

## Reports and Notes of Cases.

### Dominion of Canada.

#### SUPREME COURT.

Exch.]                      PIGGOTT & SONS v. THE KING.                      [June 19.

*Crown—Negligence—Injury to "property on public work"—Jurisdiction—R.S.C. 1906, c. 140, s. 20 (b), (c).*

To make the Crown liable under sub-sec. c. of sec. 20 of the Exchequer Court Act, R.S.C. 1906, ch 140, for injury to property, such property must be on a public work when injured. *Chamberlin v. The King* (40 Can. S.C.R. 350), and *Paul v. The King* (38 Can. S.C.R. 126), followed.

Injury to property by an explosion of dynamite on property adjoining a public work is not damage to property injuriously affected by the construction of a public work under sec 20 (b) of the Act.

Appeal dismissed with costs.

*W. L. Scott*, for appellants. *Newcombe*, K.C., for respondent.

Ont.]                      CAMPBELL v. DOUGLAS.                      [Oct. 10.

*Sale of land—Consideration—Exchange of properties—Mortgage—Indemnity to vendor—Evidence.*

In 1912, D. advanced money to P. who conveyed to him certain properties including one on LeBreton street. In 1913, P. entered into an agreement with C. to exchange the LeBreton street property for lots on Lisgar street, which was carried out by conveyances between C. and D. In his deed C. stated that the consideration was "an exchange of lands and \$1" and conveyed the lands on Lisgar street subject to certain mortgages, the description being followed by the words "the assumption of which mortgages is part of the consideration herein." C. was obliged to pay these mortgages and brought suit against D. to recover the amount so paid.

*Held*, affirming the judgment of the Appellate Division, (34 Ont. L.J. 580), that the case was not within the rule of equity whereby the purchaser of an equity of redemption may be obliged