

was the value at the time of the expropriation of their leasehold interest in the lands and premises.

Apart from the sum payable for improvements there was no direct evidence to shew what the value was. But it appeared that the suppliants had procured other premises in which to carry on their business, and that in doing so they had of necessity been at some loss, and that the cost of carrying on their business had been increased. The amount of the loss and of increased cost of carrying on business during the six months succeeding the expropriation proceedings was in addition to the sum mentioned taken to represent the value to them or to any person in a like position of their interest in the premises.

The suppliants also contended that if they had not been disturbed in possession they would have increased their business, and so have made additional profits, and they claimed compensation for the loss of such profits.

Held, that this claim could not be allowed.

A. P. Barnhill, for suppliants. *H. A. McKeown*, for respondent.
A. A. Stockton, Q.C., for third party.

Province of Ontario.

COURT OF APPEAL.

From Boyd, C.] PEDLOW v. TOWN OF RENFREW. [Oct. 11.

Way—Highway—Plan—Dedication—Municipal corporations.

The owners of two adjoining lots agreed between themselves to give twenty feet of each lot to form a street, and a plan of sub-division of the lots shewing a street of this width was filed by them, the consent of the municipality being given by resolution. The line fence was then taken down, and one owner fenced his land so as to leave twenty feet of the lot open to the public, but the other fenced his so as to leave forty feet. Without any by-law or further resolution the municipality did some grading on the sixty feet and the sixty feet were used by the public for the purpose of a highway.

Held, that the giving of forty feet by the one owner did not relieve the other owner from his obligation to give twenty feet, and that he could not, after the expenditure of public money upon it and its user by the public retract the dedication of the twenty foot strip. Judgment of BOYD, C., 31 O. R. 499, ante p. 159, affirmed.

Aylesworth, Q.C., and *T. W. McGarry*, for appellant. *S. H. Blake, Q.C.*, for respondents.