

for its construction, the owners, for whom the ship was built, may plead as a defence pro tanto that the ship was not constructed according to specifications and claim an abatement of the price, in consequence of such default, and that the loss in value of the ship, at the time of delivery, attributable to such default, should be deducted from the claim under the mortgage.

Appeal dismissed with costs.

*R. Cassidy*, K.C., for appellants. *Chrysler*, K.C., for respondents.

Ex. C.]

THE KING v. LEFRANCOIS.

[June 16.

*Government railway—Operation over other lines—Agreement for running rights—Extensions and branches—"Public work"—Construction of statute—54 & 55 Vict. c. 50, s. 67(D.)—Exchequer Court Act, 50 & 51 Vict. c. 16, s. 16(c); R.S.C. 1906, c. 140, s. 20(c).*

The agreement between the Government of Canada and The Grand Trunk Railway Company, made under the provisions of the Dominion statute, 43 Vict. c. 8, giving the Government running rights and power over a portion of the Grand Trunk Railway, from Levis to Chaudière, between two sections of the Intercolonial Railway, constitutes that portion of the Grand Trunk Railway a part of the International Railway, under the provisions of the 67th section of the Act, 54 & 55 Vict. c. 50(D.), and, consequently, a public work within the meaning of the "Exchequer Court Act," 50 & 51 Vict. c. 16, s. 16(c), now R.S.C., 1906, c. 140, s. 20(c).

Appeal dismissed with costs.

*Newcombe*, K.C., for appellant. *Lane*, K.C., for respondent.

Ont.]

GREER v. FAULKNER.

[June 16.

*Damages—Trespass—Cutting timber—Sale to bonâ fide purchaser—Action by owner of land—Amendment.*

F. conveyed land to his wife not knowing that timber thereon had been wrongfully cut and sold to G. It was afterwards found that G., who bought it in good faith, had sold the timber to another bonâ fide purchaser and an action was brought by F.'s wife against the latter and G. The purchase money having been paid into court an interpleader issue was granted to decide whether the plaintiff or G. was entitled to it.