

in the Township of Coleman in the Province of Ontario and to the minerals therein under and by virtue of the discovery by Mr. W. J. Green of valuable minerals thereon on the seventh day of March, 1906, and of the rights acquired by said Green in said lands and minerals under the provisions of the Mines Act of the Province of Ontario and the regulations thereunder and the usual practice of the Crown.

3. That your petitioners say that under an Order-in-Council passed on the 30th October, 1905, by the Lieutenant-Governor of the Province of Ontario, Cobalt Lake, which is part of the Township of Coleman, was open for exploration at the time of the said discovery by the said W. J. Green and that he became entitled to the said property upon compliance with the provisions of the Mines Act of the Province of Ontario and the regulations thereunder by the Lieutenant-Governor of the Province of Ontario in Council.

4. THAT the said W. J. Green did comply in all respects with the provisions of the Mines Act and Regulations and became entitled to the said lands and minerals.

5. After the said W. J. Green had complied with all the conditions necessary to entitle him to the said lands and minerals he assigned his right, title and interest therein to your Petitioners.

6. THAT your Petitioners have always been ready and willing to prove conclusively all the facts upon which your Petitioners' claim is based and the absolute right of your Petitioners to the said lands and minerals therein by evidence under oath, but have been refused an opportunity to do so, although they repeatedly asked the Ontario Government for such an opportunity and offered to the Ontario Government and the members thereof to prove the said facts, and your Petitioners' rights to the said lands and minerals by conclusive and satisfactory evidence.

7. THAT after said opportunity had been refused to your Petitioners, your Petitioners filed a caution in the proper Land Titles Office showing your Petitioners right to said land and minerals, but notwithstanding such caution a patent was issued to the Cobalt Lake Mining Company (Limited), with full notice and knowledge by the Ontario Government and by the said Cobalt Lake Mining Company of your Petitioners' rights to the said lands and minerals.

8. THAT thereupon your Petitioners instituted an action in His Majesty's High Court of Justice for this Province claiming:

(a) A declaration that the said Letters Patent to the Cobalt Lake Mining Company, Limited, the defendant in the said action, were issued erroneously by mistake and improvidently and are utterly void as against your Petitioners, and that your Petitioners are entitled to the said lands and minerals;

(b) A declaration that the rights of the Cobalt Lake Mining Company (Limited), if any, under the said Letters Patent, are subject to your Petitioners' said rights;