

over them, a contravention of the Customs Act is complete, more especially where the control exercised is that of putting Canadian brands upon such cattle.

*Philip and Kilgour*, for suppliants. *Mitchell and Johnston*, for respondent.

Burbidge, J.]

PRICE v. THE KING.

[Jan 25.]

*Public work—Injury to adjoining property by fire—Liability of Crown under Exchequer Court Act, s. 16 (c)—Injury not actually happening on the public work.*

It is sufficient to bring a case within the provisions of s. 16 (c) of the Exchequer Court Act to shew that the injury complained of arose from the negligence of an officer or servant of the Crown while acting within the scope of his duties or employment on a public work. It is not necessary to shew that the injury was actually done or suffered upon the public work itself. *Letourneux v. The Queen*, 7 Ex. C.R. 1; 33 S.C.R. 335, followed.

*G. F. Henderson*, and *L. A. Cannon*, for plaintiff. *Dorion*, K.C., for respondent.

Burbidge, J.]

PIGOTT v. THE KING.

[April 9.]

*Public work—Contract for widening canal—Change of plans—Extra work—Quantum meruit—Waiver.*

The suppliants were contractors for widening and deepening the lower part of the Grenville Canal. Some portions of the work described in the specifications could not be done without unwatering the canal; other portions of it could not be very well done in the winter season; and nearly all of it could have been done more cheaply and conveniently during the open season. There was, however, nothing to prevent the work being done in the way the contractors did it, that is, by doing during the season of navigation such work as they could do with the water in the canal, by making the best use possible of the time in the spring after the frost was out of the ground and before the water was let into the canal for the purposes of navigation, and also by using in the same way any time that might be available after the water was let out of the canal in the autumn