

Armour, K.C., and MacMurchy, K.C., for appellants, C.P. Ry. Co. Blackstock, K.C., for appellants, G.T. Ry. Co. Dewart, K.C., and Chisholm, K.C., for respondents.

Ex. C.]

CUNARD v. THE KING.

[Feb. 22.

Expropriation of land—Water lots—Contingent value—Crown grant—Statutory authority.

The Dominion Government expropriated, for purposes of the Intercolonial Railway, lands in Halifax, N.S., including a lot extending into the harbour. This lot could be made very valuable by the erection of wharves and piers for which, however, it would be necessary to obtain a license from the government of Canada as they would obstruct navigation. The title to the water lot was originally by grant from the Government of Nova Scotia, but no statutory authority for making such grant was produced. \$10,000 was offered by the government for all the lands and allowed by the Exchequer Court. The owners appealed, claiming a much larger amount.

Held, DUFF, J., dissenting, that under the circumstances the owners were not entitled to compensation on the basis of the water lot being utilized for wharves and piers, and if they were the amount tendered was sufficient.

Held, also, that a Crown grant of land cannot be made without statutory authority.

Judgment of the Exchequer Court (12 Ex. C.R. 414), affirmed.

Appeal dismissed with costs.

Harris, K.C., for appellant. Newcombe, K.C., Deputy Minister of Justice, for respondent.

Province of Nova Scotia.

SUPREME COURT.

The Full Court.]

[April 2.

HIRTLE v. THE TOWN OF LUNENBURG.

Municipal corporation—Defect in sidewalk—Contractor—Municipality not liable for misfeasance of.

A contractor who was employed by the Dominion Government to construct a concrete sidewalk around the post office in the