

Audette, J.]

THE KING v. CRUMB.

[Feb. 17.]

*Public land—Lease—Information to cancel—Improvidence—Knowledge of Crown officials of litigation respecting property in question.*

In proceedings on behalf of the Crown to annul and cancel a certain lease of ordnance and admiralty lands, it appeared that, although there was information on their files respecting litigation at one time pending in the civil courts between the defendant's predecessor in title and other parties with respect to the property demised, the officials of the Department of the Interior issued the lease in question. It appeared, however, that at the time the lease was issued the department was not aware of a judgment in one of the civil courts which decided adversely to the rights of the defendant's predecessor in title.

*Held*, 1. That under all the circumstances, the lease was issued through inadvertence and improvidently and that the same should be cancelled.

2. The officers of the Crown should have satisfied themselves before issuing the lease that the litigation, of which there was knowledge in the department, had first been disposed of in favour of the applicant.

*Swayze*, for plaintiff. *Gorman*, for defendant.

Audette, J.]

THE KING v. FALARDEAU

[March 10.]

*Expropriation—Water lots—Prospective value—Remoteness at date of expropriation.*

The Crown had expropriated for the purposes of the National Transcontinental Railway a discarded lumber cove near the city of Quebec, with all the buildings and wharves erected thereon. In the days of wooden ships, and when the lumber trade was flourishing at its best in Quebec, the property in question was worth a great deal. After that time the property had very much depreciated in value, but the defendants relied upon the prospective capabilities of the property for docking purposes when steamers in the St. Lawrence trade became too large to proceed up the river to the port of Montreal.

*Held*, that such a rise of the property was too contingent and remote at the date of expropriation to be regarded as an element in the market value of the property.

*Flynn*, K.C., and *Chapleau*, for plaintiff. *Baillargeon*, for defendants.