

the respective periods mentioned in it within which work is to be done by the licensee are reckoned immediately following the recording of the staking out of the mining claim.

The object of the provisions of sec. 160 is, I think, plainly to impose obligations to perform the work in order that the licensee may not be permitted, having secured the mining claim, to let it remain undeveloped, and it is somewhat singular that nowhere in the Act, as far as I have been able to ascertain, is there anything which defines or declares what rights a licensee who has recorded the staking out of a mineral claim and has obtained a certificate of the record of it, acquires in the land which is the subject of the claim before he obtains his patent for it, unless it be sec. 132, which provides that a person who in accordance with the provisions of the section stakes out a mining claim shall have the right to work the same and transfer the interest therein of a licensee to another licensee.

Section 160 must, I think, be read as meaning that the periods mentioned in it are to be reckoned from the recording of the staking out of the claim and the granting of the certificate of the record of it. The language of sec. 140 is clear and explicit, and secs. 132 and 160 must be read so as not to conflict with its provisions, and, when it is borne in mind that until the certificate is issued, the right of the licensee is not established, and it may turn out that his claim is an unfounded one, it would be most unlikely that it was intended to give him the right, and indeed to impose upon him the duty, of performing work involving considerable outlay, and apparently to give him the right to appropriate to his own use the minerals he might win in the course of his mining operations, until his claim has been established and the certificate of record has been delivered to him.

The form of the report which, by sec. 161, the licensee is to make of the work done by him, as required by sec. 160 (form 17), describes the licensee as the holder of the mining claim, which would, I think, be an inaccurate description of one who had not obtained a certificate of the record of his staking out, for until then he is merely an applicant for a record of his staking out, and he has, according to sec. 140, no right whatever until the certificate of record has been issued and delivered.

