

railway, is to be made as of the time when the company takes possession of the land. (*Per Harvey, C.J., Simmons and Walsh, JJ.*)

2. *Railways—Construction—Filing plans with Railway Board—Necessity—Plan for taking land to obtain construction materials.*

Sec. 160(2) of the Railway Act, R.S.C. 1906, ch. 37, providing that copies of the plans, etc., of a railway, when sanctioned by the Board of Railway Commissioners, shall be deposited in the office of the registrar of deeds for the district or county to which they relate, does not apply to or require the registration of plans prepared under s. 180 of the Act, for the compulsory taking of land to obtain stone, gravel, earth, etc., for construction or maintenance purposes. (*Per Harvey, C.J., Simmons and Walsh, JJ.*)

3. *Eminent domain—Appeal—Where evidence sufficient to sustain award.*

Where, in an arbitration proceeding, the appellant's evidence was directed to establishing damages on a wrong basis, and, on appeal, he does not seek a rehearing on that ground, but insists that such evidence was proper, the award will be upheld if there is any evidence to sustain it. (*Per Harvey, C.J., and Walsh, J.*)

*Frank Ford, K.C., for Trusts and Guarantee Co. A. B. Cunningham, for Saskatchewan Land and Homestead Co. O. M. Biggar, K.C., and Geo. A. Walker, for Calgary and Edmonton R. Co.*

## Bench and Bar

Mr. A. H. O'Brien having retired from the position which he filled with so much advantage to the Dominion Government as Law Clerk to the House of Commons, will, after this, resume his place as Assistant Editor of this journal. Mr. F. H. Gisborne, late assistant Deputy Minister of Justice, will now, under the title of "Parliamentary Counsel," perform the duties which formerly devolved upon the Law Clerk, an office which was abolished under the recent reconstruction of the department. In recognition of Mr. O'Brien's services, Dr. Sproule, Speaker of