tificate when issued be impeached on any ground except that of fraud."

This reasoning would be very powerful if the plaintiffs were laying claim to the minerals (if any) to be found in the "Paris Belle" location; but this they are not doing, and cannot do under their subsidy act. Their ownership of the surface is expressly subject to the right of the free miner to acquire claims in accordance with the provisions of the law. The Mineral act prescribes a procedure to be followed, as between rival claimants to mineral ground and the minerals therein, and I take it that as between such parties the procedure adopted by the act must be rigidly followed, and, in a proper case, is exclusive. But this is not a case of that kind. This is a claim to eject the defendants from the surface, which prima facie, under the crown grant, belongs to the plaintiffs, and certainly does so unless the defendants can bring themselves within the exception as the owners of a mineral claim held as such prior to the 23rd March, 1893. This, of course, means lawfully held anterior to that date, and then held, not abandoned. There is nothing in the mineral act which I can discern dealing with anything else than mineral claims and mineral or mining rights arising under the statutes relating to mining. But here the plaintiffs make no claim to the mineral, as mineral; they are not, so far as appears, free miners themselves; they assert no rights upon which a free miner could base a contention. We must look to the scope of the act and not include within its purview cases which manifestly were not intended to be included by the legislature.

In Railton vs. Wood, L. R. 15, Appeal Cases, 366, Lord Selborne says: "On principle it is certainly desirable in construing a statute, if it be possible to avoid extending it to collateral effects and consequences beyond the scope of the general object and policy of the statute itself, and injurious to third parties with whose interests the statute need not, and does not, profess to directly deal." The very summary and unusual provisions of parts of the mineral act demonstrate the necessity of confining its operations within its scope. The owner of land knows that his title to the surface, at least, cannot be interfered with except by some person giving him clear and distinct notice of his adverse title. If he be trespassed upon, he has the period prescribed by the statute of limitations applicable to the case to bring his action of trespass. He owns the land as his own to him, and his heirs forever. With the holder of a mineral or mining claim the case is widely different. He holds the land for a special purpose only—that of exercising the statutable privilege of extracting the precious metal. There is nothing, then, unreasonable in the law, which confers the privilege, also exacting vigilance as one of the conditions upon which that privilege shall be enjoyed. Hence it imposes the obligation of watching for notices (not to be served personally or in the usual course, but by publication in the Gazette and by posting upon the ground), under which claims may at any time be made by unheard of parties, and then within thirty days after such notices imposes the further obligation of filing what are termed adverse claims and the bringing of legal proceedings. As before remarked, these conditions and obligations may be reasonable enough when imposed upon the free miner who holds nothing but a privilege upon the minerals conferred by the Act; but, to impose them upon a man who already holds prima facie title to the surface of the property, not for mining, but it may be, as in this case it is, for altogether different purposes, appears to me contrary to reason and justice, and not to be implied in the absence of clear and unequivocal statutory declaration. To carry such a contention to its full extent, the owner of an orchard or of ornamental timber lands might be deprived of his property simply because he had failed to watch the Gazette for notices of mining claims, of which he had never so much as thought. We have to avoid placing a construction upon a statute which is repugnant to reason and ordinary justice, and as remarked by Lord Coleridge in Regina vs. Clarence, L. R., 22 Q. B. D., 65: "In the construction of a statute, if the apparent logical construction of its language leads to results which it