

or could have ascertained the fact if they had made proper inquiry, but they deliberately refrained from doing so; that whatever may have been done in the way of exploration or discovery was done without the authority of a miner's license, and was conducted in direct contravention of the prohibition of the Mines Act against exploration on lands of the Crown withdrawn from sale, location or exploration, and any supposed discovery made under such circumstances conferred no right to a Mining Claim under the Act. The defendants say further, that no discovery of valuable ore or mineral in place was actually made, and that the provisions of the Mines Act and the Regulations made thereunder with regard to discovery, staking, proof of claim and inspection, were not complied with and the claim was never presented, recorded or inspected in such manner as to entitle Green to assert under the Act any title to a Mining Claim situate under the waters of Cobalt Lake, or to confer on him any right thereto. The defendants further say that upon presentation of the claim for record in the office of the Mining Recorder, it was rightly rejected by the Recorder because it purported to be a claim of discovery in Cobalt Lake, which was not open for exploration, and because he was under instruction not to receive claims in respect of it, that his action was confirmed by the officers of the Bureau of Mines, and that the Minister of Lands, Forests and Mines rejected the claim for the same reasons.

Now in order to obtain the recognition by the Crown of a right in respect of a Mining Claim, it was incumbent on the claimant to place himself in the position of one who had fully or substantially ful-