

# The Ontario Weekly Notes

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## APPELLATE DIVISION.

NOVEMBER 16TH, 1915.

\*RE HANNAH AND CAMPBELLFORD LAKE ONTARIO  
AND WESTERN R.W. CO.

*Railway—Expropriation of Land—Compensation — Method of  
Estimating—Award—Value after Expropriation—Offer to  
Reconvey Part of Land—Increase in Commercial Value—  
Disregard by Arbitrators—Appeal from Award—Costs.*

Appeal by the railway company from an award of three arbitrators.

The company took and paid for land of Robert Hannah upon which to build their railway. They also took from him land for a gravel-pit; after taking away a quantity of gravel, they found it was not suitable, and offered and continued to offer a reconveyance of the land thus taken; but Hannah refused and continued to refuse to accept it.

On an arbitration as to the damages to be awarded for severance, etc., the arbitrators found \$10,500—not taking into consideration the offer to reconvey.

The majority of the arbitrators stated that, in arriving at the sum to be allowed to Hannah for compensation, they endeavoured to ascertain the difference in value to the claimant between the farm as it existed as one body of land before the taking of part and the farm as it was left after such taking and the work done upon it by the company.

The appeal was heard by FALCONBRIDGE, C.J.K.B., RIDDELL, LATCHFORD, and KELLY, JJ.

W. N. Tilley, K.C., and J. D. Spence, for the railway company, appellants.

M. K. Cowan, K.C., and J. E. Madden, for the claimant, respondent.

\*This case and all others so marked to be reported in the Ontario Law Reports.