

for him early the following morning. To oblige the latter, the suppliant undertook to do this. The machinery was in perfect order, but owing to the negligence or unskillfulness of the suppliant in handling a steam pump an accident happened by which he lost three fingers of his left hand.

*Held*, upon the facts, that the Crown was not liable under s. 20(c) of c. 140, R.S. 1906.

*Deguisse and Grenier*, for suppliant. *Boisvin*, for the Crown.

Cassels, J.]

THE KING v. CONDON.

[May 17.

*Expropriation—Compensation—Value of lands and premises taken—Market value—Good-will—Private way used in connection with business.*

1. In addition to full and fair compensation for the value of lands and premises taken from the owner carrying on business there he is entitled to compensation for the good-will of such business.

2. The market price of lands taken ought to be regarded as the *prima facie* basis of valuation in awarding compensation for land expropriated. *Dodge v. The King*, 38 S.C.R. 149, followed.

3. In this case there was a passage from a street in the rear of the premises taken where one of the defendants carried on a licensed business, by which customers who desired to visit the bar without attracting notice could do so.

*Held*, that such passage enhanced the value of the property for the purposes of a bar, and constituted an element of compensation.

*A. Lemieux*, K.C., and *H. Fisher*, for defendants. *A. W. Fraser*, K.C., and *D. H. McLean*, for the Crown.

Cassels, J.]

FULLUM v. WALDIE.

[June 2.

*Admiralty law—Tug and tow—Negligent navigation by tug—Damage to tow—Limited liability of owner—Statutes—Construction.*

Appeal from Toronto Admiralty District. The owner of a tug navigated with such want of care or skill as to cause the stranding of her tow was held to be entitled to the benefit of the provisions of the Revised Statutes of Canada, 1896, s. 12, limiting the liability of ship-owners in certain cases of negligent or improper navigation to a specific amount per ton. *Sewell v.*