

REPORTS AND NOTES OF CASES.

Dominion of Canada.

EXCHEQUER COURT.

Burbidge, J.] WHEATLEY v. THE KING. [Nov. 14, 1904.

*Government railway—Carriage of goods—Breach of contract—
Damages—Negligence.*

The suppliant sought to recover a sum of \$886.38 alleged to have been lost by him on a shipment of sheep undertaken to be carried by the Crown from Charlottetown, P.E.I., to Boston, U.S.A. The loss was occasioned by the sheep not arriving in Boston before the sailing of a steamship thence for England on which space had been engaged for them; and the cause of such failure was lack of room to forward them on a steamboat by which connections are made between the Summerside terminus of the P.E.I. Railway and Pointe du Chene, N.B., a point on the Intercolonial Railway. The suppliant alleged that before the shipment was made the freight agent of the P.E. Island Railway at Charlottetown represented to him that if the sheep were shipped at Charlottetown on a certain date, which was done, they would arrive in Boston on time.

Held, 1. Even if the suppliant had proved, which he failed to do, that this representation had been made, it would have been inconsistent with the terms of the way-bill and contrary to the regulations of the Prince Edward Island Railway, and therefore in excess of the freight agent's authority.

2. The evidence did not disclose negligence on the part of any officer or servant of the Crown within the meaning of section 16(c) of the Exchequer Court Act.

Weeks, for suppliant. *Haszard*, K.C., for respondent.

Routhier, J.] GAGNON v. SS. SAVOY. [Dec. 22, 1904.

DION v. SS. POLINO.

Maritime law—Seaman's wages—Jurisdiction of Court to hear claim for wages under \$200—Foreign ship—Costs.

1. When the exceptions in s. 56 of the Seaman's Act (R.S.C. c. 74) do not apply, the Exchequer Court, on its Admiralty side,