travelled, and conspicuous highway—visible to everybody. The plaintiff knew of it, saw it, inquired about it, and knew that the defendants claimed it, before he bought. He saw the boundary-fence, and must be taken to have known that what he bought outside that line of posts was not land, but a lawsuit with its precarious results. I cannot give judgment for the plaintiff upon the ground of estoppel. It was not shewn that the plaintiff as a matter of fact knew about this plan at all; but, as it is filed, he has perhaps a right to say that he had legal notice of it. Take it in this way, and what had he the right to conclude? That the street, not being shewn upon the plan, was surrendered or closed? I don't think so. Sudbury registrations are under the Land Titles Act. Under sec. 26 of the Act in force at the filing of this plan, R.S.O. 1897 ch. 138, and under sec. 24 of the present Act, all registered lands, without any notice thereof upon the registry, are to be taken to be subject to "any public highway, any right of way, watercourse, and right of water and other easements," subsisting in reference thereto. And in 1906, under R.S.O. 1897 ch. 138, sec. 109, it was not necessary, as it is now under the Land Titles Act of 1911, sec. 105, that the plan should shew "all roads, streets . . . or other marked topographical features within the limits of the land so subdivided." In fact, as a matter of law, at that time and under that Act, subject to one exception only, the land-owner, without consulting the council, could file any plan he liked. The exception is to be found in sec. 110 of R.S.O. 1897 ch. 138, and sec. 630 of the Municipal Act, which prevent the establishment of a street or highway of less than 66 feet in width without the consent of the council "by a three-fourths vote of the members thereof." The council, therefore, only spoke as to the width of Murray street, and consented to its being only 50 feet. They had jurisdiction to sign for that purpose, and only for that purpose; and that is what they did approve of in fact, as shewn by the reference to "three-fourths" of the members in the certificate itself. Anything beyond this would be ultra vires. The result is obvious. The plaintiff had a right to infer the council's approval of the narrow street; and, buying upon the faith of this, he has the right to rely upon this road as a highway and outlet. Estoppel should aid him to this extent, and no further.

Is there any other way of putting it for the plaintiff? I think not, but there is a stronger way of putting it for the defendants, and this because there are statutory methods provided by which alone highways can cease to be highways. This