Hon. Sir Glenholme Falconbridge, C.J.K.B.:—The Master in Chambers has taken the correct view. The United Cobalt Exploration Company were added as party plaintiffs by the Divisional Court and the only question before the Master was as to the extension of time.

The attention of the Judge at the trial is pointedly and properly drawn to the question of interest.

Appeal dismissed with costs to plaintiffs in any event.

Hon. Mr. Justice Middleton.   March 22nd, 1913.

PEAKE v. MITCHELL.

MITCHELL v. PEAKE.

4 O. W. N. 988.

Way—Public Street—Alleged Encroachment Thereon—Street Laid Out on Unregistered Plan—Innocent Purchaser—Registry Act— Streets Excepted from Conveyance — Estoppel — Locus Standi —Costs.

Middleton, J., *held*, that a person who purchases lands without knowledge of streets laid out thereon by a registered plan is entitled to the protection of the Registry Act, but where his conveyance excepts certain streets shewn upon a registered plan he is estopped from claiming that the plan laying out such streets is invalid as encroaching upon a previously registered town plan.

The first action was brought by Margaret Peake, the owner of lot 162 on plan 73A., for a declaration with respect to her rights upon Victoria Terrace, and with respect to certain other streets shewn upon the said plan, and for a mandatory order directing the removal of certain fences, and for an injunction.

The second action was brought by the defendant in the first action against L. C. Peake, husband of Margaret Peake, for damages for trespassing upon the lands claimed by the plaintiff as his own, and for an injunction. The actions were tried at Toronto on the 13th March.

John A. Paterson, K.C., for the plaintiff in the first action and the defendant in the second.

E. D. Armour, K.C., and C. P. Smith, for the defendant in the first action and the plaintiff in the second.

Hon. Mr. Justice Middleton:—The Niagara Assembly was incorporated for the purpose of acquiring certain property on the shores of Lake Ontario near the mouth of the