

The judgment of the Court was delivered by HODGINS, J. A.:— The evidence on value given on behalf of the respondents was not brought within the rule laid down in *Re National Trust Co. and Canadian Pacific R.W. Co.*, ante 221.

The comparison made by Shaw, of Montreal (p. 217), is to an unidentified location on the Island of Montreal. That by Vanhorne, of Toronto, while definite as to its position in Toronto (p. 238), lacks any value on account of the total absence of comparison as to the pressure of population, the conditions of the locality, and the method of treatment that will be required to cross the Canadian Pacific track and 150 feet more (p. 240) purchased alongside by the Canadian Northern and its effect on the adjacent land. In short, no foundation of similarity is made except that two railways, side by side, exist in these places. Davis, of Ottawa, gives as an illustration a property known as Hurdman's farm, the second farm from the Billings property. But this is not otherwise identified, nor is any evidence given of similarity of conditions or location. This detracts greatly, in my opinion, from the value of the evidence of these witnesses, which is not helped by statements that crossing four lines of railway would not increase the danger (Davis, p. 235), and that the coming of the second railway track creates no damage to the property from severance, that being attributable to the first track, which was laid in 1854 (Shaw, p. 229; Davis, p. 230; Vanhorne, p. 238). I do not find that Vanhorne gave evidence that the injurious affection spread only a short distance from the railway. Shaw did so state, but that opinion is his alone.

The appellant's witnesses base their views chiefly on a comparison of the property in question with that owned by the Keefers at Rockcliffe, which is said by two witnesses to be similar in many respects, but without the disadvantage of the railway track. The evidence of the other expert witnesses upon the same side is opinion evidence only, consisting of deductions drawn, as is the case with Shaw and Vanhorne, from their observation and experience as real estate operators. The value to be given to this class of evidence, or its want of value, is dealt with by Mr. Justice Sedgewick in *William Hamilton Manufacturing Co. v. Victoria Lumber and Manufacturing Co.* (1896), 26 S.C.R. 96, 108; and in *Re Tviet and Canadian Northern R.W. Co.* (1912), 25 W.L.R. 188.

The price paid by the respondents to C. M. Billings of \$1,425 per acre for lands contiguous to the Canadian Pacific Railway, while that price includes damages caused by the operation of the respondents' railway alongside his property, cannot be dis-