filled all the requirements of the Mines Act and the Regulations thereunder.

The primary requisites at the date of the alleged discovery were the possession of a miner's license and discovery made on Crown lands not withdrawn from location or exploration; Mines Act, R.S.O., Cap. 36, sec. 9, and sections 45, 46, and 47 as amended by the Act, 61 Vict. Cap. 11, secs. 1 and 2. Section 9 reads that any person may explore for minerals on any Crown lands except such as may have been withdrawn from sale, location or exploration, but a reference to the other sections shows that the person spoken of is a person holding a license. See also the regulations approved by Order-in-Council of April 5th, 1905; clauses 1, 12, 13, 15 and 16.

It is plain that the explorations leading to the alleged discovery were all made before Green or anyone assisting him in the work had procured a miner's license, and it was not until they believed themselves to be on the eve of a discovery of valuable mineral that the withdrawal of a core from the diamond drill was suspended until a miner's license was hurriedly obtained. Then, when the withdrawal was actually made no Inspector was present to verify the core as one *bona fide* taken from the place, though probably the omission to have an Inspector there might have been remedied later on by the withdrawal of another core in the presence of an Inspector. But assuming the regularity of these proceedings, they could be of no avail to create rights if the land was withdrawn from location or exploration, section 47. Whether it was or not, depends on the true construction of three Orders-in-Council of the 14th and 21st of August