

and a bank book of his sister's and some papers. The money, he says, was in an envelope containing photographs, which envelope was produced from the trunk in Court. The plaintiff says that he packed these things in this trunk in Boston. He saw two of the articles when his luggage was examined by the customs officer at Vanceboro.

The defendants have called as witnesses (two under commission) the McKillops, the two mail couriers and two of the three persons with whom the trunk was stored en route. They generally deny taking anything out of it, and, with the exception of the McKillops, that it was opened at any time.

As to the plaintiff's testimony I found no reason for disbelieving it. I do believe him. I do not think that having found that his trunk had gone astray he was equal to concocting the story. He did not appear to be the kind of man who would be bold enough to run the risk of bringing an action and going on the witness stand, with, at most, \$125 to gain, unless these articles were in the trunk.

His cross-examination was severe, and I thought he came out of it very well, as well as most do who are telling the mere truth and who are all the time labouring under the disadvantage of being expressly suspected of having done a disgracefully dishonest thing. The defendants' counsel attempted to make two points against him. One was in connection with his statement to Mr. Morrison as to the source of the money. I think Mr. Morrison misunderstood him. He was trying to find out the truth of the matter and probably commenced by asking him what bank he had kept his money in, or some such question; and the plaintiff told him, and it was true, that he had formerly kept money in that bank, but he did not claim and does not claim to have taken this money from that bank. He says he got it from the man who employed him and had it in a drawer and when he was leaving took it, namely \$53, which he carried in his pocket, and \$75 which he carried in this trunk.

The other point was this: When he was giving reasons for the truth of his story to the defendants' agent, he suggested weighing his trunk, and it was found to weigh 120 lbs., and he appealed to the excess weight which shewed 195 lbs. But that was the weight of the two trunks as I have already mentioned, but it was when he saw the error