

The plaintiffs claiming as the assignees of one W. J. Green, allege that on the 7th of March, 1906, the said Green while engaged in explorations under the waters of the lake, made a discovery of valuable ore or mineral in place under part of the lake, and thereupon staked out a mining claim in accordance with the Mining Act, embracing twenty acres or thereabouts of the lands covered with the waters of the lake, thereby becoming, as they allege, entitled to the said Mining Claim and the materials thereunder, and afterwards and within due time sought to procure the due filing of the claim in the office of the Recorder of Mining Claims in the proper Mining District, but he was unsuccessful, owing to the refusal of the Recorder to receive and record his claim and the refusal of the Bureau of Mines or the Minister of the Department to entertain or consider his claim; that notwithstanding the existence of the said claim, the Crown assumed to sell and grant to the defendants the lands described in the Letters Patent, including therein the portion embraced in the said Mining Claim; that such sale was without any legislative authority and the Letters Patent were issued erroneously and by mistake and improvidently, and that notwithstanding the said sale and issue of Letters Patent, the plaintiffs are entitled to the parcel of land described in the claim of the said W. J. Green. The plaintiffs claim (1) a declaration that the Letters Patent were issued erroneously, by mistake and improvidently, and are utterly void as against the plaintiffs, and that the plaintiffs are entitled to the lands and minerals, (2) a declaration that the defendant's rights, if any, under the Letters Patent, are subject to the plaintiffs' said rights, (3) an