

MINISTER'S RULING VALID.

If the ruling of the Minister of 13th July, 1905, authorizing claims to be located on Cobalt Lake was valid, Cobalt Lake was open for exploration after the Order-in-Council of 30th October, 1905, and at the time of Mr. Green's discovery.

Under the law as it stood at that time when a tract of land was declared a Mining Division and the Order-in-Council so declaring it was published in the Gazette, the Mining Division and all mines on Crown Lands situate in the Division were declared subject to the provisions of the Act and to any regulations to be made thereunder. It was also made clear that the Mining Division could only be extended, added to or diminished or the Order-in-Council declaring a Division amended or cancelled by a subsequent Order-in-Council.

The function of the Minister was clearly defined to be to administer and execute the law as declared by Statute and the regulations to be made by Order-in-Council.

The law has since been modified so as to increase the power of the Minister.

But as the law at that time stood, the limits of Mining Divisions could only be declared or altered by Order-in-Council and it clearly required the authority of an Order-in-Council to withdraw lands in a Mining Division from sale or lease. No such Order-in-Council was passed after the 5th day of April, 1905, until the 14th day of August, 1905.

The ruling of the Minister of the 13th of July, 1905, must be based upon the Order-in-Council of 5th April, 1905, setting aside the Temiskaming Mining Division, yet after this Order-in-Council it was claimed by the Department at one time that "it was still regarded and treated by the Department as withdrawn from sale." When the Minister and the other officials of the Department over which he presides arrived at diametrically opposite conclusions as to the effect of the Order-in-Council of the 5th of April, 1905, it cannot be wondered at that the officials of the Department placed different interpretations upon the Order-in-Council of the 30th October, 1905.

A GOVERNMENT DISCOVERY.

According to THE MAIL AND EMPIRE, of 18th April, Honourable Mr. Foy said: "The claim of the Florence Company was even more shadowy. It was not really an original discovery but primarily a discovery made by the Government on Government land and announced in the Mines Report."

The information given the Honourable the Attorney-General, on which he based the above statement, has since been proved to be wholly incorrect.

According to THE EVENING TELEGRAM, of 5th April, the Premier said: "Before any one thought of taking action to make claims in Cobalt Lake the Orders-in-Council withdrawing it were passed."