LAW REPORT, Aug. 16.

HIGH COURT OF JUSTICE.
KING'S BENCH DIVISION.

(Before the LORD CHIEF JUSTICE, *without a Jury, by consent.)*

THE SALT UNION (LIMITED) *v.* BRUNNER, MOND, AND CO. (LIMITED).

The following is the judgment of the Lord Chief Justice in this action, the opening of which was reported in *The Times* of July 28, and the result of which was stated in *The Times* of August 11. The plaintiffs asked for an injunction to restrain the defendants and their agents from abstracting salt and brine from land, the property of the plaintiffs, and from pumping in such a manner as to cause subsidence of the plaintiffs' land, also for damages for having done the acts aforesaid. The defendants denied that they had pumped from the plaintiffs' mines, or that they had lot down the surface of the plaintiffs' land in so doing, and further that they were entitled to pump brine in the manner complained of by virtue of an indenture dated December 6, 1883, made between them and John Thompson, the plaintiffs' predecessor in title, from whom the plaintiffs purchased, subject to such right in the defendants.

Mr. Balfour Browne, Mr. Bigham, Mr. Freeman, K.C., Mr. Eldon Bankes, K.C., Mr. R. V. Bankes, and Mr. V. Balfour Browne appeared for the plaintiffs; Sir Robert Finlay, K.C., Mr. Upjohn, K.C., Mr. A. J. Walter, and Mr. S. A. T. Rowlatt for the defendants.

The LORD CHIEF JUSTICE.—This is an action brought by the Salt Union (Limited) against Messrs. Brunner, Mond, and Co. (Limited). The plaintiffs claim three things—first, an injunction to restrain the defendants from continuing to pump salt brine from a shaft known as Penny's-lane, near Northwich, in Cheshire; secondly, damages for the abstraction, since 1893, of salt brine, or salt rock, alleged to belong to the plaintiffs; thirdly, damages for injuries caused to houses and (or) property belonging to the plaintiffs by the subsidence of the surface in the district to the north of Northwich, due, as the plaintiffs allege, to the pumping of brine by the defendants at the Penny's-lane shaft. The questions of law raised in the case are of very great importance and difficulty, and they are, as far as I know, not covered by any direct authority, although the plaintiffs rely upon principles which have been applied in connection with cases of support and the abstraction of soil and underground material, and the defendants upon the reasoning of certain decisions in cases of mining and the pumping of underground waters. Before, however, dealing with the questions of law, it will be convenient to state the facts somewhat fully, and to state also my finding upon such issues of fact as were in dispute before me. As to a great many of the material facts there was no substantial dispute, although more than once in the course of the case I was informed that it was necessary to repeat evidence even of admitted matters, because, as might be expected, it was intended to take the opinion of the Court of Appeal and of the House of Lords on the matter. I feel it my duty, therefore, to state the facts as plainly and clearly as I can, and to indicate in so far as there is any dispute my view of the evidence. Salt mining and brine pumping have gone on in many parts of Cheshire for many generations, probably centuries. The salt rock in the Northwich district consists of two beds; the top bed is found at a distance varying over the area in question, of from about 47ft. to about 160ft. below Ordnance datum. The upper bed of rock salt is of a thickness of about 50ft. (varying from 70ft. to 40ft.). The base of the top bed is substantially horizontal. Below the top bed is a thickness of 30ft. of marl and marlstone. Below this is the lower bed, which is about the same thickness as the upper—namely, 50ft. In this district prior to 1858 salt was obtained in two ways, one by sinking a shaft down to the top of the upper bed, and thereby, if the rock bed was found to be wet, pumping up what was called "natural or rockhead brine," or, in other words, water impregnated with dissolved salt which had obtained from the top of the upper bed; and, secondly, by dry mining in the ordinary way—that is, by sinking shafts to the upper or lower bed, as the case may be, and the digging out of mines in which the salt rock was hewn, and sent up in tubs to the surface for subsequent treatment. For the support of the roofs of the mines in the case of dry mining pillars of salt from seven to ten yards square were left at a distance of 20 to 25 yards apart. During the latter half of the last century a third method of mining had become common in the district—namely, pumping brine from mines which had become inundated by collapse of the roof and subsidence of ground and the access to the unworked salt rock therein of the water. The main facts respecting the district as to which the question arises can be best described by reference to the plan No. 5 put in by the plaintiffs, and the evidence of Mr. Ashton for the defendants. Immediately to the eastward of the main street in Northwich, known as Witton-street, is the shaft belonging to the defendants, known as "Penny's-lane." From 1858 onwards, at different dates, owing to the increase of working in the dry mines, and to other causes which need not be considered, but which are very important in their results, the roof of some of the dry mines in the district collapsed, some in the upper and some in the lower beds, the mines themselves became flooded, and large areas of water of considerable depth were formed upon the