

market-house in the centre of that part, with the word "market" written above and the word "house" below it, representing, as I apprehend, the actual state of the ground at that time. These facts are obviously immaterial, and could have been done with no intent to affect the dedication.

1854.

Guelph
v.
Canada Co

Mr. *McDonald* says in his evidence that the lithographic maps were never used, in consequence of instructions to that effect received from Mr. *Jones*. This gentleman does not recollect the circumstance; but if, as is probable, it really occurred, it seems to have been owing to the fact of this map embracing some hypothetical addition to *Tiffany's* survey, which was not sanctioned and was abandoned. *Tiffany's* survey was, I think, never altered or interfered with.

Much reliance was placed on the fact, that the market-house was erected on the eastern portion of this ground, and that the western portion was not used as a market-square. On the other hand, several witnesses Judgment. concur in stating that Mr. *Galt* expected Guelph to become a large town, and considered that it would require a large market-square eventually, and that the western portion, although not used as a market-square, was always regarded as public property. It seems that the whole space was more than was sufficient for the then requirements of the town, and the erection of the market-house on the eastern part is referable to the fact of that part of the town being then more settled and inhabited. I do not think these circumstances argue any revocation on the part of the Company or abandonment on the part of the town.

The American cases which were cited throw much light on this branch of the law. There can be no doubt that if the owner of land lay out a town or village upon it, containing streets, squares, and other public places, and exhibit maps and plans of such