

to the detriment of his neighbour, even if the exercise of such right be under the authority of an act of Parliament. Applying that principle, the Court of Appeal came to the conclusion that the arbitrators were justified in taking into consideration the injurious effect upon the present occupation of the property, resulting from the noise and vibration caused by the train service in such close proximity to the church. The original award has therefore been maintained. It is difficult to see how the proprietor would receive the full compensation to which he is entitled unless the whole damage were included in the award. If, however, this overhead passage had not been required by the company the damage to the church would have been nearly the same. Would the court be equally ready to maintain an action for damages resulting from operation of the road, brought by a person in the immediate vicinity, but whose property has not been actually touched by the railway line?

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Another decision of importance is that delivered by the Court of Appeal at Montreal, Sept. 27, 1893, in *Forget & Ostigny*. The question was whether a broker could recover a balance due by a customer, on transactions in stocks upon margin, and without any intention to make a real purchase of the stocks. The question was very fully examined both by the Chief Justice and by Mr. Justice Hall who delivered an elaborate dissentient opinion. The result is that by four to one the right of action of the broker is denied. In *McDougall & Demers*, M. L. R., 2 Q. B. 170, the Court of Appeal stood three to two, Justices Monk and Ramsay being the dissentient judges. The circumstances of the two cases are not quite similar, but the view taken by the majority in each case is nearly the same. The present case, it is expected, will be carried to the Privy Council, and the Chief Justice, it may be observed, expressed the hope that it would be taken to the highest