

1919

\*Mar. 6, 10

\*June 2

## THE KING v. LEE.

ON APPEAL FROM THE EXCHEQUER COURT OF CANADA

*Expropriation—Identity of land—Metes and bounds—Plan.*

APPEAL from the judgment of the Exchequer Court of Canada(1), in favour of the defendant (respondent).

The Crown filed an information in the Exchequer Court claiming title to land near Windsor Junction as part of the Intercolonial Railway. The County of Halifax, represented by the respondent, claimed the land as a public way.

By a statute of Nova Scotia the Commissioners appointed to expropriate land for the railway were required "to lay off the same by metes and bounds and record a description and plan thereof." The dedication filed did not contain such description, and the Exchequer Court Judge held that the plan attached thereto did not so describe it. He also held that if it did a written description was still necessary.

The Supreme Court of Canada, while deciding that identification of the land by metes and bounds by reference to the plan would be sufficient, agreed with the Judge of the Exchequer Court, the Chief Justice dissenting, that it could not be so identified.

*Appeal dismissed with costs.*

*Henry K.C. and Sangster for the appellant.*

*Jenks K.C. and McIlreith K.C. for the respondent.*

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\*PRESENT:—Sir Louis Davies C.J. and Idington, Anglin, Brodeur and Mignault JJ.