

place to Liverpool, and the change was only made because he supposed he had a purchaser at Ipswich, which makes it difficult to see how in ~~fact~~ ^{truth} he was damnified seriously by having his original intention carried into effect. There was a contract, however, on the part of the defendants to carry the seed to London, which was broken, and they are liable for some damages, the natural result of the breach; and, in my opinion, those damages are what it cost him to get the goods taken to London and a reasonable sum to compensate him for the expense, trouble and correspondence occasioned by the seed having been mis-sent to Liverpool. I make the amount of expense incurred in taking the seed from Liverpool to London \$89.44. The whole freight paid was \$293.60, and the freight from Waterford to London, at seventy-six and a quarter cents per 100 pounds, would be \$204.16, which, taken from the amount paid, leaves \$89.44, the additional cost to the plaintiff, to which interest should be added from the 23rd March, 1880. The other expenses incurred cannot, upon the evidence, be arrived at with accuracy. The charge for cable-grams was incurred in connection with the protest of the draft to a great extent, and not on account of the defendants' breach of contract. Thirty dollars should cover the other expenses, which I would allow. This makes, with the amount for freight from Liverpool to London, the expense and outlay incurred by plaintiff by the defendants' neglect \$119.44; to which must be added two years interest from 23rd March, 1880, \$14.32—in all, \$133.76. The judgment directed to be entered for the plaintiff should therefore be reduced to that amount.

I have arrived at this conclusion from the opinion that the case is governed by the decision of the Court of Appeal in the case of the "Parana," that damages resulting from a fall in the market was not an incident attaching as matter of law to a breach of the contract of the defendants when it was entered into, and not being such an incident, then nothing that occurred afterwards made it one. The delay at Liverpool did not create