the plaintiffs' line of railway, the surface of which had been expropriated by the plaintiffs under the Railway Act, which provides that the rights to mines and minerals shall not pass to the railway unless it makes compensation to the owner therefor. It appeared from the evidence that there was on the top of the land in question a layer of vegetable or wind blown deposit made up of decomposed vegetable matter or ordinary surface soil of about two feet, and thereunder lay the bed of clay which the defendants claimed the right to remove unless they were paid for it as "minerals" within the statutory reservation. Buckley, J., in view of what is said in *Lord Provost* v. *Farie* (1888) 13 App. Cas. 657, came to the conclusion that though clay is prima facie a mineral, yet as the clay in question formed the subsoil and thus constituted "the land" purchased for the purposes of the railway, it was not a "mineral" within the meaning of the reservation; at the same time he intimates that "clay" may be a mineral in one district and not in another.

PARTNERSHIP—SALE OF SHARE—VENDOR, RIGHT OF TO INDEMNITY—PARTNERSHIP ACT, 1890 (53 & 54 VICT., C. 39) S. 31.

In *Dodson* v. *Downey* (1901) 2 Ch. 620, the short point decided by Farwell, J., is that where a partner sells his share in the partnership business, he is entitled as of right to a personal indemnity from the purchaser against the partnership liabilities.

RIGHT OF WAY—DEDICATION, PRESUMPTION OF—PRIVATE CARRIAGE WAY ALONGSIDE PUBLIC FOOT WAY—FOOT WAY—INJUNCTION.

In *Attorney-General* v. *Esher Linoleum Co.* (1901) 2 Ch. 647, Buckley, J., holds that where a private carriage way is laid out alongside a public foot way without any barrier or separation between them, then there is a presumption, in the absence of evidence to the contrary, of the dedication of the carriage way to the public, and a foot passenger cannot be lawfully excluded therefrom; and he granted an injunction restraining the defendants from enclosing such carriage way.

PRACTICE—COSTS—TAXATION—ORDER TO TAX COSTS AND INCLUDE THEREIN REMUNERATION OF RECEIVER—SEPARATE CERTIFICATE.

In *Re Silkstone and H. M. Coal Co.* v. *Edey* (1901) 2 Ch. 652, a small point of practice is involved; an order had been made directing the taxation of the plaintiffs' costs, including therein