

MIDDLETON, J., IN CHAMBERS.

APRIL 15TH, 1916.

\*ATTORNEY-GENERAL FOR ONTARIO v. CADWELL  
SAND AND GRAVEL CO. LIMITED.

*Parties—Action by Provincial Attorney-General against Contractor Employed by Dominion Government—Removal of Sand and Gravel from Bed of Navigable Waters—Rights of Province and Dominion—Addition of Attorney-General for Dominion as Defendant—Rule 134.*

Motion by the defendant company to add the Attorney-General for the Dominion of Canada as a party defendant.

A. W. Langmuir, for the defendant company.  
Harcourt Ferguson, for the plaintiff.

MIDDLETON, J., in a written opinion, said that the plaintiff sued to recover a large sum of money, the value of sand and gravel removed by the defendant company from the beds of the St. Clair river and Lake Erie, the title to which, he alleged, was in the Province. The defendant company was a contractor employed by the Dominion Government, and the dredging of the river and lake was, it was said, for the purpose of constructing a steamboat channel for the use of vessels navigating the Great Lakes.

The Attorney-General for Canada desired to be added as a party.

The learned Judge was of opinion that the case came within the spirit and letter of Rule 134, and that the representative of the Dominion should be added, to defend that which had been done through its contractor.

Order made as asked; costs in the cause, subject to any disposition that may be made by the trial Judge.

MIDDLETON, J.

APRIL 15TH, 1916.

RE TURNER.

*Will—Construction—Bequest to Trustee of whole Estate for Sole Use and Benefit of Daughter for Life—Gift over of Trust Funds “Remaining Unappropriated”—Receipt of whole Estate by Daughter—Discharge of Trustee—“Appropriation”—Absolute Gift.*

Motion by Robert Edward Sheppard for an order determining