

OLD MOLYBDENUM CASE SETTLED

The case of *Stewart et al vs. the Molybdenum Mining and Reduction Co., Ltd.*, involving the ownership of the conundrum claim on the company's property, has just been settled by the British Columbia Supreme Court, by dismissing the action. Chief Justice Hunter says in his judgment:—

"In this case I have had the advantage of a complete and careful argument by both the learned counsel engaged, and it was my intention to go fully into the points raised, but circumstances have combined to prevent my doing so, and I must, therefore, content myself with merely stating my conclusions.

"I think that the plaintiff Hayes had no right of action against the company. As to the other plaintiff, I am of the opinion that the Conundrum claim lapsed on June 13, 1915, and was not revived by the Exemption Act, 1915. The Conundrum ground was re-located and recorded by Riel and his associates, who conveyed to the company, but the plaintiff rests his action mainly on the agreement of August 19, 1915, by which the co-owners of the Conundrum and Hayes, the owner of the Blackwell, agreed to sell those claims for \$35,000 to Riel.

"It is said that the company is bound by its terms on the ground that it had notice of it, but it was not a party to it nor did it have express notice of it, and I find that neither the Stilwells nor the company ever recognized anything more than a moral obligation to pay to the purchase price if it came out of the ground. Moreover, it appears to me that the action of Riel, in locating and dealing with the new claims, was acquiesced in by the plaintiff, and this view is strongly corroborated by the giving of the subsequent agreement to Riel pending the litigation. At any rate, the plaintiff stood by while large sums of money were expended on the ground without notifying either the Stilwells or the company that he had any claim against them or it, and the principle applies that if a man is silent when in fairness he ought to speak he must remain silent when in fairness he ought not to speak."

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Minister of Lands and Forests.

Toronto, September 24th, 1920.

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