ous applications made to the Railway Committee and to the Board of Railway Commissioners in conection with these orders. The fact that defendants adopted or acquiesced in these orders by making payments for several years, does not expressly appear in the signed admissions, but it was alleged by counsel during argument, and not denied, that defendants had paid all the sums claimed by plaintiffs as payable by them from the date of the orders down to 31st December, 1901. In 1904 the township of York (that municipality being a party to the orders of 8th January, 1891, and 16th December, 1893), made an application to the Board of Railway Commissioners to rescind or vary the foregoing order; all parties concerned appeared, and the matter was argued at great length. This application was, on 16th May, 1906, dismissed, and the order dismissing that application was made a rule of the High Court on 19th May, 1906.

I am of opinion that defendants are concluded by authority upon all the points raised by them as reasons why they should not continue paying under these orders—indeed it was arranged at the hearing that I should delay judgment until the defendants had an opportunity to move in the Privy Council for leave to appeal from the judgment of the Supreme Court in the Grand Trunk case, which motion I am advised was made, but without success. Holding the opinion that the questions in issue have all been resolved against defendants, no good would be accomplished by an expression of my view upon these issues.

The cases governing are: Terrault v. Grand Trunk R. W. Co., 36 S. C. R. 671; Re Canadian Pacific R. W. Co. and County of York, 27 O. R. 559, 25 A. R. 65; Grand Trunk R. W. Co. v. City of Toronto, 4 O. W. R. 450, 6 O. W. R. 27; Canadian Pacific R. W. Co. v. Grand Trunk R. W. Co., 7 O. W. R. 814.

There must be judgment in favour of plaintiffs for $4,677.11, together with interest from the date at which the various amounts were due and payable by defendants, with costs of suit.