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 ARCHIBALD v. THE QUEEN.

1893

*Crown—Construction of public work—Interference with public rights—  
Injury to private owner.*

\*Dec. 2.

1894

APPEAL from a decision of the Exchequer Court (1), refusing compensation to the suppliant for injury to his property by the construction of a public work. \*Mar. 13.

The suppliant owns a saw-mill in Cape Breton, and claims that he was prevented from rafting his lumber to a shipping point as formerly by the construction of a bridge across a pond some distance from the mill, in connection with the building of the Cape Breton Railway. The Exchequer Court held that the right alleged to be interfered with was a right common to the public, and that an individual affected by the interference was not entitled to compensation.

The Supreme Court dismissed with costs an appeal from this decision.

*Appeal dismissed with costs.*

*Code* for appellant.

*Borden Q.C.* for respondent.

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\*PRESENT:—Sir Henry Strong C.J., and Fournier, Taschereau, Gwynne and King JJ.

(1) 3 Ex. C. R. 251.