

think the administrators were called upon to advertise more than they did.

It was vigorously contended in *Re Cameron, Mason v. Cameron*, 15 P. R. 272, that an advertisement of this kind should have been made in the *Ontario Gazette*. But the contention was unsuccessful, and I think rightly so.

I think that the administrators should divide the assets amongst those entitled thereto as though the brother were assuredly dead without ever having had issue. Costs out of the estate.

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TEETZEL, J.

JUNE 24TH, 1907.

TRIAL.

FARAH v. BAILEY.

*Crown Patent — Mining Land — Action for Trespass — Counterclaim to Set aside Patent — Issue by Error or Improvidence—Repeal of Patent—Scire Facias—Review of Legislation—Rule 241—Jurisdiction of High Court—Fiat of Attorney-General — Certificate of Title — Land Titles Act— bona fide Purchaser for Value without Notice—Caution—Registration.*

Action for damages for trespass and an injunction.

W. Nesbitt, K.C., and A. M. Stewart, for plaintiff Eldridge.

R. McKay and A. N. Morgan, for other plaintiffs.

W. M. Douglas, K.C., and E. J. Hearn, for defendant Bailey.

C. H. Ritchie, K.C., for Attorney-General for Ontario, defendant by counterclaim.

TEETZEL, J.:—Plaintiffs assert title under a patent of a mining claim containing about 17 acres, being part of lot 4 in the 4th concession of the township of Coleman, issued to Farah and Murphy, and dated 21st March, 1906.

The defendants claim under an unpatented mining claim, containing 31 acres, part of the same lot, discovered by one Clark, a licensed miner, who duly filed his application and