

### **DISCOVERY ON ROAD ALLOWANCE NOT SUFFICIENT.**

A discovery on the adjoining road allowance would not comply with the Act nor would a discovery of mineral not in place. The difficulties of making a discovery are explained in the evidence which also shows that the question had been discussed and considered by engineers on the ground.

### **NO DISCOVERY BY RAILWAY WORK.**

It is particularly pointed out that as far as is known the construction work of the Temiskaming & Northern Ontario did not disclose any silver on the side of Cobalt Lake next the railway and on the opposite side from the railway the rock was so faulted as to make discovery difficult.

### **A MATTER OF COMMON KNOWLEDGE.**

According to THE WORLD of April 6th, Honourable Mr. Foy said: "Everybody knew Cobalt Lake was not open and that veins are running into it."

In THE GLOBE of April 18th, Honourable Mr. Foy is reported to have stated: "The alleged discovery was to the knowledge of everybody at Cobalt, yet not one of them had the hardihood to come in to register a claim because it was well known that the Lake was not open for discovery." Everyone at Cobalt knew of Colonel Gordon's operations and of his discovery but not of any discovery. No one had ever before made a discovery in the bed of the Lake. The reason why no one else attempted to record a claim after the Dreany claim was reported against, and after the Order-in-Council of the 30th October, 1905, was not because it was well known the Lake was not open but because of the difficulty of making a valid discovery in the bed of the Lake. The Minister's ruling, already quoted, shows that the Lake was open on the 13th July, 1905, and this was precisely the position at the date of Mr. Green's discovery, 7th March, 1906.

The fact that the veins were running into the Lake, even if it were known, of which there is no evidence, would not be a sufficient discovery under the Statute to give anyone a right.

It seems plain, from the debate referred to, that both the Prime Minister and the Attorney-General believed Cobalt Lake had been reserved or withdrawn and was not open for exploration when Mr. Green's discovery was made. It seems equally plain that they were both mistaken in that belief. That it was not continuously reserved or withdrawn is conclusively proved by the following ruling of the Minister of Lands, Forests and Mines, dated 13th day of July, 1905, apart from the other evidence on the subject:

#### **"RULING.**

"Notify Mr. Smith that he may accept and record claims  
"on the bed of Cobalt Lake satisfying himself that actual  
"discoveries of valuable mineral in place have been made on  
"the claims applied for.

"F. COCHRANE,  
"Minister."

"13th July, 1905.