

the property that is now valued, was worth \$26,257.40. As the hon. gentleman states himself, what it was then sought to expropriate, and what was valued at that figure at that time, was an area of 148,500 feet. Later on it is quite true that a further offer was made but that further offer was for the expropriation of an area of 780,000 feet. While we have this very large increase multiplying by about five the original area as asked for, we have an increase in the offer of something like \$12,000, making the offer \$39,000. In 1913, on the valuation of the officers of the Transcontinental Railway Commission, those who were about to expropriate, we had a property worth \$39,000. I do not think there can be any serious suggestion of fault-finding with the increase in the amount offered, in view of the very large increase in the area thought to be expropriated. So that the issue in this case was as to the value of a property admittedly worth \$39,000.

The claim of the defendant on the hon. gentleman's own showing, was \$217,261. Undoubtedly, when the Commissioners were asking for 148,500 feet they were only asked for \$52,000, but when the Commissioners were asking for 780,000 feet, the defendant asked for \$217,000. If their original demand was at all reasonable I should say on the face of it that the increased demand would have at least been as reasonable. But whatever they may have asked for this large area, by the judgment of this thoroughly competent judge, they were awarded \$69,256 falling very far short indeed of the demand for \$217,260.

The hon. member has told us that the Crown felt dissatisfied at the judgment ordering the payment of \$69,000. The respondents, who were proprietors of the property, felt also dissatisfied. On the face of things, looking at their demand and at the offer of the Crown, the respondents had very much larger reason to feel dissatisfied if they were at all earnest in their original demand. At all events, they felt dissatisfied and they appealed to the Supreme Court of Canada. As the hon. member has pointed out, the learned counsel retained on behalf of the Crown put forward in as forceful a manner as possible—and making the most, I have no doubt, of what he could find in the evidence to justify his submission—an argument that he thought militated in favour of the reduction of the award against the Crown. We have not the advantage of the argument made by the other side, but I have no doubt the learned counsel retained in the case made the strongest argu-

[Mr. Doherty.]

ment they could make in support of the demand for an increase of the award. I am not quite sure that it is not a fairly strong assumption in favour of the correctness of a judgment in a case of this kind when both parties feel dissatisfied, at all events at first blush. An appeal was lodged, and it is true that the appeal was withdrawn. I am not in a position to say, that, as a matter of fact that appeal was withdrawn by my instructions and after any examination of the case. When we retain counsel to represent us in cases of this kind, we retain, like him, gentlemen of whom the hon. member himself has spoken in the terms in which he spoke of the counsel concerned in this case. In all cases of this kind where the whole question involved is a question of valuation of properties, we undoubtedly have to rely to a certain extent upon the opinions of the officers of particular departments, who have the advantage, not only of such knowledge as they may have of the property involved, and the conditions affecting its values, but in this case who had the further advantage of comparing the award in this case with the awards made either previously or subsequently in similar analogous cases. No doubt acting upon the information which was at his command, the counsel representing the Crown—and representing in a more particular manner the Transcontinental Railway Commissioners, who in this instance was acting on behalf of the Crown—apparently arrived at the conclusion that being in this position, that they had an award against them of \$69,000 and a claim against them of \$217,000, it was under the circumstances wise that in view of the withdrawal of that other appeal making that larger demand, they should accept the award made against them. I am not in a position to speak of the particular reasons justifying the action in that particular case; but the hon. member himself, as a lawyer of distinction and of very long experience, will, I think, bear me out when I say that every lawyer who has had occasion to deal with questions of expropriation, knows that in cases in which the entire question involved is the weight of contradictory evidence as to the value of particular properties, appellate courts are very slow indeed to interfere with the findings of the court of original jurisdiction, which has had the advantage of confronting the witnesses face to face, hearing their testimony, and which, moreover, in a case of this kind, if it chose to avail itself of it, had the opportunity of visiting the property in question