

them, I have gone carefully over the costs, and I tax them in the McAlpine case at \$1,007.37, and in the Parks case at \$358.77, and I make an order for payment, as asked by the land-owners.

Crothers & Price, St. Thomas, solicitors for the land-owners.

J. H. Coburn, Walkerville, solicitor for the company.

JUNE 28TH, 1902.

C. A.

TOWNSHIP OF GLOUCESTER v. CANADA ATLANTIC
R. W. CO.

Way—Road Allowance—Obstruction—Railways—Fences—Municipal Corporation—By-law—Railway Act of Canada—Railway Committee of Privy Council—Injunction—Removal of Obstruction—Jurisdiction.

Appeal by defendants from judgment of LOUNT, J. (3 O. L. R. 85) upon a stated case as to the right of the plaintiffs to open an original road allowance, across which the defendants' railway runs.

F. H. Chrysler, K.C., for defendants.

G. F. Henderson, Ottawa, for plaintiffs.

THE COURT (OSLER, MACLENNAN, MOSS, GARROW, J.J.A.) dismissed the appeal with costs, agreeing with the reasons given by LOUNT, J.

JUNE 28TH, 1902.

C. A.

DOIDGE v. DOMINION COUNCIL OF THE ROYAL
TEMPLARS OF TEMPERANCE.

Insurance—Benevolent Society—Disability Benefit Certificate—Proof of Age of Beneficiary—Waiver by Society—Surrender of Certificate—Domestic Forum—Right to Ignore—Amendment of Constitution and By-laws.

Appeal by defendants from judgment of MACMAHON, J., in favour of plaintiff for \$243, in action to recover \$1,000 on a disability benefit certificate, issued to plaintiff by defendants in 1896, in substitution for one issued when he became a member in 1884. The plaintiff alleged that he became 70 years of age on the 9th September, 1900, and that, under the terms of the certificate, he, on that date, was entitled to be paid \$1,000. The trial Judge found that the plaintiff was not compelled to wait until the year 1914, but that,