

plots in a reasonable way for the purposes for which they were procured: *Ashby v. Harris*, L. R. 3 C. P. 523.

This reduces the matter of this appeal to the question whether what is proposed to be done interferes unreasonably with the right of the persons owning or entitled to the plots in question. And upon the evidence, and having regard to the size of the churchyard, the situation of the church building, and the position and means of access to other plots, there is no good reason for interfering with the finding of the trial Judge. The action of the congregation was taken in good faith, under the belief, reasonably entertained, that the circumstances of the union and the necessity for extension and enlargement of the church building called for the performance of the work which had been decided upon after full consideration. And there is really no fair ground for apprehension that the plaintiffs will be deprived of such reasonable means of access to and from the plots as they are entitled to.

The appeal must be dismissed.

MACLAREN and MEREDITH, JJ.A., each gave reasons in writing for the same conclusion.

OSLER and GARROW, JJ.A., also concurred.

JUNE 28TH, 1907.

C.A.

FRAWLEY v. HAMILTON STEAMBOAT CO.

*Master and Servant—Injury to Deck-hand on Lake Steamer—
Seaman—Negligence of Mate—Findings of Jury—Work-
men's Compensation Act.*

Appeal by defendants from judgment of CLUTE, J., after trial with a jury, awarding plaintiff \$1,300 damages, upon the jury's answers to questions submitted to them.

The appeal was heard by MOSS, C.J.O., OSLER, GARROW, MEREDITH, JJ.A.

J. E. Jones, for defendants.

A. M. Lewis, Hamilton, for plaintiff.