regarded, and is a direct piece of evidence as to value. The sale or option to Rogers also comes directly within the decision of Dodge v. The King (1906), 38 S.C.R. 149, as indicating the market value. This was in 1910, and was at the rate of about $860 per acre. The appellant, H. B. Billings, sold five acres in the neighbourhood to the respondents for $3,500 per acre. The valuation placed upon the property before the coming of the railway extend from $2,000 to $3,500 per acre, and after from $1,000 to $2,800, or a difference of from $700 to $1,000 per acre. The arbitrators who agree in making the award, in their written opinion speak of the property as very attractive and undoubtedly well situated for suburban residential purposes.

They have, however, determined the case as if the interference with access were the only element of damage proved, and have confined that to the thirteen acres upon which stands the Billings homestead. They have refused compensation for injury caused by smoke, vibration, and noise. It is quite true, as the two arbitrators say, that the fifteen-foot strip in itself is a quite inadequate way to serve the whole 163 acres, regarded as a possible residential property. Any encroachment upon it would, therefore, be a very serious matter; and what the respondents have done is to take a section of it, where their railway comes, so that if the appellant had to depend upon it for ingress or egress, that way is barred.

I am unable to understand why this taking deprives the appellant only "of so much of this means of access as he has customarily used for a distance of ninety feet (i.e., only about two feet in width), and why this deprivation, limited to the customary use, is alone given effect to, and only attributed to the homestead property of thirteen acres, and not extended to the lands lying between it and the railway and extending to the north thereof, which are much closer to this means of access.

The whole fifteen feet has been taken; and whatever use it could be put to, or was available for, and not only that which was customarily used in connection with the homestead, should be paid for.

If the appellant had never used it, but had farmed the 150 acres, seeking an outlet by the north for his produce to some customer or way station, that would, it seems to me, form no answer to the proposition that access by this strip was most useful to this property when put on the market, as being a more direct way to the city of Ottawa. It gave an additional market value to the whole property, or the part served by it. See per