

3. The damage or loss in respect of which the Court will assess compensation must arise out of some physical interference with property or with some right incidental thereto, different in kind from that which all the properties in the neighbourhood are subject to, and must be of such a nature as would be actionable but for the statute authorizing the work. Hence, where the surrounding properties had been temporarily enhanced in value by reason of a projected Government work subsequently abandoned the owner of property no part of which has been taken has no claim to compensation because of the abandonment by the Government of the proposed scheme. On the other hand, where property has been taken and returned all damages arising out of any interference with the owner's rights in respect of leasing the lands during the period the expropriation was effective is a proper subject of compensation. *The Queen v. Murray*, 5 Ex.C.R. 69; *Cedar Rapids Power Co. v. Lacoste* (1914), A.C. 569, referred to.

4. For the purposes of a projected public work the Crown expropriated a market place and demolished the buildings thereon in the vicinity of suppliant's property. The Crown had also expropriated the suppliant's property which it subsequently returned to the suppliants.

*Held*, that suppliants had no right to damages for any depreciation in the value of their property arising from the destruction of the market, as any loss so arising to the suppliants was suffered by them in common with the other property owners in the neighbourhood.

Audette, J.]

LEAMY ET AL. v. THE KING.

[January 5.]

*Navigable river—Title to bed—Crown grant—Construction.*

The bed of all navigable rivers is by law vested *prima facie* in the Crown. But this ownership of the Crown is exercised for the benefit of the subject, and cannot be used in any way so as to derogate from or interfere with the rights which belong by law to the subjects of the Crown. Hence, in a grant of part of the public domain from the Crown to a subject the bed of a navigable river will not pass unless an intention to convey the same is expressed in clear and unambiguous terms in the grant.

2. In the Province of Quebec all grants of the public domain made prior to the Union Act of 1840 are to be read as subject to the limitations, restrictions and reservations conserving the rights of the public as to navigation, and otherwise, contained in