

[E.C.] 1886

HUBERT *v.* THE QUEEN.

Jan. 21. *Award of Official Arbitrators—Inclusive of past and future damages—Appeal*  
—42 Vic., c. 8.

[S.C.] 1887

Mar. 1.

On a reference being made to the Official Arbitrators of certain claims made by one H. against the Government for damages arising out of the enlargement of the Lachine Canal to land situated on said canal, the Arbitrators awarded H. \$9,216 in full and final settlement of all claims. On an appeal taken to the Exchequer Court by H. (Taschereau, J. presiding) this amount was increased to \$15,990, including \$5,600 for damages caused to the land from 1877 to 1884 by leakage from the canal since its enlargement, and the judge reserved the right to H. to claim for future damages from that date. On appeal to the Supreme Court of Canada,—*Held*, reversing the judgment of the Exchequer Court and confirming the award of the Arbitrators, that it must be taken that the Arbitrators dealt with every item of H.'s claim submitted to them, and included in their award all past, present and future damages, and that the evidence did not justify any increase of the amount awarded.

Gwynne, J. was of opinion that under 42 Vic. c. 8, s. 38, the Supreme Court had power (although the Crown did not appeal to the Exchequer Court) to review the award of the Arbitrators, and that in this case \$1,000 would be an ample compensation for any injury that the claimant's land can be said to have sustained, which, upon the evidence can be attributed to the work of the enlargement of the canal. See Can. S. C. R., vol. XIV., p. 737 (Appendix).