surface due to subsidence. From these areas fresh water found its way down to the upper and lower beds and became impregnated with salt and was then pumped up as brine—that is, water saturated with salt—through shafts, either old or new, which were sunk down to the inundated mines. The mines belonged to the plaintiffs, as to which their claim in this action arises, were nine in number, situated, speaking generally, to the north of the Penny's-lane shaft of the defendants, and were called Marshall's No. 1, Wakefield's, Worthington's, Bartons, Thompson's, Dunkirk, Marshall's No. 2, Plattbill, Austin's Old Mine, and Tomkinson's. It was proved by the plaintiffs, and ultimately admitted by the defendants, that all these nine mines were connected together by underground passages. Some of these passages were originally made for the purpose of ventilation when the mines were worked as dry mines. Two old witnesses were called before me, who satisfied me of the existence of these connections having been through some of the mines themselves, when they were dry, and as I have already said, though not originally admitted, the existence of these passages or means of communication was ultimately admitted by Sir Robert Finlay, the leading counsel for the defendants. Salt brine from the nine mines was pumped by the plaintiffs at Dunkirk shaft, a distance of some 400 yards to the north-east of the Penny's-lane shaft. These nine inundated mines and the Penny's-lane shaft were known and spoken of in the case as the Dunkirk mines. To the north and east of Plattshill mine, which is the northernmost of the nine mines, is another series of inundated mines called the Marston mines, belonging also to the plaintiffs, of which the principal shafts are known as Albert and Nelson, situated a little to the north-east of an area of water called Neumann's Flashes. As to whether or not there existed in the year 1888, or at any time subsequently, an underground communication between Plattshill mine and Hadfield's mine, which immediately adjoins it on the north-east, was a matter of controversy. It was strongly maintained by the plaintiffs that no such connexion existed, and equally strongly urged by the defendants that to a greater or lesser extent there was a connexion. In the view I take of this case, the point becomes immaterial, but inasmuch as it formed a matter of controversy, and may be considered material by others who may have to deal with the case, I shall now refer to it again later. At present I am merely stating generally the admitted facts which are material. The Marston mines, including the Hadfield mine, belong also to the plaintiffs, so that from one point of view the existence of this underground passage becomes immaterial, because if the plaintiffs were entitled to claim an injunction or have a right of action in respect of the abstraction of salt rock or brine from the eight or nine mines in question, the fact that some more of the plaintiffs' brine from the Marston mines was being pumped up at Penny's-lane shaft would be immaterial. The shafts marked with black colour on plan No. 5 are shafts which have been or are still being used for obtaining rockhead or natural brine; this, as I have already described, is brine obtained from the top of the upper bed, and possibly in a few cases from the top of the lower bed by the percolation of water through the surface dissolving salt rock near the top of the beds. There is no dispute that in the greater number of these instances brine thus produced is obtained from the top of the upper bed. There was some question whether in a few cases, as for instance, Nos. 1, 2, 3, 4, 26, 20, 25, and 26, the brine was not being obtained from the top of the lower bed. The question is mainly important in connexion with the question of subsidence. As I have already said, salt mining in years gone by had caused frequent depressions in the surface in which fresh water collected. Plan No. 1, put in by the plaintiffs, shows the evidence of these pools or collections of water in the year 1888. The enormous quantities of brine extracted from this district since 1880 had caused a great extension of these water areas, both as to superficial extent and as to depth. Plan No. 2 shows the water areas as they existed in December, 1905. "Ashton's Flash," as the largest area of water was called, had greatly increased in area and extended across and permanently overflowed the bed marked as the Dunkirk Bed, and notwithstanding that several hundreds of thousands of tons of material had been tipped in, was of very great depth, holding in consequence a very large volume of water. Plattshill mine was a dry mine up till December, 1880. About the year 1870 a small boring of about an inch diameter and some 18ft. in length, extending from a short tunnel, was put through, at about the point at upon the plan marked by the letter A, from Plattshill to the Hadfield mine. Hadfield mine was at that time flooded, and when the aperture was made, a small stream of brine came through, in not considerable force. The borehole was then plugged with a wooden plug some 8ft. in length, expanded by a nail, and it was suggested by the defendants that in all probability the aperture made by this plug had become enlarged by the action of water, dissolving the salt rock round the plug, and that in this way a means of communication between Hadfield and Plattshill mine, and from thence to the other eight mines of the Dunkirk system had been established. In September, 1888, the