he issued false tickets to the number of about 50 to the plaintiff, for which he received $1 each. Smith, the other witness, told a similar story with regard to other loads: he said he received $10 for 8 tickets. If the evidence of either of these witnesses had been contradicted, the learned Judge would have had no hesitation in refusing to accept it. The stories were full of contradictions, and the witnesses did not impress him as being reliable; but the plaintiff was not called upon to testify in his own behalf.

In these circumstances, the learned Judge said, he had come to the conclusion, after giving proper weight to the fact that the plaintiff did not choose to deny the charges made against him, that upon this unsatisfactory evidence there should not be a finding in favour of the defendant corporation, upon whom the onus of proof lay.

Upon the question of the weight to be given to the testimony of accomplices, he referred to Rex v. McNulty (1910), 22 O.L.R. 350; Rex v. Christie, [1914] A.C. 545.

The learned Judge added that he was not prepared to say that there was not in the testimony of these two witnesses some corroboration by each of the story told by the other; but he was not dealing with the case in supposed obedience to any narrow or technical rule; his finding was in favour of the plaintiff because he (the learned Judge) was unable to say that he believed the story told by these two witnesses. His finding was upon a question of fact; he was not to be considered as laying down a rule of law. See Myers v. Toronto R.W. Co. (1913), 30 O.L.R. 263.

The other two defences failed upon the evidence.

Judgment for the plaintiff for the amount claimed, with interest from the 31st December, 1914, and costs.