

the city corporation the right to divest the gas company of its property in these pipes or give the corporation a right to injure or otherwise interfere with them.

The company's right to have the pipes where they are has not become forfeited, lessened, or otherwise affected. The pipes are still the property of the gas company, placed as of right where they are, and have been injuriously affected by the action of the corporation; and the gas company is entitled to damages.

If the corporation desires to question the right of the company to conduct gas through its pipes for purposes other than gas lighting, it should do so by direct action; and this decision should not affect the rights of either party in such an action.

*Appeal dismissed with costs.*

MACLAREN, J.A., in CHAMBERS.

JULY 10TH, 1920.

RE HODGINS.

*Appeal—Motion for Extension of Time for Appealing from Order of Judge in Court—Delay—Intention to Appeal—Dismissal of Motion—Proceeding to Enforce Claim for Dower not to be Prejudiced—Costs.*

Motion by the former wife of the testator to extend the time for appealing from the order of MIDDLETON, J., of the 15th May, 1920, ante 231, declaring that she was not entitled to dower out of the lands of the testator.

G. T. Walsh, for the applicant.

George Bell, K.C., for the executors.

A. N. Morine, for the purchasers of the lands.

MACLAREN, J.A., in a written judgment, said that no notice of appeal was given, nor was there any evidence that the applicant had any intention of appealing until notice was given a few days ago, and no sufficient reason was shewn for the delay.

The motion should be dismissed, but without prejudice to any proceeding which may be taken by the applicant to enforce any claim she may have; no costs.