

The only question for the opinion of the Court is :—

Whether the Plaintiff, under his contract for Departmental Printing is or is not entitled to be paid for "all jobs or lots of printing for the several Departments of the Government of Canada, of reports, pamphlets, circulars, and blank forms of every description and kind soever coming within the denomination of Departmental Printing, and all the work and services connected with and appertaining thereto," under the terms of his said contract when required for the use of the several Departments, apart from those required under the Parliamentary Contract which is restricted to "all Printing required for the service of both Houses of Parliament only"—that is to say, whether having reference to the two contracts, the Plaintiff is authorized to charge for "Printing" and "Composition" &c., of the Departmental Reports, &c., against Parliament on the Parliamentary contract and tariff, and also to charge for the same work in so far as copies thereof may be required by the Departments under order of the Printing Committee on the Departmental contract and tariff. If the Court is of opinion in the affirmative, then judgment is to be entered for the Plaintiff for \$1,623.02; if in the negative, judgment to be entered for the Defendant.

The case was argued during last term by Mr. Harrison, Q.C., for the Plaintiff, and by R. M. Fleming, for the Postmaster General.

J.

JUDGMENT OF MR. JUSTICE MORRISON.

I am of opinion, upon the case presented to us, that the Defendant is entitled to our judgment—the Plaintiff, by his contract of the 1st Oct., 1869, undertakes to perform and execute all jobs and lots of printing for the several Departments of the Government, of Reports, &c., within the denomination of Departmental printing as might be specified in requisitions made upon him for that purpose from time to time on behalf of the respective Departments, the Government furnishing the paper for the printing of such jobs. Now it seems to me very clear that, irrespective of the contract entered into by the Plaintiff on behalf of the Houses of Parliament, that if the Postmaster General's Department, or any other Department, for any reason whatsoever, dispensed with the printing any report or document, annual or otherwise, merely transmitting it in writing to the Houses of Parliament, that this Plaintiff could not in such a case have any pretence to charge for the price of the composition of a report he was not required to print. The Post Office Department—whatsoever expectations the Plaintiff may have had when he entered into his contract of the 1st Oct., 1869—were, I think at perfect liberty to change their practice and system, and to say and determine what documents should be printed or not printed for the use of the Department or for distribution. Before the Plaintiff could execute any printing for a Department or make any charge, a requisition stating the matter to be printed had to be addressed to the Plaintiff, and also the paper furnished to him for that purpose. There is no provision in the contract of the 1st of October limiting the extent of the work to be done or for fixing any minimum quantity, or for making any compensation to the Plaintiff should the practice of the Departments be changed so as to dispense with a large quantity of the then usual printing. The contract only applies to such printing as the Plaintiff may by requisition be directed to execute. No doubt the Plaintiff is entitled to have the benefit of performing all Departmental printing but beyond that he has no claim. It may be true, as stated on the argument, and it is not unreasonable to assume that when the Plaintiff made his tenders upon which his contract is based, he did so tender upon the expectation that certain reports, &c., thenceforth annually printed by the Departments, would be continued to be so printed.

The Joint Committee on Printing however, having thought it expedient in the interests of the Public to adopt a new system, and put an end to the printing of Departmental Reports intended to be laid before Parliament by the Departments, and directing that such reports be printed by the Parliamentary Printer—by such change of system