In re Dare Valley R. W. Co., L.R. 6 Eq. 429, and *Duke of Buccleuch* v. *Metropolitan Board of Works*, L.R. 5 Ex. 231, followed.

Since the Railway Act of Canada, 51 Vict., c. 29, s. 161, where the award exceeds $400, any party to the arbitration may appeal from the award upon any question of law or fact; and upon the hearing of the appeal the court shall, if the same is a question of fact, decide the same upon the evidence taken before the arbitrators, as in a case of original jurisdiction. The admission or rejection of the reasons upon which the arbitrators made their award is not a matter of such moment as it would be in the case of a voluntary submission to arbitration, or as it would have been prior to s. 161; see *Atlantic and North-West R. W. Co.* v. *Wood* (1895), A.C. at p. 263, where it is said that the court should review the judgment of the arbitrators as they would that of a subordinate court in a case of original jurisdiction; and where reasons have been given, the court is not entirely to disregard the judgment of the arbitrators and the reasoning in support of it.

The reasons of the third arbitrator shewed that the property of the claimants consisted of about 153 acres, unimproved; that it was purchased in 1895 for $25,000 for speculative purposes, the intention being to subdivide it and sell it in lots; that since its acquisition the property had been unproductive, except that sufficient of it had been rented as pasture land to pay the taxes; that no portion of the property had been sold in lots or otherwise, and therefore that actual sales of similar and similarly situated property should guide the arbitrators in determining such value and afford evidence as to the property being in demand; that it was established by the evidence that there was no present demand for the property, or, if any at all, that it was limited to the portion north of the railway; that the portion south of the railway must be considered as farm lands; that the loss of the streets projected by the claimants and of the crossings which they had lost through their own neglect to register their plan, could not be much considered as an element of damage.

The majority of the arbitrators (as shewn by the reasons) based their award of $2,856 upon the following figures:

Cost of property.....		$30,000
Present value of 23 acres north of the railway at $800.	$18,400	
85 acres at $90.....	7,650	
45 acres at $70.....	3,150	29,200
Shewing damages to land.....		800
And adding thereto for 2.57 acres taken at $800 per acre.....		2,056
		$2,856

Held, by the judge, upon the appeal, that the farm consisted of 143 acres, instead of 153 as found by the arbitrators; and that the arbitrators