

Province of Ontario.

SUPREME COURT—APPELLATE DIVISION.

Meredith, C.J.O., MacLaren,
Magee, Hodgins, J.J.A.]

[13 D.L.R. 750.]

RE OLMSTEAD AND EXPLORATION SYNDICATE OF ONTARIO.

Mines and minerals—Claims—Location—Notice and record of claim—Application and sketch.

Under ss. 59 to 65 of the Mining Act, 8 Edw. VII. (Ont.), c. 21, R.S.O. 1914, c. 32, the foundation of the right which a staker acquires or may acquire, is the claim and sketch filed with the recorder after compliance with the requirements as to discovery and staking; and, in determining the area of the location, such application and sketch will control as against the marking of the supposed limits on the recorder's map and the granting of a certificate of record without specific description other than the number of the claim.

J. Lorn McDougall, for the appellant. *W. R. Smyth, K.C.*, for the respondents.

Province of Quebec.

SUPERIOR COURT.

EX PARTE HARRY K. THAW (No. 1).

Globensky, J.]

[13 D.L.R.

Habeas corpus—Discontinuance—Parties.

A prisoner who applies for and obtains a writ of habeas corpus, alleging unjust detention, has the right to discontinue and desist from his petition, and the Court will give effect to an application for the discontinuance of the proceedings, and order the prisoner's return to jail.

Where the application for the issue of a writ of habeas corpus is made by the prisoner himself, the party who laid the information upon which the prisoner was originally arrested has no status to appear in the habeas corpus proceedings, and ask for the liberation of the prisoner, although such party claims that the prisoner has been illegally arrested.