

and the 30th of October, 1905, as reflected in the light of an Act of the Legislature, 6 Edw. VII., Cap. 12.

Section 33 of The Mines Act (R.S.O., Cap. 36) provided that where a part or section of the Province was shewn or reported to be rich in mines or minerals, the Lieutenant-Governor-in-Council might withdraw the whole or a portion thereof from sale or lease or the prospecting of veins, lodes, or other deposits of ores or minerals therein by the use of a diamond drill or otherwise, under the direction of the Commissioner of Crown Lands (now the Minister of Lands, Forests and Mines), and might fix or offer the same for sale by public auction.

The Order-in-Council of the 14th of August, 1905, directed that together with other specified property of the Crown "the lakes known as Cobalt and Kerr lakes, situated in the Township of Coleman, be withdrawn from exploration for mines and minerals and from sale, lease or location." This treatment of Cobalt Lake, as well as previous dealings in regard to portions of it, seems to import the view that the provisions of the Act and of the regulations with regard to discovery, staking, proof of claim, recording, etc., were applicable to lands covered by a large body of water, and were not confined to surface lands. Unquestionably, such provisions as those relating to the planting and maintenance of discovery and marking posts cannot be satisfactorily complied with so as to ensure permanence where deep water covers the land upon which the discovery is said to have been made. Where, as in this instance, the posts were merely planted in the ice, all traces of the point of discovery and of the supposed boundaries of the claim are obliterated with the breaking up of the ice.