

NOVEMBER 3RD, 1913.

*RE NATIONAL TRUST CO. AND CANADIAN PACIFIC
R.W. CO.

*Railway—Expropriation of Land—Compensation — Award —
Value of Land—Evidence — Expert Witnesses — Sales of
Neighbouring Parcels—Admissibility — Weight — Market
Value—Information as to Sales—Hearsay Testimony—Com-
pulsory Purchase—Addition of Ten per Cent. to True Value
—Interest—Appeal—Costs.*

Appeal by the railway company from an award of arbitra-
tors of compensation to the claimants for land at the corner of
Peter and Wellington streets, in the city of Toronto, taken for
the railway.

The appeal was heard by MEREDITH, C.J.O., GARROW, MAC-
LAREN, MAGEE, and HODGINS, J.J.A.

G. F. Shepley, K.C., and G. W. Mason, for the railway com-
pany.

Glyn Osler, for the National Trust Company, the claimants.

The judgment of the Court was delivered by HODGINS,
J.A.:—Objection was made to the admissibility of the evidence
of certain witnesses, on the ground that, while it professed to
be expert testimony, it consisted only of information collected
about sales in the neighbourhood and based on ideas flowing
from the general experience of valuers and estate agents; not
upon personal knowledge of the transactions.

The admissibility of evidence of the sales of other lands was
also contested, on the ground that each was necessarily *res inter
alios acta*. This is true in a sense, but that maxim does not ex-
clude matters which are in fact relevant to the question in
issue.

The illustration in Best on Evidence, 10th ed., p. 420, as to
the effect of a receipt from a third person, shews this. See also
Wills on Evidence, 2nd ed., p. 66; Broom's Legal Maxims, 7th
ed., pp. 732, note (L), 735.

The issue, of course, is the value of the land taken; and
value is a relative term; there must be some standard to which
it is related. . . .

*To be reported in the Ontario Law Reports.