

3. As there was nothing within the two leases which would go to affect the validity of either of them, and there was no inconsistency between them, the two leases should stand.

4. The damages herein should be measured by the cost of supplying and using for the operation of the mill forty horse power furnished some other way than by the water supply in question.

Shepley, K.C., and Hilliard, for suppliant. Chrysler, K.C., and Larmouth, for respondent.

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Burbidge, J.]

RYDER v. THE KING.

[Feb. 27.]

*Public work—Injury to the person—Negligence—Doctrine of common employment in Manitoba—Liability of Crown.*

1. The effect of clause(c) s. 16 of the Exchequer Court Act is not to extend the Crown's liability so as to enable anyone to impute negligence to the Crown itself, or to make it liable in any case in which a subject under like circumstances would not be liable.

2. In the Province of Manitoba the Dominion Government is not liable for any injury to one of its servants arising from the negligence of a fellow-servant. *Filion v. The Queen*, 24 S.C.R. 482 referred to.

3. With respect to the liability of the Dominion Government in cases involving the doctrine of common employment, nothing short of an Act of Parliament of Canada can alter the law of Manitoba as it stood on that subject on the 15th July, 1870.

Semble, the Workmen's Compensation Act, R.S. Man. c. 178, does not apply to the Crown, the Crown not being mentioned therein.

Heap, for suppliant. Howell, K.C., and Mathers, for respondent.

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Burbidge, J.]

RE BAIE DE CHALEUR RY. CO.

[March 27.]

*Railway Act, 1903—Scheme of arrangement—Unsecured creditor not assenting to scheme—Objection to confirmation of scheme.*

An unsecured creditor who does not assent to a scheme of arrangement filed under section 285 of the Railway Act, 1903, is not bound thereby.

It is, however, a good objection to such scheme that it purports in terms to discharge the claim of such a creditor.

By a scheme of arrangement between an insolvent railway company and its creditors, it was proposed to cancel certain out-