and familiarizing itself to a degree which no appellate court possibly could have with the circumstances of the case.

I may say, without great fear of contradiction, that the jurisprudence of the appellate courts upon questions of that kind is consistent, in the sense that an appellant, to say the very least of it, must make an exceedingly strong case, enabling the appellate court to lay its finger upon some definite error or mistake. Of course, in this case, as I trust in all cases of the judgments of our courts of original jurisdiction there can be no question, except a question of error on the part of the judge. I think I can safely say that the jurisprudence of the appellate courts in a case of this kind is consistently, that it is incumbent on the appellant to make a demonstration—I do not think that is too strong a word—of some precise error or errors that have led to the finding establishing the valuation, before an appellate court will intervene to set that valuation aside. In other words, the appellate courts hesitate, rightly I think, and they even more than hesitate before undertaking to substitute what would amount to merely an opinion with regard to the relative weight of evidence upon a question of valuation—which is necessarily not susceptible of being based upon absolutely definite conclusive reasons, but which is always more or less in the domain of opinion or individual appreciation—for a judgment upon such a question of the court of first instance with all the greater advantages it has to enable it to reach a satisfactory conclusion.

5 p.m.

I assume that these reasons would have weight with the counsel and with the commission and its officers, when they were called upon to determine what was the course of prudence for them to take in face of the award of $69,000 and the demand of $217,000. For my part I can readily appreciate that they may, under these circumstances, have considered that the part of wisdom was to accept the original judgment, though it may not have been absolutely satisfactory, rather than to incur the risk of a possible increase in the original award.

It seems to me entirely beside the question that we should be told the property sold in 1894 for $1,000 and have read to us every word of the deed by which the property was transferred. We are face to face with a property that avowedly in 1913, on the judgment of competent people, who are certainly not interested in overvaluing it, would unquestionably be worth $39,000. We have the judgment of a judge against whom nothing can be said, a judge who had the advantage over both my hon. friend and myself, and probably over every hon. member of this House, of having had long experience in dealing with cases precisely of this kind. The fact that such a judge would have found that a property avowedly worth $39,000 was in his judgment worth $65,256 does not seem to me a matter to give rise to such very great surprise on the part of the hon. gentleman. If he will go through, at hapnazard, any fifteen or twenty expropriation cases, he will find at least as great discrepancies between the offers, on the one hand, of the party expropriating and the demands on the other hand, of the party expropriated, and the final award, as exists in this particular case. I can quite understand that the counsel who instituted this appeal, having studied the case from his point of view, and having that natural leaning which a lawyer has in favour of the views of his client, may have considered that this was a fair case to take to appeal. When, however, he found himself face to face with the fact that his adversaries also considered that they had a fair case to carry to a higher tribunal to make this increased demand, I think it was an act of wisdom for him seriously to consider his position. For my own part, I am not able to see, in what the hon. member has put before the House, any reason why we should assume that the advice, which that counsel gave to withdraw the appeal in view of the withdrawal of the counter appeal, was advice that we are in any position to condemn or to say was not justified by the proceedings that were taken.

As I have stated, I have not had the advantage of personally reading the evidence in this case; but it has been read by lawyers in whom I have confidence and I may say that their appreciation of it was that it made a very strong case to support at least the amount of the award. Under these circumstances, and with what I have pointed out, the indisposition of the appellate court to interfere in cases where the whole question is one of appreciation as in this case, I for my part do not feel that I am called upon to make any apology for the fact of the Transcontinental Commission having accepted the advice that was offered to them that the wisest course was to consent to the withdrawal of both the appeals.