

Mr. Fowler. It follows that even allowing for the possible increase referred to—which can affect only vacant land—Mr. Fowler derives no benefit as to the 10.2 acres which will be between the new road and Lake Ontario.

The land immediately north of the new road that can by any possibility be increased in value is now covered by a productive and profitable orchard, the trees alone on each acre of which—adopting the value of the trees on .94 of an acre, considered proper by the arbitrators—are worth at least \$500 or \$600, or more than the anticipated possible benefit.

It is to be remembered that Fowler's access to market will not be improved by the new road. No matter how well the road may be constructed, Fowler's shipping point will continue to be the station at the rear of his farm, approachable, as now, through the farm itself.

Another disadvantage tending to outweigh benefit is that the whole aspect of the residence and steading will be changed owing to the new approach that will of necessity have to be made from the new road. The approach will be through or near the barnyard to the rear of the dwelling. The changed appearance which the house will present to passers-by through a vista of unaesthetic outbuildings will, in my opinion, lessen not a little the value of the property.

In determining that the benefit equalled, if it did not exceed, the disadvantage from severance, the two arbitrators did not, I think, consider the damage resulting from the changed aspect and consequent depreciation of the homestead, and the fact that all the land likely to be enhanced in value as building sites is at present improved to an extent beyond any reasonably probable increase.

The damages from the severance are manifest and serious. The present appropriate relation of the residence and other buildings to the existing road and to the farm itself will undoubtedly be destroyed by the new road. Gates will be necessary in the fences the two arbitrators have thought proper to be constructed. They must be opened and closed on every occasion the cattle are brought from the pasture to the barnyard. The road will have to be crossed whenever the major part of the farm has to be resorted to for any purpose; and, if the road becomes—as the land speculators think—the leading thoroughfare between Toronto and Hamilton, and is used by motorists as other leading roads are now used, the greater