

Even where the utmost good faith is shewn by the discoverer an Inspector may think a vein, lode or deposit deceptive, but the opinion of an official as to the value of such a vein, lode or deposit should not be decisive of the rights of the licensee. As pointed out by Pollock, C.B., in *R. v. Skeen*, Bell's Crown Cases, at p. 134, "There is no word in the English language which does not admit of various interpretations," but clearly the word "valuable" as used in the statute of 1897, and in the Order-in-Council of 1905, is altogether too uncertain to be made, without statutory definition, the basis of the rights of discoverers and licensees.

The Order-in-Council was intended to deal with unique conditions at Cobalt, but in the proposed revision of the mining law the wise maxim "optima est lex quae minimum relinquit arbitrio judicis" should be applied. In any event the authority of officials to cancel mining claims which are property and sometimes property of great value should be defined by Statute and not by Order-in-Council.

Sections 4 to 12 of the Act above referred to (63 Vict. Ont. c. 13) provided for a system of license fees, but these provisions were only to be brought into force by proclamation of the Lieutenant-Governor-in-Council. Section 4 enacted that no owner of any mine shall carry on the business of mining for any ore or mineral in respect of which a license fee is imposed without first taking out a license under the provisions of the Act.

The license fees authorized were

(a) For ore of nickel \$10 per ton or \$60 per ton if partly treated or reduced.

(b) For ores of copper and nickel combined \$7 per ton or \$50 per ton if partly treated, or reduced.

or such less rates as may be substituted by proclamation of the Lieutenant-Governor.

The license fees so payable were declared to be a charge upon the lands in respect of which such fees are payable and in case the same are not duly paid it was declared that proceedings may be taken for or on behalf of Her Majesty to foreclose the estate