

appeal from the judgment of the Court of Appeal for Ontario reducing the amount awarded by arbitrators for land expropriated for the purpose of a railway. The land expropriated included a bed of shale, and if the owners were entitled to compensation therefor it was agreed the award was to be for \$230,820, and if not then only for \$119,831. The Judicial Committee of the Privy Council (Lord Haldane, L.C., and Lords Loreburn, Moulton, and Sumner, and Sir Geo. Farewell) point out that the provisions of the Canadian Railway Act differ from those of the English Railway Clauses Consolidation Act (1845) in that under the Canadian Act a company acquiring the surface has a right to support from minerals under and adjacent to the land expropriated, whereas under the English Act the expropriators do not acquire a right to support unless such right is expressly bought and paid for. Their Lordships therefore dissented from the judgment of the Court of Appeal, and held that the owner was entitled to the larger sum.

COMPENSATION—GRANT OF LAND TO SOCIETY SUBJECT TO A CONDITION FOR RESUMPTION—LIMITATION OF RIGHT TO CONVEY—RESUMPTION—VALUE OF LAND.

Corrie v. MacDermott (1914) A.C. 1056. This was an appeal from the judgment of the High Court of Australia given on an appeal from an award in the following circumstances. The Crown had granted to trustees for the Acclimatization Society of Queensland certain land, to be used only for the purposes of the society, but with power to sell the land only to the local authority for a park or to a certain agricultural association the proceeds to be invested and the income used for the purposes of the society. The grant also provided that the Government might resume possession, "paying the value of the land." The Government exercised this right, and the question was on what basis the value of the land was to be ascertained. The Australian Court held that the trustees were entitled to be paid the full value of the land without regard to the restrictions on the trustees' rights in the land, but the Judicial Committee of the Privy Council (Lords Dunedin, Atkinson, and Sumner, and Sir Joshua Williams) dissented from this view, and held that the value must be ascertained having regard to the restricted rights on which the trustees held the land.