

by the word "minerals" used in its widest sense, namely "metals" and springs of oil, in or under the lands." Secondly, because the words "all mines and quarries of metals and minerals" coupled with the words "search for, work, win, and carry away the same," do not seem to be applicable to a thing of the nature of this gas, obtainable in the way it is obtained, and thirdly, because of the nature of the relation which exists between this gas and "rock oil, or the springs of oil in or under the ground," excepted in the grant of the function which the gas performs in winning, working, or obtaining the oil from these springs; and fourthly, because of the state of knowledge at the date of this deed, and the way in which gas of this kind was then regarded and treated.

As Lord Watson said in the *Lord Provost and Magistrates of Glasgow v. Farie* (13 A. C. 657, 675), "the words 'mines' and 'minerals' are not definite terms, they are susceptible of limitation or expansion according to the intention with which they are used." It is clearly established by the evidence that this gas is not volatilized rock oil, nor rock oil condensed natural gas. The gas is not an exhalation of the oil, nor is it held in solution by the oil to any considerable extent. The gas and the oil are in their chemical composition, no doubt, both hydro-carbons, but they are distinct and different products, and it, therefore, could not be contended successfully, their Lordships think, that the words "springs of oil" cover this natural gas, simply because both are found in some cases to impregnate the same subterranean porous stratum, and that when this stratum is tapped by a pipe or boring, leading to the surface, the gas in its escape to the upper air helps to bring up to the surface with it some of the oil. In some instances a stratum almost entirely impregnated with gas is found separated by a stratum impervious to both gas and oil from a stratum almost entirely impregnated with oil. Both the impregnated strata are then tapped by separate pipes so arranged that the gas performs the same function as in the other cases, bringing or helping to bring, the oil to the surface; but in both cases, when the pressure under which the gas is pent up in the earth is relieved, a pump has to be used to pump up the oil. Again it was proved at the hearing before the Chancellor that oil mining leases only began to be made by the Canadian Company in 1863.