

having attained the age of 70 years, he was entitled to recover, without the production or surrender of his certificate; that defendants had waived their right to have proofs of age furnished by plaintiff, and the condition requiring him to sign the certificate; that the plaintiff accepted a cheque for a small sum only on account of the \$1,000; that he was not compelled to appeal to the domestic forum of the defendants; and that alterations or amendments in their constitution and by-laws since the certificate could not have the effect of reducing the amount to which plaintiff was entitled, which was \$243, with interest from the 8th October, 1900, without prejudice to defendants' right to recover any sums which since action have become, or may hereafter become due to them in respect of the certificate.

G. H. Watson, K.C., and Z. Gallagher, for the appellants, defendants.

S. F. Washington, K.C., for the plaintiff.

THE COURT (ARMOUR, C.J.O., OSLER, MACLENNAN, MOSS, JJ.A.) dismissed the appeal with costs, and affirmed the judgment, except as to the amount recovered, which was reduced to \$108, with interest from 8th October, 1900, less \$27 received on account.

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JUNE 28TH, 1902.

C. A.

HOPKIN v. HAMILTON ELECTRIC LIGHT AND  
CATARACT POWER CO.

*Company—Electric Light Company—Nuisance—Vibration Caused by  
Company's Machinery—Adjoining Property—Injunction—Damages  
—R. S. O. 1897 ch. 200; ch. 207, secs. 9, 10, 13-20,*

Appeal by defendants from judgment of STREET, J. (2 O. L. R. 240), in favour of plaintiff in action to restrain defendants from continuing a nuisance, and for damages.

G. Lynch-Staunton, K.C., and W. W. Osborne, Hamilton, for appellants.

D'Arcy Tate, Hamilton, for plaintiff.

THE COURT (ARMOUR, C.J.O., OSLER, MACLENNAN, MOSS, JJ.A.) dismissed the appeal with costs, agreeing with the reasons of STREET, J.