

Even if I had come to a different conclusion as to this, I should still be of opinion that the appellant was bound to receive the applications at all events as being objections to the granting of a certificate of record to the person whose application had been filed: sec. 58.

The difficulties which have arisen in this case will not occur in the future, for at the last session of the legislature the Mines Act, 1906, was amended by providing that the particulars of applications are not to be entered by the mining recorder if a prior application is already recorded for the same claim or any substantial part of it (sec. 13 (1)), and by changes in secs. 131 and 132 which give a right to stake out a claim on such lands as are mentioned in sec. 131 "if and only if the same are not at the time within any of the following descriptions, namely: (1) under staking or record as a mining claim, special mining claim, or placer mining claim not expired, lapsed, abandoned, or cancelled; (2) under an existing working permit; or (3) withdrawn. . ."

I cannot part with the case without pointing out that the expressions used in the Act as to "recording" indicate careless drafting.

In sec. 55, which refers to the books to be kept by mining recorders, the books are spoken of as being "for the recording of mining claims;" in the same section the recorder is to mark on his map "the claims as they are taken up and recorded;" sec. 58 speaks of "the recording of a mining claim;" sec. 59 speaks of the application as being "to record the staking out of a mining claim;" sec. 60 uses the expression "certificate of record of staking out;" sec. 67 speaks of "the certificate of record of the staking out thereof;" sec. 71 uses the expression "certificate of record of any mining claim;" sec. 109 says "no mining claim shall be staked out or recorded;" sec. 122 speaks of a certificate of record of the staking out of a mining claim; sec. 130 (1) speaks of recording a mining claim; sec. 140 goes back to the expression "for a record of the staking out of a mining claim." The group of sections commencing with 156 is headed "recording mining claims;" then sec. 159 speaks of a "recorded owner or holder" of an unpatented mining claim; sec. 160 (1) speaks of recording a mining claim, while sub-sec. 3 of the same section goes back to the expression "record of the staking of a mining claim;" sec. 166 reverts to the expres-