

to the applicant her share of the estate of James Keating, late of the township of Enniskillen, deceased, the corporation being the executors and trustees under the will of the deceased. The applicant was 22 years of age, and under the residuary clause of the will she was not entitled to her share until she arrived at the age of 25.

A. R. Clute, for the applicant.

J. B. Holden, for the corporation.

MEREDITH, J.—This is not the proper method of enforcing a claim. But it may be proper for the executors to obtain in this manner the advice or opinion of the Court, by motion in Chambers. Dealt with in that way, all that can be said is, that, if the applicant is entitled absolutely to the specific sum of money in question in any event, and is of age and otherwise competent to give a release of her right, the executors may pay over to her the money, notwithstanding that she has not attained the age of 25 years. Nothing more definite can be said without considering the whole will, which was not before me. Probably nothing more definite is desired; but, if so, it must be sought in the usual and regular manner.

MACMAHON, J.

TRIAL.

JANUARY 22ND, 1903.

# LONDON STREET R. W. CO. v. CITY OF LONDON.

*Street Railways—Extension of Lines—Municipal By-laws—Changes in Lines—Validity—Mandatory Order—Injunction—Meeting of Council—Resignation of Member—Sufficiency of Resolution Accepting—Filling Vacancy under Statute.*

Action tried without a jury at London. Action to have it declared that by-laws 2099, 2100, and 2101, passed by the council of defendants on the 21st July, 1902, are invalid, and for an injunction restraining defendants from enforcing any of such by-laws; also for a mandamus to compel the mayor of the defendants to sign and execute by-law 2083 passed on the 23rd June, 1902. This by-law was passed in accordance with a resolution of the council of the 29th April, 1902, authorizing the plaintiffs to extend their tracks on certain streets in the city. The plaintiffs did work on the strength of this by-law and resolution. By the subsequent by-laws the routes were changed and obligations imposed upon plaintiffs.

I. F. Hellmuth, K.C., and C. H. Ivey, London, for plaintiffs.

T. G. Meredith, K.C., for defendants.