

REPORTS AND NOTES OF CASES.

Dominion of Canada.

EXCHEQUER COURT OF CANADA.

Burbidge, J.] MACARTHUR AND KEEFE AND THE KING. [April 6.

*Public works—Injurious affection—Closing up streets—Compensation.*

The properties of the suppliants were injuriously affected by the construction of a public work which obstructed a highway upon which the properties, respectively, abutted. MacArthur's property was 190 feet from the place of obstruction, and Keefe's 240 feet. The suppliants' properties instead of being respectively situated as they were formerly on a main thoroughfare, were, by the change affected by the construction of the said public work, were situated at the extreme end of a street closed up at one end, and forming a cul de sac.

*Held*, that where the injurious affection concerned the personal convenience of the occupiers of the properties in question, the suppliants were not entitled to compensation, but that in so far as the value of the properties, in the hands of anyone, and used for any purpose to which they could be put, was lessened, the suppliants ought to recover therefor.

*D. B. MacLennan*, K.C., for suppliants. *F. H. Chrysler*, K.C., and *P. K. Halpin*, for respondent.

APPEAL FROM THE QUEBEC ADMIRALTY DISTRICT.

Burbidge, J.] DESROCHERS v. HAMBURG PACKET CO. [April 20.

*Admiralty law—Shipping—Collision—Liability.*

In a collision in Canadian waters between the steamship W. and the schooner M.A., the W. was found to be at fault in a matter that occasioned the collision. It was also found that the M.A. had contravened the regulations for preventing collisions in Canadian waters; but that such contravention did not contribute to the accident. In an action against the W. by the widow and universal legatee of the owner of the M.A.:

*Held*, 1. The W. was alone to blame and that the plaintiff was entitled to recover.

2. Where a collision occurs on the high seas, and the provisions of sec. 419 of The Merchant Shipping Act 1894, and the Imperial Regulations for Preventing Collisions at Sea are in force, the obligation is imposed on a