defendants, Messrs. Brunner, Mond, and Co., had acquired from John Thompson, the then owner of the Penny's-lane shaft, that shaft, and a small piece of salt rock shown on Plans Nos. 3 and 4 and the section on the sketch marked "Section A." The deed of conveyance was dated September 6, 1888, whereby Thompson conveyed to the plaintiffs—"Firstly, all that plot of land situate in the county of Chester, having a frontage to Station-road (formerly Witton-street), within the local board district of Northwich aforesaid, together with the rock, salt mines, storehouses, engine-houses, smith's shop, several dwelling-houses, and other buildings thereon, the particulars whereof are set forth in the first schedule hereunder written, and the dimensions and boundaries whereof are shown in the plan annexed hereto, which is to be taken as part of these presents, and which hereditaments are edged with blue colour on the said plan, and contain a total admeasurement of 5,790 yards, or thereabouts, to the same more or less. Together with the rents reserved by the several indentures of lease specified in the said schedule hereto, and the benefit of the lessee's covenants therein contained. Secondly, all the beds or strata of rock salt lying under the several plots of land situate in Witton aforesaid, adjoining the premises firstly hereinbefore described, the particulars of which adjoining hereditaments are set forth in the second schedule to these presents, and the boundaries thereof are to also delineated in the plan annexed hereto, and are thereon edged red, with full and free liberty (except as to the portions thereof lying within 15 yards measured of the tunnel next hereinafter mentioned) to get and take the same, or any part thereof, for any purpose, and therefor to lay down tramways, brine pipes, and roadways in, through, or under the said beds, together also with full and free liberty and authority to make any shaft or drifttway and borehole made by the said John Thompson, from the said rock salt mine firstly hereinbefore described, or any additional tunnels, drifttways, or boreholes which may hereafter be constructed by the said John Thompson, his successors or assigns, and which it is hereby authorized and empowered to construct (except within the aforesaid 15 yards—measurement westward), for the purpose of obtaining and pumping brine from the flooded mine belonging to the said John Thompson, north of the said hereditaments hereby sawed. Thirdly, all and every full and free liberty for the said company, its successors and assigns, to lay, take up, relay, and repair in or upon the land of the said John Thompson, lying and being between the hereditaments firstly hereinbefore described, and the northern extremity of the land of the said John Thompson, abutting on the water of the Weaver or Brook flash in any such direction, and to such point or points as they may think proper or expedient (not paying reasonable compensation from time to time for all injury to the said land, or any erections thereon thereby occasioned), a line or line of brine pipes for the conveyance of brine from the said mine shaft or pumping station." The deed also contains the following clause:—"And this indenture further witnesseth that in further pursuance of the said agreement, and in consideration of the premises, and also in consideration of the covenants on the part of the said John Thompson next hereinafter contained, the said company hereby covenants with the said John Thompson, his heirs and assigns, and to the intent that the burden of this covenant shall run with the said mine, and the tunnels and shafts thereof for the time being, that the said company, its successors and assigns will, if so required by the said John Thompson, his heirs or assigns, so long as the same can by any reasonable means be obtained through and by means of the said mine, or the tunnels and shafts thereof for the time being, supply to the said John Thompson, his heirs and assigns, at a point on the lands and hereditaments comprised in the first schedule hereto or at a point in the aforesaid line or lines of brine pipes if and when laid to be selected by the said John Thompson, his heirs or assigns, thence to be conveyed by the said John Thompson, his heirs or assigns, in pipes to be provided by him or them for use in any of the lands situate in Witton aforesaid at the time of the execution of these presents belonging to or vested in the said John Thompson in fee simple for his own use and benefit and not as trustee, such quantity of brine not exceeding 15,000,000 gallons in any one year as may be required for the manufacture by the said John Thompson, his heirs and assigns, of white salt on such lands or some of them of him the said John Thompson as aforesaid, it being agreed between the parties hereto that such year shall be deemed to commence from October 1." The flooded mine belonging to John Thompson north of the hereditaments in question was that part of Marshall's mine which lay north of the Wade Brook and was Thompson's freehold. This part of Marshall's mine had been worked from the part of Marshall's mine north of Wade Brook, so that there was underground communication through which brine could pass from the mine north of Wade Brook to the mine south of Wade Brook. There was at first some controversy whether the working from the part of Marshall's mine north of Wade Brook had been a trespass or by permission under some lease, but the question is, in my opinion, immaterial. The existence of this connexion between Marshall's