

the Crown, provision being therein also made for ascertaining the value of the works by arbitration and award.

*Held*, affirming the judgment of the Exchequer Court of Canada (6 Ex. C.R. 103) that the claim of the suppliants for the value of the works at the time they vested in the Crown on the expiration of the fifty years franchise was a liability of the late Province of Canada coming within the operation of the 111th section of the British North American Act 1867, and thereby imposed on the Dominion; that there was no lien or right of retention charged upon the property and that the fact that the liability was not presently payable at the date of the passing of the British North America Act, 1867, was immaterial. *Attorney-General of Canada v. Attorney-General of Ontario*, (1897) A.C. 109 follow'd.

*Held*, also, affirming the decision appealed from, that the arbitration provided for by the third section of the Act 8 V. c. 90, did not impose the necessity of obtaining an award as a condition precedent, but merely afforded a remedy for the recovery of the value of the works at a time when the parties interested could not have resorted to the present remedy by Petition of Right, and that the suppliants' claim for compensation under the provisions of the Act of 8 Vict., c. 90 was a proper subject of petition of right within the jurisdiction of the Exchequer Court of Canada. Appeal dismissed with costs.

*Newcombe*, Q.C., Deputy Minister of Justice, for appellant. *Lafleur*, Q.C., and *R. F. Sinclair* for respondent.

Ex. C.]

THE QUEEN v. GRENIER.

[Oct. 24.

*Government Railway—Injury to employee—Lord Campbell's Act—Art. 1056. C.C.—Exoneration from liability—R.S.C. c. 38, s. 50.*

Art. 1056 C. C. embodies the action previously given by a statute of the Province of Canada re-enacting Lord Campbell's Act. *Robinson v. Canadian Pacific Railway Co.* (1892) A.C. 481, distinguished.

A workman may so contract with his employer as to exonerate the latter from liability for negligence and such renunciation would be an answer to an action under Lord Campbell's Act. *Griffiths v. Earl Dudley*, 9 Q.B.D. 357, followed.

In sec. 50 of the Government Railways Act (R.S.C. c. 38) providing that "Her Majesty shall not be relieved from liability by any notice, condition or declaration in the event of any damage arising from any negligence, omission or default of any officer, employee or servant of the Minister," the words "notice, condition or declaration" do not include a contract or agreement by which an employee has renounced his right to claim damages from the Crown for injury from negligence of his fellow servants. *Vogel v. Grand Trunk Railway Co.* 11 S.C.R. 612 disapproved.

An employee on the Intercolonial Railway became a member of The Intercolonial Railway Relief & Assur. Ass. to the funds of which the