

MARTIN'S MINING CASES.

To *Nelson & Fort Sheppard Ry. Co. v. Jerry*, vol. i., p. 191, add this note:—

The view expressed herein that the provision requiring security to be given by a free miner before entry upon lands under sec. 10 is for the benefit of the landowner and directory only, and therefore, inferentially, can only be invoked by the landowner, receives confirmation by the case of *Fielding v. Mott* (1886), 14 S. C. 254; (1885) 18 Nov. Sc., 339. At p. 346 the right of entry of those holding prospecting licences is recognized. In that case the defendants who successfully set up non-compliance with entry conditions were the owners of the lands over which the plaintiffs obtained mining leases.

Booker v. Wellington Colliery Co. (9 B. C. 265):—

The following note on this case appeared at the end of Vol. I, and is reproduced for reference:

1902, Nov. 6. On appeal to the Supreme Court of Canada the decision of the Full Court of British Columbia was affirmed, judgment being delivered orally at the close of the argument dismissing the appeal. This case, arising out of an accident in a coal mine, was originally tried by Martin, J., and a special jury at Nanaimo, on December 19 and 20, 1901, and resulted in a verdict for the plaintiff for \$1,424. An appeal was taken to the Full Court, and judgment was delivered on June 27, 1902, dismissing the appeal. At the trial the case was given to the jury solely as one of negligence under the Employers' Liability Act in regard to the defendant running a trip of cars down the slope during prohibited hours. The only reason why the case, which is not properly speaking a mining one, is now noticed, is because it might possibly be inferred from some remarks in the judgment of the learned Chief Justice of British Columbia that Rule 11 of sec. 82 of the Coal Mines Regulation Act had been under review at the trial, but though that Rule was referred to yet the course of the trial so shaped itself that it became unnecessary to consider it and therefore the jury were not instructed thereon.

CORRECTIONS TO VOL. I.

Pages 348-359—*Callahan v. Copley*. The year of the Supreme Court judgment (incorrectly given in 30 S. C. R., p. 555, as 1899), should be 1900.

Page 369. For (7 B. C. 1, 305) read (7 B. C. 305).

Page 681. Min. Amtd. Act of 1892, sec. 2, should read "sections 18, 30," etc., instead of "1, 30," etc.

Page 771, line 15 from foot (sec. 39). For "criminal" read "mineral."