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DOMINION OF CANADA.

EXCHEQUER COURT.

NOVEMBER 2ND, 1910.

REX v. JANE MARY JONES.

Railway—Expropriation of Lands by Commissioners of the National Transcontinental Railway — Compensation — Arbitration under the Provisions of the General Railway Act (R. S. 1906 c. 37)—3 Edw. VII. c. 71—Construction —Jurisdiction of Exchequer Court.

This was a question of jurisdiction raised by the Court before proceeding with the trial of an information for the expropriation of lands.

E. L. Newcombe, K.C., for the Crown, supported the jurisdiction of the Court.

Nem. con.

CASSELS, J.:—The first paragraph of the information reads as follows:—

“1. The Commissioners of the Transcontinental Railway charged under and by virtue of the Act of the Parliament of Canada, 3 Edward VII. chapter 71, with the construction of the eastern division of the National Transcontinental Railway extending from the city of Moncton, in the province of New Brunswick, to the city of Winnipeg, in the province of Manitoba, have by themselves, their engineers, agents, workmen and servants, entered upon and taken possession of certain lands and real property hereinafter described, the same being in the judgment of the said Commissioners neces-