mine north of Wade Brook and the mine south of Wade Brook was known of by the defendants. It had in that year become impossible to prevent brine getting from one part of the mine to the other if pumping took place from one shaft which was connected with the mines so as to withdraw the brine and disturb the equilibrium or balance of brine or water pressure. In fact from the time of their immediate all the nine Dunkirk mines formed an underground reservoir of brine or water which got in from the surface. In December 3, 1888, the defendants took from the same John Thompson a conveyance of certain mines which lay to the north-west of the land conveyed by the deed of September 6, 1888. The material recitals of that deed are not material, but it gave the plaintiff company notice of the conveyance to the defendants of September 6, 1888. On October 1, 1890, the plaintiffs purchased from John Thompson all the minerals in other mines to the north-west of Penny's-lane, and among them the minerals owned by Thompson south of Wade Brook, or, in other words, the minerals contained in what was described as Thompson's inundated mine in the deed of September, 1888. This deed recited the grant to the defendants of September 6, 1888, and particularly that part of it which gave the defendants full and free liberty to use the borehole for the purpose of obtaining and pumping brine from Thompson's flooded mine. Great reliance was placed by the defendants upon the covenant in the deed of September, 1890, by them to supply, if required, 15,000,000 gallons of brine per annum, and the fact that the plaintiffs in their conveyance from Thompson of the inundated mine south of Wade Brook, and of all the salt rock therein, took an assignment of the benefit of the covenant. I am unable to see that it affords so conclusive an argument as the defendants' counsel urged. Thompson could not give any rights which he did not possess or any rights over other people's property. The importance, to my mind, is that it recognizes, as between Thompson and the defendants, the true position of facts—namely, that the putting through the bore to Thompson's inundated mine and pumping thereby would, in fact, tap the underground reservoir of brine basin. Beyond this it does not seem to me to affect directly the question before me; and the plaintiffs in purchasing from Thompson naturally bought all he had to sell, including the right to use the by the defendants for the quantity of brine specified in the covenant. It will be convenient here to notice an argument addressed to me on behalf of the defendants founded upon the correspondence which passed between the plaintiffs and the defendants subsequent to the year 1888. It was contended that this correspondence amounted to a recognition that the defendants had a right to pump salt brine, as they were pumping, from Penny's-lane shaft. I think this is putting it too high. In my opinion nothing occurred to alter the rights of the parties. The most that can be said is that the expressions in that correspondence recognized the existing state of facts, which was in my opinion well known to every one—namely, that both the defendants' shafts at Penny's-lane and the plaintiffs' shafts at Dunkirk would probably draw brine from the same underground source. The plaintiffs at other dates subsequent to September 8, 1888—the exact dates are not material—took conveyances of the eight other mines in the Dunkirk group already referred to. From the year 1893 onwards the defendants have continued to extract from their Penny's-lane shaft brine to an enormous extent; the quantity in the 13 years up till the end of 1905 amounted to upwards of 2,065 million gallons, representing 2,791,000 tons of rock salt. Apart from rock contained in the yellow patch conveyed to the defendants under deed of September, 1888, extended over a superficial area of 370 square yards, which, taking the average depth of salt which, in the world, contains 28,475 tons of rock salt, and produces a little over 24,000,000 gallons of brine. It is needless, therefore, to state that only an infinitesimal part of the brine actually raised by the defendants could possibly have come from the rock included in the yellow patch, even assuming that rock to have been dissolved. The total quantity of rock in Thompson's inundated mine—that is, the part of Marshall's mine south of Wade Brook, including the 370 yards—would have been 238,800 cubic yards, equivalent to 339,000 tons of rock salt, producing if all dissolved about 419,000,000 gallons. But it was admitted by the defendants, by their answers to interrogatories, that no subsidence had taken place in the mine pumped by the defendants from the Penny's-lane shaft was produced from the salt rock, either in the yellow or in Thompson's inundated mine, south of Wade Brook. That was abundantly established, for reasons which can be very briefly stated. Brine—that operation or effect upon rock salt, so that the passage of brine through orifices and apertures in the salt rock does not tend to enlarge those apertures, and it was not disputed by the defendants that a very large portion—and I find as a fact substantially the whole of the brine extracted from Penny's-lane shaft—came from brine was produced from salt rock in areas in which the salt rock did not belong to the defendants. The evidence satisfied me, and in fact it was practically admitted by the defendants, that the barrier of rock salt through which the boreholes were put, under the licence contained in the deed