

required for the work; and was at the time in question engaged in sinking such a well for the appellants on the land of one of them; and, indeed, the enterprise in question seemed to have arisen out of this circumstance. The appellants' inexperience was such that, even in regard to the form of the ordinary gas and oil lease, they admittedly had to seek, and at once accepted, the advice of the respondent's husband. The association in partnership of these two wholly inexperienced men with one who not only had the needed knowledge and practical experience, but also had the machinery needed in the work required in the development of their enterprise, was so desirable a thing as to make that which the respondent contends for at the least very probable. Then the respondent's husband was consulted regarding the conduct of the enterprise, and the form of the intended leases was altered at his instance; and after that the business was done—the leases taken—in the names of the three; the very strongest evidence of the joint interest of all of them, and entirely inconsistent with the appellants' contention that they alone were entitled to them.

And how is this met? By the extremely weak and improbable story that the respondent's name was inserted with a view to securing work for her husband in sinking wells on the leased lands, if the leases should be assigned, though it is not even asserted that there was any contract on the appellants' part to give him such work if the lands were developed by them. How could such a thing bring about such a result, apart from the want of honesty, towards the lessors, in it? And why should the untruth, and the danger of it, be uttered and incurred if they were under no obligation to the respondent? The story seems to me quite too infantile, from business men in a business transaction. The much more probable story is, that, if the leases had not been quickly found to be saleable at a profit, had mining operations gone on, as was at first expected, or had any difficulties arisen, the partnership would have been clung to, and the harder work would have fallen to the experienced man with the machinery and knowledge; but when neither experience nor machinery became necessary, when it was little more than a matter of dividing a handsome profit, the working man and his plant were excluded; but fortunately his wife's name could not be erased from the leases without leaving an indelible mark.

And the bulk of the disinterested testimony supports this view.

There is, of course, no law against reversing the findings of the County Court Judge, if they are wrong. And, with the