

length of time a member had belonged to the society. No provision was made by rules of the society for the division of its funds in the event of a dissolution. The Attorney-General was notified, but disclaimed any interest in the fund on the part of the Crown as *bona vacantia*. Byrne, J. held that the fund was distributable among the existing members at the time of dissolution in proportion to the amounts respectively contributed by them, irrespective of fines, or payments made to members in accordance with the rules of the society.

RESERVATION IN GRANT—MINES AND MINERALS—MINERALS OF NO COMMERCIAL VALUE—INJUNCTION.

Johnstone v. Crompton (1899) 2 Ch. 190, was an action in which the plaintiffs, (one Johnstone, and Fletcher & Co.) sought to restrain the defendants from boring through minerals underlying land leased to the defendant by the plaintiff Johnston's predecessor in title, subject to a reservation of all mines or minerals within or under the said land, and which underlying mines and minerals were subsequently leased to the plaintiffs Fletcher & Co. The defendants desired to obtain water, and for that purpose commenced to bore therefor, and in so doing made a hole eighteen inches in diameter through a stratum of red rock, and a layer of coal from six to eight inches in thickness. The defendants did not propose to interfere with the minerals, except so far as was necessary for the purpose of obtaining water, and it was conceded that the red rock and coal which had thus been bored by them had no commercial value; but the effect of the boring, if persisted in, would be to cause the water to rise so as to flood the workings of coal mines whereof the plaintiffs Fletcher & Co. were lessees. Byrne, J., under these circumstances held that the plaintiffs were entitled to the injunction, notwithstanding the stratum through which the defendants were boring were of no commercial value, on the ground that the stratum of coal through which the defendants were boring was clearly a mineral, and within the reservation, and that it was immaterial whether or not it could be worked at a profit, although there are dicta in some of the cases, indicating that the question of whether a substance can be worked at a profit is one of the tests for determining whether it is within the term "mineral," and he came to the conclusion that the proper test is whether the substance in question "has a use