of September 6, 1888, was of the same thickness now as then. The water in Ashton's Flash, in the lower inundated mines would become fully saturated brine before it reached Marshall's mine, so that, as I have said, it be lawful or unlawful, the defendants by pumping brine produced from strata of salt rock which did not belong to them. It was, however, contended by the defendants that a very considerable, though unknown, portion of the brine pumped through Penny's-lane shaft came from beds of salt rock which did not belong to the plaintiffs. It was alleged that subsidences occurred at various places in Northwich, that they occurred and had been extending along the railway from Northwich to Billinge-green, that they had also occurred to an increased extent to the west and north of the Dunkirk area. It was alleged, as I have already stated, that the Marston mines, and probably other mines to the north and west, contributed brine, or allowed access of water which became brine in underground basins for a very great distance, and no one could tell where brine pumped up at any shaft was in fact produced. It was urged in addition by the defendants that a considerable portion of the brine pumped through Penny's-lane was rockhead brine formed by the dissolution of salt rock on the top of the upper bed, and possibly to some extent on the top of the lower bed and not mine brine, and that this rockhead brine found its way to the defendants' shaft and to other shafts in the district by means of what were called "brine runs," which were at a considerable depth below the surface, and could only be traced from time to time by the subsidences which they caused. It was urged that natural or rockhead brine as distinguished from mine brine does travel underground in brine runs long distances, and may get into many of the inundated mines in the Dunkirk, Marston, and other neighbouring districts. This fact, however, does not dispose of the plaintiffs' claim, because even assuming that some portion of the brine (and it may be a considerable portion) pumped at Penny's-lane shaft comes from the areas under Northwich, or is produced from rock salt not the property of the plaintiffs, the question still remains, "Have the defendants pumped brine produced in the plaintiffs' mines or formed by the dissolution of rock salt which belongs to the plaintiffs?" As to this I have no doubt, and I find as a fact that a very large portion, though what portion no one can tell, of the brine pumped at Penny's-lane shaft was in fact produced by the dissolution of salt rock in the nine mines of the plaintiffs in the Dunkirk district. This can, I think, be proved almost to demonstration. In the first place there is the enormous increase of Ashton's flashes since the year 1888. Then again the subsidence which have occurred are to a very large extent vertically above the nine mines. It was proved that 2,791,000 tons of rock salt extracted by the defendants in their brine wells had formed the chickness of rock salt of six yards over an area of 53 acres. It was proved, in my opinion, beyond question that the whole of the rock salt thus obtained to the mines the property of the plaintiffs. Upon the other hand, for the reasons which I have already stated, I have no doubt, and as a fact upon the evidence, that the defendants have by pumping brine produced, in proportion, a very large quantity of rock salt from the beds of salt rock belonging to the plaintiffs; whether, as I have said, that quantity can ever be ascertained in mercury if authority, and it is extremely difficult to see is continued at Penny's-lane they must continue to dissolve the plaintiffs' rock and to abstract the salt therefrom in the brine pumped up. Upon the question whether there are any previous decisions which govern the case. The defendants relied largely upon the cases relating to underground water, such as "Chasemore *v.* Richards and others." I doubt very much whether they afford conclusive assistance in the decision of this case. Suppose, for instance, "A's" land remaining in its natural condition and containing beds of rock salt, "B's" the adjoining piece of land, on similar a wrongful act, that he could pump brine which beyond question came from the dissolution of the salt rock of his neighbour "A," and not from any salt rock on "B's" own land, or which he had a right to get, and that "B" continued his pumping, not for water, but to obtain salt rock of his neighbour. I am not at present prepared to say that an action would lie by "A" against "B" on the ground solely of the principle set out in the decision of the case in "Chasemore *v.* Richards" and similar cases. The plaintiffs, adopting this argument, suggested that the case fell within a ruling of the majority of the Court in "Jordeson *v.* Sutton Gas Company" (1899, 2 Chancery Division, 444), and particularly the judgment of Lord Lindley, as Master of the Rolls, quoting with approval the decision of the Supreme Court of Massachusetts in the case of "Cabot *v.* Kingman." The plaintiffs also relied upon the case of "The Trinidad Asphalte Company *v.* Ambard" (1899, Appeal Cases, 594). In my opinion, however, rightly understood, the principle of these cases is not one on which the plaintiffs can successfully rely in this action; they were cases of the withdrawal of support to which the person complaining was entitled, and, assuming it to be so far as the action is based on the claim for damages for subsidence, are clearly distinguishable from the case now before me. Nor does the case of "The Grand Junction Canal Company *v.