to be an utterly unreliable witness, and if the case depended on his evidence alone, the plaintiffs would fail. An attempt was made to corroborate his evidence by his wife. I cannot believe her story either.

The counsel for Gilmore argues that inasmuch as I do not believe Cochrane, and as Gilmore has denied the crime charged, and as the onus is upon the plaintiffs, I cannot