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CURRENT TOPICS AND CASES.

The principal question decided by our Court of Appeal in *Wood & Atlantic & N. W. Ry. Co.* (Montreal, April 26, 1893) is one of great importance, and it is well perhaps that the case should be taken to a higher court, as we believe is about to be done. The Court of Appeal holds that where land is expropriated for railway purposes, the company is bound to compensate the proprietor not only for the land actually taken, but also for the direct damage to the rest of his land and property, resulting from the construction of the railway or from the future operation of the road. In the case in question, a church was rendered all but useless by the construction and proximity of the railway. The company merely desired to expropriate an overhead passage over a lane. This however, was held sufficient to bring them under the Railway Act, Mr. Justice Hall remarking, "The court is agreed in thinking that the expropriation of an overhead passage gives the right to the enforcement of all the statutory rights which would follow from expropriation of subterranean or surface rights." The actual damage by construction and the value of the land taken were in this case comparatively insignificant, the court below awarding merely \$1,367, instead of \$16,308, the damages assessed by the arbitrator's award. The great question was whether damage from the future operation of the road could be considered. The general principle is that no one can use his own property