* Shugar" (Law Reports, 6 Chancery, page 483) carry the plaintiffs any further, because here the real complaint is not of the drawing off of any fresh water to the detriment the plaintiffs claim a right, but the removal of their salt rock or the abstraction of the brine which has got into their beds of rock salt. I think this case can only be rightly decided by bearing in mind the true state of the facts, and endeavouring to discover what are the rights of the parties having regard to those facts. Long prior to 1883, when the defendants and plaintiffs acquired their mines respectively, the actual condition of their mines had been wholly changed. The combined result of underground mining, pumping for mining purposes, and pumping brine, coupled with underground and different mines, followed by the subsequent inundations, had created a wholly artificial state of things. I shall lawfully put down through any man's freehold might reach some underground channel, or cavity, from which he would pump brine, the real source of which no one could accurately predicate, although it might be possible after the event, by tracing subsequent subsidences, to form a guess as to the area from which the salt rock had been dissolved. It seems to me that to such an abnormal and, from one point of view, artificial condition of the property, neither, in my view, the fact that the water which had dissolved the salt might come from a distance, far away from any particular pumping shaft, and that the brine in some underground channel or even surface water in which no property existed in any one, if it be pumped up, would apply to such a case the ordinary principles of law relating to underground property. That they cannot be applied in the matter of subsidence is, I think, established by the decisions of the plaintiffs' Pumping Compensation Act, 1891, but I think that when a man puts down a shaft and pumps in his own land brine, the result of which acts are prima facie lawful the act does not of necessity become unlawful simply because it turns out that the brine thereby obtained may be the result of dissolution of rock in another man's property. It must depend upon the particular circumstances of the case. I state this discussion of the law, because it is the best that I am able to form after very careful and anxious consideration. As far as one may argue from analogy, pumping of brine under such circumstances appears to me to have more in common with the cases of underground water than with the cases of support, and the plaintiffs rely, but I have already indicated that the cases as to underground water are not conclusive, assuming matters to remain, their natural condition. The cases of "Acton *v.* Blundell" (12 Meeson and Welsby, at page 324) and "Smith *v.* Kenrick" (7 Common Bench, page 515) are illustrations of the principle which is to be found in many other decisions, and I cannot see that the fact that the plaintiffs have not become unlawful because it may injure adjoining proprietors (see also "Wilson *v.* Waddell," 2 Appeal Cases, 95), and the case of "The Mayor of Bradford *v.* Pickles" (1895, Appeal Cases, page 587) shows that it is no use of the property is lawful it may derive it immaterial. "Popplewell *v.* Hodkinson" (Law Reports, 4 Exchequer, at page 248) and "Fletcher *v.* Birkenhead Corporation" (1904, 1 King's Bench, page 605) cases dealing with the rights of support only. I would, however, call attention to the fact that in the case of "The Mayor of Bradford *v.* Pickles" (8 Chancery Division, page 284) both Sir George Jessel, as Master of the Rolls, and the Court of Appeal recognized that the rights of adjoining proprietors may be very different where the natural state of things has been interfered with from those in which the natural state of things is natural condition. To summarize my view as applicable to the special facts of this case, I think that for many years prior to 1883 the nine mines forming the Dunkirk group were connected together underground by channels and means of communication, and that by pumping in adjoining properties could close; that through those channels brine, formed in the salt rock partly in one mine and partly in another, would collect and would mix with brine reaching the same open spaces from districts outside the mine, mines situated to the north, east, and west; that in September, 1888, Thompson granted to the defendants a right to put a shaft down and a bore hole to communicate with his inundated mine south of Wade Brook, and I think that licence would inevitably lead to the drawing of brine from one or more of the nine Dunkirk mines and the wider area, and the consequent abstraction of further rock salt over the same district by the access of fresh water from the surface. At a later date the plaintiffs acquired a similar right from Thompson, and in addition property in the salt rock still existing in Thompson's mine south of Wade Brook, and I think, in the ordinary course, the certainty that, whenever they pumped, their pumping would also draw brine formed by the dissolution of rock partly in their own property and partly in others. Under these circumstances I am unable to come to the conclusion that the defendants have committed any objection-able wrong in respect of which the plaintiffs are entitled to an injunction, and that upon this head, as well as in respect of their claim for damages, I must decide against them. The action will therefore be dismissed with costs.

