

their stories differ, and we see no reason for differing from him in that respect.

Much was sought to be made of the fact that in putting in some affidavit in connection with another mining claim, the respondent admitted that he swore to having done work that was not done until afterwards, but all that it is necessary to say as to this is that the learned Judge no doubt gave that circumstance due consideration in coming to his conclusion, and that if the testimony of the parties were left out of consideration, the undoubted facts and circumstances to which I have referred lead irresistibly to the conclusion to which the learned trial Judge came.

The result is that the appeal fails, and is dismissed with costs.

---