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BOYD, C.

OCTOBER 29TH, 1906.

TRIAL.

McGREGOR v. VILLAGE OF WATFORD.

*Highway—Dedication — Plan — Registration — Lots Sold
Fronting on Highway as Laid out—Incorporation of Vil-
lage—Costs.*

Action against the corporation of the village of Watford and two men named Kelly, for a declaration that a certain parcel of land was not part of a highway, but was the property of plaintiff, and for an injunction and damages in respect of trespass thereon.

BOYD, C.:—Having referred to cases cited, I retain the opinion expressed at the trial, that the road in question was a public highway subject to the jurisdiction of the municipality, and the judgment provisionally announced should be made absolute.

The locus in quo was marked as a street on a registered plan made and filed, no doubt, while yet the locality was part of the township, but yet practically contemporaneous with its being set apart as an incorporated village. The plan filed on 3rd June, 1873, was, no doubt, in actual anticipation of the incorporation of the village, which was consummated on 25th June, 1873. The first sale of lots made in recognition and affirmance of the plan by the owner was in 1876. Subsequent legislation, which was retroactive, declared that allowances for roads which have been or may