

and held by the Court of Appeal to be an answer to the action, (1909) 1 K.B. 530 (noted, ante, vol. 45, p. 320); and this conclusion is now affirmed by the House of Lords (Lord Loreburn, L.C. and Lords Atkinson, Gorrell and Shaw). Their Lordships being of the opinion that it was an implied term of the contract between the deceased and the defendants, that he was to be at liberty to use the railway, and that the servants managing that railway were fellow servants of the deceased, notwithstanding they were engaged in a different department of the business carried on by the defendants, from that in which the deceased was employed.

MINES AND "OTHER MINERALS"—DEPOSIT OF CHINA CLAY—EX-PROPRIATION BY RAILWAY.

In *Great Western Railway Co. v. Carpalla U.C. Co.* (1910) A.C. 83 the House of Lords (Lords Macnaghten, Atkinson, Collins, Shaw, and Loreburn, L.C.) have affirmed the judgment of the Court of Appeal (1909) 1 Ch. 218 (noted, ante, vol. 45, pp. 197, 747), to the effect that a deposit of china clay comes within the terms "mines and other minerals," and as such excepted from lands conveyed to the defendant railway company, in pursuance of expropriation proceedings, china clay being in their Lordships' opinion clearly a "mineral," and not a part of the ordinary composition of the soil in the district. See infra *North British Railway v. Budhill Coal & S. Co.*, where it is held that a sandstone though having a special commercial value, yet being part of the ordinary rock of the district is not a mineral. It may be noted that judgment was given in that case on the 15th Nov., 1909, whereas the judgment in this case was not delivered till a month later.

TRADE UNION—APPROPRIATION OF FUNDS OF TRADE UNION FOR SUPPORT OF PARLIAMENTARY REPRESENTATIVE—ULTRA VIRES—PUBLIC POLICY.

Amalgamated Society of Railway Servants v. Osborne (1910) A.C. 87. This is the decision that has caused some adverse comment amongst trade unionists. It was decided by the Court of Appeal (1909) 1 Ch. 163 (noted, ante, vol. 45, p. 197), that it is ultra vires of a trade union to devote any part of its funds towards payment for the services of a member of parliament. The House of Lords (Lords Halsbury, Macnaghten, Hereford, Atkinson, and Shaw) have affirmed that decision, (1) because