

two sums of \$100 each, and for all these sums promissory notes were given.

It is impossible to believe that if the appellants had an interest such as they assert in the claim entitling them to this large sum of money, they would have entered into transactions of this kind. It is attempted to be explained that Charles Labine was a young man, that he had great faith in his cousin, the respondent, and that that explains these transactions. I should not so judge Charles Labine from the evidence, and the learned trial Judge did not so judge him. He thought him an astute, shrewd man, and the explanation given did not convince the learned Judge, as it does not convince me, that these transactions were of the nature which the appellants allege. They took place at a time when the appellants admittedly knew that the respondent denied their right to any share in the property, and besides this they also afterwards went into another transaction with the respondent.

Then there is the evidence of Mr. Beatty, with whom the appellants were working when in the employment of the Colonial Lumber Company. He says that Charles Labine applied to him for more wages, and gave as a reason that by being in that employment he had lost the chance of going into the Porcupine country and making "big money" there.

Charles Labine denies that this conversation, or the material part of it, took place. The learned trial Judge, however, accepted, and rightly so, the evidence of Beatty, and if the conversation took place it is quite inconsistent with the story told by the appellants.

Then a witness named Montgomery was called. He said he was introduced to Gilbert Labine in a camp in Turnbull township, that referring to the Hollinger property he asked Gilbert if he was the lucky Labine, and that Gilbert answered "No, I am not the lucky Labine," that James Labine was the lucky man.

Gilbert denied that he said that James Labine was the lucky man, but he admitted the rest of the conversation. The learned trial Judge accepted the testimony of Montgomery in preference to that of Gilbert Labine, and rightly so I think.

In our opinion the case failed, and the learned Judge came to the proper conclusion. He gave preference to the respondent's testimony over that of the appellants', where