

Province of British Columbia.

SUPREME COURT.

Martin, J.]

WHEELDON v. CRANSTON.

[May 7.]

Mining law—Placer claim—Location under obsolete Act—Re-location under existent Act of discovery or error—Formal abandonment, whether necessary in such circumstances—Representation—Work done on adjoining claim—Placer Mining Act, R.S.B.C. 1897, c. 136—B.C. Stat. 1901, c. 38.

Where a placer claim has been erroneously located pursuant to the provisions of an obsolete statute, it is permissible to relocate it in accordance with the existent statute, and no formal abandonment is necessary.

Adopting the principle laid down in *Woodbury v. Hudnut* (1884) 1 B.C. (Pt. 2) 39, the work done by a miner making a cut through an adjoining claim with the consent of the owners for the better working of his own claim must be held to be a representation of his own claim.

Where one post was made to do joint duty on the common boundary line of two claims, the names of the two claims being written on the side of the post facing the respective claims.

Held, that the object of the statute requiring due marking had been accomplished.

S. S. Taylor, K.C., for plaintiff. *A. M. Johnson*, for defendant.

Irving, J.]

COTTON v. CITY OF VANCOUVER.

[May 17.]

Municipal law—Streets, property of corporation in—"Vest," meaning of.

Sec. 218 of the Vancouver Incorporation Act, 1900, provides in part that every public street . . . in the city shall be vested in the city (subject to any right in the soil which the individuals who laid out such road, street, bridge or highway may have reserved). In an action for an injunction to restrain the corporation from digging and blasting for the construction of a drain on a street within the corporate limits, plaintiffs submitted