

injunction restraining the defendants, their servants, workmen or agents, from extracting or removing ore or minerals from the claim or interfering with the plaintiffs' exclusive right of possession, (4) an account of all ore or minerals that may be extracted or removed from the claim, (5) a judgment setting aside as *ultra vires* and void the Letters Patent in favour of the defendants as against the plaintiffs, or in the alternative confining the operation thereof to the lands therein described other than those claimed by the plaintiffs, (6) costs, (7) further and other relief.

The Crown is not a party to the action. True, the Attorney-General was present at the trial and the argument of the appeal, but that was by reason of a notice under the Judicature Act (sec. 60), because of the plaintiffs having called into question the constitutional validity of certain Acts of the Legislature, to which further reference will be made.

The presence of the Attorney-General or his representative under this provision does not of course enlarge the jurisdiction of the Court in respect of any substantial relief sought in this action. In that respect, the action must still be regarded as one to which the Crown is not a party. It is obvious, therefore, that the interposition of the Court must be confined to such relief as may be awarded in the absence of the Crown as a party to the record.

A long line of decisions has settled that an action to declare void a patent for land on the ground that it was issued through fraud or in error or improvidence, may be maintained and that measure of relief granted, at the suit of an individual aggrieved by the issue of such patent, and to such an action the Attor-