Commission, in the exercise of their statutory powers (Power Commission Act, 1915, 5 Geo. V. ch. 19, sec. 5 (O.)), and for the purpose of constructing their transmission power line, had expropriated a strip of land about 50 feet in width, immediately adjoining the highway, running the full length of the farm, and containing 3.07 acres. The arbitrator had awarded $3,400 as sufficient compensation for the lands expropriated and for all damage in respect of the remainder of the farm as injuriously affected and all other damage suffered by the appellants.

The arbitrator made a statement shewing the items of the aggregate amount, as follows: (1) fruit-trees taken, $400; (2) ornamental trees, $600; (3) wind-break damage, $100; (4) 3 acres of land, $500; (5) damage to whole farm from having the front blemished—farm valued at $18,000, damage 10 per cent., $1,800; total, $3,400.

The first ground of attack upon the award was, that the arbitrator deviated from the principle upon which compensation should be ascertained, which is, that the arbitrator should ascertain the value of the whole land before the taking and the value of the the part remaining after the taking and deduct the one from the other, the difference being the amount to be allowed: Re Ontario and Quebec R.W. Co. and Taylor (1884), 6 O.R. 338; James v. Ontario and Quebec R.W. Co. (1886-88), 12 O.R. 624, 15 A.R. 1; Re Hannah and Campbellford Lake Ontario and Western R.W. Co. (1915), 34 O.L.R. 615.

There was no reason why that principle should be departed from. If the arbitrator adopted that method of arriving at his conclusion, then, unless it could be shewn that he overlooked or disregarded some element necessary to be considered in finding either the value before the taking or the value after the taking, or unless there is some good and sufficient reason for throwing doubt on the soundness of his conclusions, the Court should not disturb the findings of one who, with the witnesses before him and in the surroundings in which the arbitration was conducted, was in a much better position to form a conclusion as to the facts than the members of the Court, who had not that advantage. In this case there was nothing to indicate or suggest that the arbitrator had departed from the proper method in any way. Upon the first ground, the award was not assailable.

On the ground—failure to give proper weight to the evidence on behalf of the appellants and that the award was contrary to the law and the evidence and the weight of evidence—the award should not be disturbed. The evidence was conflicting.

The judgment of the Privy Council in the recent case of Ruddy v. Toronto Eastern R.W. Co. (1917), 38 O.L.R. 556, 116 L.T.R.