

1925

*June 4.

*June 8.

THE KING *v.* ARCHER

ON APPEAL FROM THE EXCHEQUER COURT OF CANADA

Expropriation—Value of land—Expert witnesses—Evidence.

APPEAL from the judgment of the Exchequer Court of Canada, Audette J. fixing the indemnity to be paid to the respondents for the expropriation of certain lands in the city of Quebec required for the enlarging of the terminals of the Canadian National Railways in that city.

The indemnity had first been fixed by a judgment of the Exchequer Court of Canada on the 21st December, 1923, at \$135,153.30. Upon appeal to this court, the case was referred back to the Exchequer Court of Canada for reconsideration, on the 27th May, 1924, as it was open to doubt whether a piece of land which the trial judge had excluded from a certain property sold to respondents was not comprised in that sale. The Exchequer Court of Canada, on the 12th January, 1925, fixed the indemnity at \$135,011.30, or \$142 less than had been formerly awarded.

On this appeal to the Supreme Court of Canada, the court allowed the appeal with costs. Finding that there was error in the second judgment of the Exchequer Court of Canada and that there should be a reduction of \$18,714.54 in the valuation made by the judgment of the trial judge, the court held that the total compensation should be \$116,438.76.

Appeal allowed with costs.

Roy K.C. for the appellant.

St. Laurent K.C. for the respondent.

*PRESENT:—Anglin C.J.C. and Duff, Mignault and Newcombe JJ. and Tessier J. *ad hoc.*