

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Appeal of Mar-
shall v. the Isle of Man Harbour Commis-
sioners, from the Court of Chancery in the
Isle of Man, delivered on Saturday, 14th
June 1873.*

Present :

SIR JAMES W. COLVILLE.
LORD JUSTICE JAMES.
SIR BARNES PEACOCK.
LORD JUSTICE MELLISH.
SIR MONTAGUE E. SMITH.
SIR ROBERT P. COLLIER.

IN the proceedings which form the subject of this appeal the Court of Chancery of the Isle of Man would certainly not have granted a new trial, but for the supposed application of the ruling of the Exchequer Chamber on the Duke of Buccleuch's claim. It appears to their Lordships at least doubtful whether that ruling would apply to this case; but if it would, the ruling itself has since been over-ruled by the House of Lords. In this suit compensation was claimed and compensation has been given for injury done to property, part of which was taken away from the Complainant by the works of the Harbour Commissioners; their Lordships are of opinion that the Appellant was clearly entitled to such compensation, and the amount awarded by the verdict in itself appears to their Lordships to be just and reasonable. Their Lordships will, therefore, humbly report to Her Majesty that the orders of the Court of Chancery for the Isle of Man granting a new trial of the issue in dispute should be discharged, with costs; and their Lordships direct that the Appellant should also have his costs of this appeal.

