

at his special request, and the late Chief Justice Johnson was disposed to carry simplicity still further, for he expressed a wish that there be no formality, and that "a plain deal coffin" be used for the interment of his body.

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Mr. R. P. Fitzgerald, Q. C., of Charlottetown, P. E. I., has been appointed Vice-Chancellor and an assistant judge of the Supreme Court of Prince Edward Island, in the place of Joseph Hensley, deceased.

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*JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.*

LONDON, April 26, 1894.

*Present* : LORD HOBHOUSE, LORD ASHBOURNE, LORD MACNAGHTEN,  
SIR RICHARD COUCH.

DAME GEORGINA MUSSEN et al., appellants, & CANADA ATLANTIC  
RAILWAY Co., respondent.

*Expropriation—Just indemnity—Country residence—Interference with  
award of arbitrators.*

*Judgment of Court of Queen's Bench, Montreal, December 23, 1892,  
(R. J. Q., 2 B. R. 222) affirmed.*

SIR RICHARD COUCH :—

The respondents in this appeal, the Canada Atlantic Railway Company, were enabled by certain statutory powers to make a line of railway running through the district of Montreal. Amongst other lands required by them for the purposes of their railway was certain land in the said district, the property of one William Norris. The company made an offer to Norris of the sum of \$1,600 as damages and compensation for the land intended to be taken, and in the event of the offer not being accepted, they named their arbitrator. Norris declined the offer and named his arbitrator. The arbitrators were unable to agree upon a third arbitrator, and the company applied to the Superior Court, according to the provisions of the Railway Act (51 Vict., c. 29), to name one. This the Court did. Hibbard was the