

REPORTS AND NOTES OF CASES.

Dominion of Canada.

SUPREME COURT.

Ex. C.]

McARTHUR v. THE KING.

[April 27.

Public works—Lands injuriously affected—Closing highway—Inconvenient substitute.

The owner of land is not entitled to compensation where by construction of a public work he is deprived of a mode of reaching an adjoining district and obliged to use a substituted route which is less convenient.

The fact that the substituted route subjects the owner at times to delay does not give him a claim to be compensated as it arises from the subsequent use of the work and not its construction and is an inconvenience to the public generally.

The general depreciation of property because of the vicinage of a public work does not give rise to a claim by any particular owner.

Where there is a remedy by indictment mere inconvenience to an individual or loss of trade or business is not the subject of compensation.

Judgment of the Exchequer Court, 8 Ex. C.R. 245; 39 C.L.J., 445, reversed. Appeal allowed with costs.

Chrysler, K.C., for appellant. Maclellan, K.C., and Maclellan, for respondent.

Ont.] MIDLAND NAVIGATION CO. v. DOMINION ELEVATOR CO. [April 27.

Shipping—Time limit for loading—Loading at port—Custom—Obligation of charterer.

A ship, by the terms of the charter, was to load grain at Fort William before noon, Dec. 5.

Held, affirming the judgment of the Court of Appeal (6 O.L.R. 432, 39 C.L.J., 782), GIROUARD and NESBITT, JJ., dissenting, that to load at Fort William meant to load at the elevator there; that the obligation of the shipowner was to have the vessel placed under the elevator in time to be loaded before the expiration of the time limit; and where, finding several vessels ahead of him, the captain saw that he could not be loaded by the time fixed and left to save insurance, the obligation was not fulfilled and the owner could not recover damages. Appeal dismissed with costs.

Borden, K.C., and Hodgins, K.C., for appellants. Aylesworth, K.C., and Moir, for respondents.