

of about two acres, between the road and the lake, and the other of about fifty-eight acres. A driveway, bordered by a hedge, leads westward from the road to the house; and in rear of the house are the barn and other outbuildings, an orchard, extensive plantation of small fruits and some land devoted to ordinary field crops and pasture. All the buildings are located, as to appearance and convenience, in proper relation to the road, as it now exists, and to the farm itself.

The new road will run in rear of the residence and outbuildings and diagonally through the apple orchard. Directly in its course are forty large, and four or five small, apple trees. Six or seven others stand so close to the lines of the proposed road that some of their branches will project over it.

The award allows Mr. Fowler for the 0.94 acres	
taken in his orchard at \$400 an acre . . . . .	\$376
Less 0.75 acres of old road to be conveyed to	
him at same rate, or \$300, subject to an	
allowance of \$30 for ploughing, or . . . . .	270
	<hr/> \$106
Fencing new road	\$100
Improving private road from homestead to new road..	50
Value of trees in orchard taken and affected . . . . .	600
	<hr/> \$856

The costs of the arbitration amount to no less than \$816.95, two of the arbitrators charging \$240 each, the other, who sat but seven days to his associates' eight, being content with \$210. The award determines that each party to the submission shall pay, in addition to his own costs for counsel and witnesses, one-half of the \$816.95.

Power is given to the Court, in such an appeal as this, to set aside the award, to increase, diminish or otherwise modify it, as may be deemed just (sec. 345, sub-sec. (3) ).

The main grounds of appeal are that too little has been allowed for the land expropriated and for the apple trees injuriously affected; and that nothing has been allowed for the severance of the farm by the new road.

The difference in area between the old and the new road is but 0.19 of an acre. Each area has about the same value