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REPORTS AND NOTES OF CASES.

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Dominion of Canada.

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EXCHEQUER COURT.

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Burbidge, J.] MONTGOMERY v. THE KING. [April 15.

*Tort by Crown's servants—Diversion of flowing water—Liability—Amendment of petition of right.*

The suppliant, by his petition of right alleged, in substance, that the Crown through the Minister of Railways and Canals, and his servants, agents, and employees, having no right to do so, had diverted the water of a certain brook which flowed through his property in the Parish of Dalhousie, N.B., and used the same for supplying the engines and locomotives of the Intercolonial Railway and vessels in the harbour of Dalhousie.

Upon argument of objections in law to sufficiency of petition,

*Held*, that the suppliant's action was laid in tort, that a petition of right would not lie therefor.

Upon an application by the suppliant to amend his petition, the Court declined to grant the same until a draft of the proposed amendments was submitted and the Court had an opportunity of considering how far it was necessary for the suppliant to depart from his original petition.

*Magee*, for suppliant. *Newcombe*, K.C., for respondent.

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Burbidge J.] THE KING v. ROGERS. [April 22.

*Expropriation—Licensed hotel—Special value of premises to owner arising from liquor license—Compensation.*

The Crown expropriated for the purposes of a public work certain premises which the owner used as a hotel licensed to sell liquors. The license was an annual one, but, as the license laws then stood, it could be renewed in favour of the then owner, or in case of his death, of his widow; but no license could be granted to any other person for such premises. If the