

*Archer, J.*:—"The court, having heard the parties by their counsel upon the merits of his appeal served on the 29th of May, and fyled on the 4th of June, 1913; examined the proceedings of record and deliberated:

"The petitioner in expropriation, now appellant, alleges that the location of the line referred to has been approved under section 159 of the Railway Act, and that it has complied with the requirements of the Railway Act to bring about the expropriation of the respondent's property which is described as follows:

"By the notice of expropriation in conformity with section 193 of the Railway Act, the sum of \$1431.00 has been offered to the defendant as full compensation for all the right, title, estate and interest of every kind and nature whatsoever in the said lands above described and for any and all damages caused by the exercise of its powers.

"In conformity with section 194 of the Railway Act, a certificate of a Provincial Land Surveyor was duly attached to said notice of expropriation and was duly served upon the proprietor-respondent, said certificate being signed in conformity with said section 194 and this by a disinterested party.

"The parties not agreeing as to the amount, arbitrators were appointed, the company selecting L. A. Bédard, the owner, T. Gauthier and George Beausoleil was selected as a third arbitrator.

"Considerable evidence was taken before the arbitrators and on the 5th. of June, 1912, the arbitrators met and, as appears by the minute book of the said deliberations, after having received factums of both parties, and deliberated, the majority of the said arbitrators being composed of George Beausoleil and T. Gauthier granted the sum of \$1717.20 to the said Patrick Kelly, the lands expropriat-