COUNTY OF LONDON SESSIONS.

(Before MR. MCCONNELL, K.C., *Chairman.)*

GEORGE WILLOUGHBY, 34, pleaded "Guilty" to breaking into the shop of Frederick Penberthy, hosier, Oxford-street, and stealing property to the amount of £30. Mr. Bodkin, Jun., who was for the prosecution, said that the premises were broken into by the prisoner. The prisoner was arrested on July 30 for being drunk, and was searched and there was found on his person a property, which at first he said he had found, but he afterwards admitted having broken into the prosecutor's premises. On his person was found one of the pendants, another robbery and some housebreaking implements. A previous conviction was proved against the prisoner who was sentenced to 12 months' imprisonment with hard labour.

HETTIE HAYTHORNE, 23, and EDWIN GEORGE ARTHUR GRAHAM, 22, were indicted, the former for stealing and the latter for receiving a diamond pendant of the value of £60, the property of Mrs. Annie Powell-Cornish-Cornish. Haythorne pleaded "Guilty." Mr. Curtis Bennett was for the prosecution. It was stated that Haythorne was employed by the prosecutrix as a charwoman at 5, Cadogan-terrace. On July 23, while her mistress was out, she went off without notice, taking her employer's property belonging to the prosecutrix. On being arrested she admitted the theft and said that she had given the pendant to Corbett to pawn for her. Graham was charged with having alleged that she told Corbett that the pendant was "on the crook." Mrs. Corbett denied when he was arrested on July 23. The jury found Graham guilty, and he was sentenced to 12 months' and Haythorne to six months' imprisonment with hard labour.

LUDWIG KAHN, 33, described as an entertainer, was indicted for stealing two rings, the property of Julie Clarke. Mr. Purcell was for the prosecution, and Mr. Warde appeared for the prisoner. Mr. Purcell said that the prosecutrix lived in the house of Mme. de Medici as a manicurist and manufacturer of toilet preparations, and in Clarendon-road. On Sunday, June 3, she was at a party at Hampton Court, at which the prisoner gave an entertainment as a conjuror, and in that way made his acquaintance. Subsequently the prisoner called on her several times at New-road-chambers, where she was at those visits, on June 25, he admired some rings she was wearing, and said that they would be much improved by cleaning. She went with the prisoner to a jeweller in Poland-street, S.W., where she left the rings for this purpose; and it was alleged that, behind her back, the prisoner told the jeweller that the lady was in Poland-street, and that he was in possession of the rings and left the address at which he had been working. A letter was received by the prosecutrix from the prisoner shortly afterwards, as follows:—"Dearest Julie,—Enclosed find belongings which will explain all to you. If possible to forgive, do so. Please forgive me. I will tell you all about it when I write to you in a month from to-day. I shall go to the Continent. I was compelled to do what I did. I promise to send all money got on the rings. Your silver brushes are at the shop. They will give them up to you. Don't think about my treating you like this; I know it is terrible, but I was compelled to do so. Your broken-hearted LUDWIG." The "belongings" were a bracelet, a