

This conclusion is strengthened very much by the recognition contained in the conveyances obtained by defendants themselves for their line.

The authorities on the subject of dedication all agree that it is a question of intention: see *Glen on Highways*, p. 18 et seq.; *Pratt on Highways*, p. 14 et seq., and the cases there cited; and the notes to *Dovaston v. Payne*, 2 Sm. L. C., 11th ed., p. 170 et seq. In *Poole v. Huskison*, 11 M. & W. at p. 830, Parke, B., says: "In order to constitute a valid dedication to the public of a highway by the owner of the soil, it is clearly settled that there must be an intention to dedicate—there must be an *animus dedicandi*, of which the user by the public is evidence and no more: and a single act of interruption by the owner is of much more weight." In *Woodyer v. Haddon*, 5 Taunt. 127, Chambre, J., says: "No particular time is necessary for evidence of a dedication; it is not like a grant presumed from length of time; if the act of dedication be unequivocal, it may take place immediately, for instance, if a man builds a double row of houses opening into an ancient street at each end making a street, and sells or lets the houses, that is instantly a highway."

Usually the intention has to be inferred from the acts of the owner and the public use. Here the act or evidence of dedication is unequivocal, it is by deed. From 1850, and probably for some time before, the street was opened and fenced, and used by the public.

Where the intention to dedicate is express, it was held in one case, *North London R. W. Co. v. St. Mary*, 27 L. T. 672, that 18 months' use by the public, after a declaration of intention, made a bridge a public highway. There by deed between a railway company and the *New River Co.*, it was agreed that the railway company should construct a bridge across the railway, by which the river company's water pipes should be carried over the line, which said new bridge "would be devoted to the use of the public." The deed also contained a covenant by the railway company at all times to retain the possession of the bridge and road over the same and the approaches thereto (subject to the user thereof as a road by the public), in their own power and under their own control. After a use of the bridge by the public for 18 months, the railway company closed it, except as to a foot-way. The Court of Queen's Bench, Cockburn, C.J., Blackburn and Miller, JJ., held this bridge to have become a highway. Cockburn, C.J., said: "The free passage of the