

The  
**Ontario Weekly Notes**

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APPELLATE DIVISION.

DECEMBER 7TH, 1914.

RE JESSOP AND JESSOP.

*Mines and Minerals—Interest in Mining Claims—Husband and  
Wife—Evidence—Decision of Mining Commissioner—Ap-  
peal.*

Appeal by T. Harvey Jessop from a decision of the Mining Commissioner of the 1st October, 1914.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, and HODGINS, J.J.A.

W. R. Smyth, K.C., for the appellant.

A. G. Slaght, for the respondent.

The judgment of the Court was delivered by MEREDITH, C.J.O.:—The parties are husband and wife, and the claim of the appellant is, that he is entitled to certain interests in six mining claims recorded in the name of his wife, and one recorded in the name of H. Routley, who holds one-quarter interest for the wife.

We are of opinion that the husband failed in making out his case, and that the decision of the Commissioner should be affirmed.

The right of the appellant to a share in these interests or to have it determined that they belong to a partnership between his wife and him was denied by the respondent, who also denied that any such partnership existed.

Counsel for the appellant contended that certain expressions in letters which were written by him to his wife shew that they were jointly interested in the claims. Whatever might have been