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[Dec. 29, 1914.]

CANADIAN NORTHERN RY. CO. v. SMITH.

Appeal—Expropriation—Application to appoint arbitrator—Persona designata—Amount in controversy.

A railway company served notice of expropriation of land on the owner, offering \$25,000 as compensation. It later served a copy of said notice on S., lessee of said land for a term of ten years. On application to a Superior Court Judge for appointment of arbitrators, S. claimed to be entitled to a separate notice and an independent hearing to determine his compensation. The Judge so held and dismissed the application, and his ruling was affirmed by the Court of King's Bench. The company sought to appeal to the Supreme Court of Canada.

Held, per FITZPATRICK, C.J., and IDINGTON, J., following Canadian Pacific Ry. Co. v. Little Seminary of Ste. Thérèse, 16 S.C.R. 606, and St. Hilaire v. Lambert, 42 S.C.R. 264, that the Superior Court Judge was persona designata to hear such applications as the one made by the company; that the case, therefore, did not originate in a superior Court and the appeal would not lie.

Held, per DAVIES, DUFF, ANGLIN, and BRODEUR, JJ., that there was nothing in the record to shew that the amount in dispute was \$2,000 or over, and no attempt had been made to establish by affidavit that it was the appeal failed.

Appeal quashed with costs.

Casgrain, for the motion. Rinfret, K.C., contra.

Book Reviews.

Words and Terms Judicially Defined. By HIS HONOUR JUDGE WIDDIFIELD. Toronto: The Carswell Co., Limited. 1914.

A very timely and useful collection. The words and terms are to be found in the judgments of Canadian and Provincial Courts, from which they have been dug out and placed in accessible form. As far as possible the exact language of the judgment has been followed, and enough of the context of facts set out to enable the reader to judge how far the definition may apply to his own case. The book shews great industry and research on the part of the learned Judge, and will be a useful addition to a lawyer's library.