The other ground is that the council had no right as against a purchaser under the registered plan, which shewed this street to have a width of 80 feet, to pass a by-law reducing its width to 66 feet.

This proposition, if sound, would prevent a municipal council from closing or altering any street upon which lots have been sold, except with the assent of the owners, and it cannot, in my opinion, be supported.

The decision in In re Peck and Town of Galt, 46 U. C. R. 211, was based upon the acceptance by the municipal corporation of a dedication of land by an individual as a public square, which it was held made them trustees to preserve it for that purpose, and a by-law for closing and selling it was quashed upon the ground that it was a breach of their trust. That decision, in my opinion, has no application here.

In my opinion, the appeal should be dismissed with costs.

ANGLIN, J., gave reasons in writing for the same conclusion.

FALCONBRIDGE, C.J., concurred.

MAGEE, J.   MARCH 22ND, 1905.

WEEKLY COURT.

ROGERS v. LAVIN.

Injunction — Interim Order — Chattel Mortgage — Sale of Goods—Misrepresentations—Breach of Warranty.

Motion by plaintiff for an interim injunction restraining defendants from proceeding under a chattel mortgage and from depriving plaintiff of the possession of a Clydesdale stallion purchased by plaintiff from defendants.

G. H. Kilmer, for plaintiff.

H. E. Rose, for defendants.

MAGEE, J.:—Plaintiff makes out a strong case of misrepresentation and breach of warranty as to the stallion upon which the mortgage in question was given. Defendants do not attempt to meet his statements. Plaintiff does not repudiate the purchase, and in fact now seeks to prevent his being deprived of the animal as to which he claims to have been deceived. His claim, whether to have the price reduced or to have damages awarded to him, is yet an unliquidated one. Defendants are not plaintiffs coming to the Court for relief, but are about to realize upon their security without the aid of the Court, and their right to do so should not be