

RECENT ENGLISH DECISIONS.

of the daily journals. The suggestion that a body of gentlemen must necessarily have been biassed by political considerations in whatever they have done or not done as Benchers of the Law Society, is too puerile and ridiculous to be taken seriously. It is a joke, and a very bad one. It will, we venture to say, find little favour at Osgoode Hall, where those who in political matters are inclined to Conservatism will be disposed to say, Save us from our friends! For ourselves, as a legal journal, we have no more to do with politics than the Man in the Moon or the Benchers of the Law Society.

ANOTHER case of petty pilfering at Osgoode Hall has recently come to our notice. It appears that a few days ago a member of the profession left a neck-tie and scarf pin of some little value on the mantel-piece in the inner barristers' room in the Chancery wing, upon going into Court, and on his return found that, though the mantel-piece was still there, the neck-tie and pin were not. Even the halls of justice are not sacred to the sneak-thief, and until some of the more militant members of our body consent to practise sentry duty at the entrance to the various barristers' rooms, it is hard to say how such incidents can be prevented. No doubt a few full privates of the Queen's Own or Tenth Royals posted, with all their armour on, in different parts of the buildings might prove a remedy, but it is the only one we can suggest. Meanwhile, those who will play the confidence game for their own amusement must take the consequences.

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Proceeding with L. R. 7 App., at p. 259 is a very important case on the meaning of "injuriously affected" as applied to lands in Acts relating to railways, viz., *Caledonian Ry. Co. v. Walker's Trustees*.

RAILWAYS—"INJURIOUSLY AFFECTED"—R. S. O. C. 165, E. 7.

The words "injuriously affected" are found in this connection in our R. S. O. c. 165, s. 7. The grounds on which the plaintiffs claimed to be "injuriously affected" in *Caledonian Ry. v. Walker* were, that the railway was constructed in such a way as to run directly across two streets, one on the north and one on the south of the property on which their cotton-mill stood, which had formerly been the special and only means of access therefrom to the principal thoroughfare of the district, and had thereby rendered it necessary that all carts, carriages and passengers going to or from the plaintiff's works should go by a longer detour, along certain new streets on which, moreover, the gradients were considerably steeper than those of the former streets thus obstructed. The House of Lords held that, under these circumstances, the property of the plaintiffs was "injuriously affected" within the meaning of the Railway Act. For the defendants, it was contended, that compensation was excluded by *Caledonian Ry. Co. v. Ogilvy*, 2 Macq. 229, and *Ricket v. Metropolitan Ry.*, L. R. 2 H. L. 175; while the plaintiffs relied on *Metropolitan Board of Works v. McCarthy*, L. R. 7 H. L. 243. These three cases, with others, are therefore discussed at length in the opinions of their lordships. Lord Selborne says of them:—"All the three decisions appear to me to be capable of being explained and justified upon consistent principles; the propositions which I regard as having been established by them, and by another judgment of our lordships in the the case of *Hammersmith Ry. Co. v. Brand*, L. R. 4 H. L. 171, being these:—i. When a right of action which would have existed if the work, in respect of which compensation is claimed, had not been authorized by Parliament, would have been merely personal, without reference to land or its incidents, compensation is not due under the Act; established by *Ogilvy's* case, 2 Macq. 229. ii. When damage arises, not out of the execution but only out of the subsequent use of the