

from the top, though it is said to have shewed at the top also. He claims to have made 4 discoveries, but did only one staking. He put down the discovery post at the McNeil shaft, and then he says put down posts 1, 2, 3, and 4.

In respect of this the Commissioner in the judgment now under appeal says: "No original discovery of any kind appears to have been made by or on behalf of McCully, the licensees who staked on his behalf admittedly having staked the properties already existing when they went upon it."

27th December, the Commissioner dismisses the appeals of H. A. McNeil, upon the sole ground that he has no *locus standi* to prosecute the appeals. It was in this judgment that the Commissioner made the references to the merits of applications Nos. 10263 and 10332 1-2, already set out.

No appeal was taken from this judgment, and, consequently, the decisions of the Recorder were absolute. But the Commissioner recommended the Recorder to have an inspection of all the alleged discoveries, in that way to procure cancellation of claims that seemed to be clearly "invalid and made in direct violation and apparently in fraud of the Act." It was, it would seem, upon this recommendation that the inspection of the discovery alleged in 10332 1-2, already referred to, was made.

The ground upon which the Commissioner held that McNeil had no status was that Labrick had made a false affidavit as to his having been on the ground on 16th December-

28th December, McCully filed his application and also a dispute against No. 10332 1-2.

1908, 13th January, John J. McNeil, the present appellant, is alleged to have staked, and upon the next day he filed a dispute against applications Nos. 10263 and 10332 1-2.

3rd March, the trial of the dispute by John J. McNeil of claims 10263 and 10332 1-2 before the Recorder is had.

10th March, McCully filed a dispute against 10263, and this is tried on 28th March.

28th July, the Recorder gave judgment on the disputes and applications of J. J. McNeil and McCully, holding that 10332 1-2 was good, and dismissing the disputes of McNeil and McCully, confirming the record of 10332 1-2.

Appeals were had by both McNeil and McCully to the Commissioner, and he on 9th September gave judgment dismissing the appeals without costs, on the sole ground already spoken of, i.e., the want of status of the appellants.