

led to a full explanation, but for some mysterious reason it was not asked. In these circumstances the plaintiffs have nothing to blame the Department or Bureau of Mines for. They present no valid ground or reason for saying that effect should not be given to the intention of the Crown with regard to Cobalt Lake. It follows that what was assumed to be done by Green and his associates by way of exploration and alleged discovery, marking and staking, did not create a right to a mining claim under the Mines Act. That being so, it is hardly necessary to say that what is shown to have been afterwards done or attempted to be done by them in the way of insisting upon recognition of the claim, is immaterial and need not be considered. The Crown never receded from the position which was taken on its behalf the moment Green's claim was presented, that Cobalt Lake being withdrawn there was no claim to be considered. And afterwards, acting under the authority of section 33 of the Mines Act, a sale was made to the Defendants. The result is that the Plaintiffs have no status to impeach the sale or the letters patent issued in pursuance thereof.

On these grounds the judgment appealed from should be upheld. But if these grounds should not prevail there still remains the questions of the defendants' position as purchasers for value, and the effect of the Act of the Legislature, 7 Edw. VII., Cap. 15.

That the defendants became purchasers in good faith and for value, the evidence leaves no doubt. Apparently they had no notice of the plaintiffs' claim until after the acceptance of the tender and payment of the deposit, but before the payment of the balance of the purchase money and the issue of the Letters Patent they were aware that the plaintiffs were claim-