

15th day of February, A.D. 1910, and upon the sum of \$56,184.48 from the 12th day of September, A.D. 1912, with costs, and intends to appeal to the Supreme Court of Canada from such judgment.

The defendants-respondents also filed a cross appeal which was lodged on April 7, 1913. The solicitor representing my hon. friend the Minister of Justice—I have not the pleasure of knowing him personally, but he is a young solicitor of good reputation—immediately took the proceedings in appeal. I hold in my hand the factum of the appellant—that is to say His Majesty the King—and the statement of facts by the solicitor representing the Minister of Justice and the Attorney General of Canada. Perhaps the House will be interested to know what was the opinion of the solicitor acting for the Minister of Justice on behalf of His Majesty the King with regard to the judgment or award made by the Exchequer Court:

On the 15th day of February, 1910, a plan and description of a strip of land, part of cadastre No. 260 of the parish of Sillery, in the county of Quebec, representing an area of 148,540 square feet, for the purpose of acquiring the right of way for the Transcontinental railway across said lot, was deposited with the Registrar of Deeds for the county of Quebec.

On the 12th day of September, 1912, a second plan and description of the said lot No. 260, representing an additional area of 638,640 square feet was also deposited with the Registrar of Deeds for the county of Quebec.

Furthermore, on the 16th day of January, 1913, another plan with full description by metes and bounds of said lot No. 260, which is all taken and expropriated by the Crown, was also deposited with the Registrar of Deeds for the County of Quebec.

This last plan which was deposited with the object of correcting all previous erroneous description shows a total area of the land taken as 780,000 square feet.

Then he goes on:

The respondents are claiming the value of two piers which are built in deep water opposite the property in question. The Crown, by the present expropriation proceedings is only taking lot No. 260, as shown on plan filed as exhibit No. 3. Therefore, as the piers in question are not erected on said lot No. 260, do not form part of the present expropriation and have not been expropriated, the court had no jurisdiction to entertain a claim for said piers; in consequence the value of the piers is not included in the amount awarded by the court below. The title of the respondents, although not admitted at the trial, was recognized by agreement of both parties before the judgment was rendered.

The solicitor continues as follows:

The Crown having found it necessary for the passage of the Transcontinental railway and the development of the harbour of Quebec to acquire lot No. 260 of the cadastre of the

parish of Sillery, took possession of said lot after having deposited plan and description of the land needed in the Registry Office at Quebec under the authority of 3 Edward VII, chapter 71.

The solicitor here recites the facts which I have already laid before the House—that the first offer was made, and then supplemented by a further offer as an indemnity. He adds:

We may say immediately that there was no proof whatsoever that the respondents might have been entitled to an indemnity of that total. This amount of \$217,261.97 was merely put in the plea as imaginary figures which were not brought out at the trial by any witnesses, and which must have been put in the plea merely to fill space, under the principle that the more you ask the more you are liable to get. The learned judge who rendered judgment in the court below granted the respondents the sum of \$62,960, plus 10 per cent of that amount for forced sale and interest. The appellant humbly submits that this judgment is erroneous, not based upon the evidence, and that the offer of \$39,000 should have been declared sufficient for the market value of said lot No. 260 and all damages suffered by the respondents on account of said forced sale or expropriation.

The solicitor representing His Majesty the King says further:

There are two points which one must always keep in mind in going through the evidence submitted by the different witnesses heard in the present case, to wit: the property in question, that is cadastral No. 260, with all the dependencies, buildings, wharfs, etc., thereon was bought in 1894 by the respondents for the sum of \$1,000; when the witnesses value today the wharfs on that property at \$2 or \$3 per cubic yard, their basis of valuation is totally false, so far as the market value is concerned, as these wharfs, although in a far better condition and far better state of preservation in 1894 than now, were nevertheless considered then as pretty near valueless, if we take into consideration the price of \$1,000 paid for the land, buildings, wharfs, etc.

After having examined the very extraordinary evidence adduced on behalf of the respondents in this case, the solicitor adds further:

We will thereupon say with the learned judge in the court below, page 189 of the case, line 31: 'The fallacy of the assessment of the wharfs and buildings is too manifest to be dealt with any further.'

Now, let us examine the valuation given to the land per square foot by the witnesses. We must not lose sight that four-fifths of that land is covered by water at every tide.

Then follows a long analysis of the evidence as to the value of the land; and he adds:

We find in the evidence given by Mr. J. de Salaberry Bosse that the property next to Spencer Cove, on the city's side, was offered for sale at about the time the respondent's