

owner sold the property it was shewn that the use to which he put it could not be continued.

*Held*, that while this particular use of the property added nothing to its market or selling value, it enhanced its value to the owner at the time of the expropriation and that such was an element to be considered in determining the amount of compensation to be paid to him for the premises taken.

*MacIlreith*, and *Tremaine*, for plaintiff. *W. B. A. Ritchie*, and *Tobin*, for defendants.

Burbidge, J.] THE KING v. THOMPSON. [April 22.

*Expropriation—Foundry—Depreciation in value of machinery and tools by reason of expropriation—Compensation.*

Where a building used as a foundry is expropriated for the purposes of a public work, the owner who is unable to find suitable premises elsewhere to carry on his business is entitled to compensation for the depreciation in value of the machinery, tools and other personal property with which his foundry is fitted up.

*MacIlreith*, and *Tremaine*, for plaintiff. *McKinnon*, for defendant.

Burbidge, J.] THE KING v. STAIRS. [April 22.

*Expropriation—Claim for damages for business—Claim for depreciation of value of machinery—Compensation.*

Where the whole property is taken and there is no severance the owner is entitled to compensation for the land and property taken, and for such damages as may properly be included in the value of such land and property. He is not entitled to damages because such taking injuriously affects a business which he carries on at some other place.

Defendants, in expropriation proceedings, at the time their premises were taken had them fitted up as a boiler and machine shop. The machinery was treated as personal property by the defendants and sold for less than it was worth to them when used for such purposes,

*Held*, that they were entitled to compensation for the depreciation in value of the machinery by reason of the taking of the premises where it had been used.

*MacIlreith*, and *Tremaine*, for plaintiff. *Bell*, for defendant.