CANADA / JUDGMENT

Archibald v. The Queen

(1894) 23 SCR 147

COURT
Supreme Court of Canada

DECIDED
13 March 1894

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Archibald v. The Queen Collection Supreme Court Judgments Date 1894-03-13 Report

(1894) 23 SCR 147 Judges Taschereau, Henri-Elzéar; Sedgewick, Robert; King, George Edwin; Gwynne, John Wellington On appeal from Federal Court of Appeal Subjects Torts Decision Content Supreme Court of Canada Archibald v. The Queen (1894) 23 SCR 147 Date: 1894-03-13 Archibald v. The Queen 1893: Dec. 2; 1894: Mar. 13. Present:—Sir Henry Strong C.J., and Founder, Taschereau, Gwynne and King JJ. Crown—Construction of public work—Interference with public rights— Injury to private owner. Appeal from a decision of the Exchequer Court[1], refusing compensation to the suppliant for injury to his property by the construction of a public work. The suppliant owns a saw-mill in Cape Breton, and claims that he was prevented from rafting his lumber to a shipping point as formerly by the construction of a bridge across a pond some distance from the mill, in connection with the building of the Cape Breton Railway. The Exchequer Court held that the right alleged to be interfered with was a right common to the public, and that an individual affected by the interference was not entitled to compensation. The Supreme Court dismissed with costs an appeal from this decision. Appeal dismissed with costs. Code for appellant. Borden Q.C. for respondent.

[1] 3 Ex.C. R. 251.

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