

plaintiffs' predecessor in title. Many years after the grant natural gas was discovered on the land and the Canada Company claimed it under the reservation in the deed and granted it to the defendant company with the right to enter and recover it. The action was brought to restrain the defendants from entering upon or interfering with the plaintiffs' land. The Chancellor who tried the action held that the reservation carried the right to oil, but not the right to search and bore for natural gas. The Court of Appeal affirmed this decision, Meredith, J.A., dissenting. The Judicial Committee of the Privy Council (Lord Haldane, L.C., and Lords Macnaghten and Atkinson and Sir Charles Fitzpatrick), while conceding that natural gas being neither animal nor vegetable must be classed as a "mineral," yet were of the opinion that the reservation of minerals in the deed was not to be construed in the widest sense, but by the intention of the parties when the deed was made—and it appearing by the evidence that natural gas did not become commercially valuable until 1880 and that prior thereto it had been regarded as a destructive and dangerous element to be got rid of if possible, and that it did not begin to be utilized until 1890. Their Lordships thereupon concluded that it could not be inferred that this product was included in the reservation in 1867. The judgment of the Court of Appeal was therefore affirmed.

B.N.A. ACT, S.S. 91, 92—MARRIAGE—DOMINION JURISDICTION
OVER MARRIAGE—SOLEMNIZATION OF MARRIAGE.

In re Questions Concerning Marriage (1912) A.C. 880. This is the case in which the questions touching the Dominion Parliament's jurisdiction over marriage and its right to pass the proposed Lancaster Bill are discussed. The Judicial Committee of the Privy Council (Lord Haldane, L.C., and Lords Halsbury, Macnaghten, Atkinson and Shaw and Chief Baron Palles) determined that the Dominion Parliament had no power to pass the proposed bill. The question whether the law of the Province of Quebec renders null and void a marriage between Protestant and Roman Catholic or between two Roman Catholics unless solemnized before a Roman priest their Lordships treat as superfluous and do not answer. Their Lordships are of the opinion that the powers conferred on the Dominion Parliament concerning marriage do not cover "the whole field of validity," but that the provinces by virtue of their jurisdiction over the solemnization of marriage have also power so to legislate on that subject so as to affect the validity of marriages. On the whole