

Hunter, C.J.]

CROSSLEY v. SCANLAN.

[Sept. 28.]

Mining law—Location—Survey post used as No. 1 post—Omission of surveyor's signature on plan—Leave to add signature.

The location of a mineral claim is not invalid merely because an old survey post is used by the locator as his No. 1 post if the facts bring the locator within the benefit of sub-s. (g), of s. 16, of the Mineral Act as amended in 1898.

Leave was given to amend a plan by attaching the signature of the surveyor.

Lennie and Wragge, for plaintiffs. S. S. Taylor, K.C., for defendants.

Book Reviews.

Notes on the Remedies of Vendors and Purchasers of Real Estate.

By C. C. McCaul, B.A., K.C., of Osgoode Hall, and of the Bar of Alberta and Saskatchewan and British Columbia. Toronto: Carswell Company, Limited. 1910.

As the author tells us, these notes grew out of an attempt to condense within the compass of a magazine article the subject of relief against forfeiture; but he evidently saw, as cannot be gainsaid, that there was too much preliminary ground to cover to permit the accomplishment of this, in view of the necessity to get a clear understanding of the principles relating to the various remedies available to vendors or purchasers on a breach of contract. The book as it stands has a special reference to Instalment plan agreements, Rescission, Determination. Relief against forfeiture, etc., etc. He modestly says that it does not profess to be a text-book; but it may certainly claim the honour of being a text-book and a very good one indeed; and we cordially commend to the attention of our readers. Chapter I. is introductory. II. Vendors' remedies—Contract affirmed. III. Vendors' remedies—Contract disaffirmed. IV. Vendors' remedies—Special stipulations. V. Determination apart from special stipulation. VI. Purchasers' remedies. VII. Notice—Waiver—Delay. VIII. Election of remedies. Whilst, as he says, it is necessary in dealing with such subjects to have at hand Dart, Williams or Fry, it is also most desirable, having these, to have also Mr. McCaul's collection of essays on the above subjects.