

PROHIBITION TO COUNTY JUDGE AMENDING REGISTERED  
PLAN—STATUS OF APPLICANT—ASSIGN—R.S.O.,  
CH. III, SEC. 84.

Chisholm and  
Town of  
Oakville.

*Held* (reversing the judgment of Proudfoot, J., 9 O.R., 274), that the status of C., as a person, or the assignee of a person, who registered a plan, was a question of law and fact combined for the county judge to determine upon C.'s application to him, under R.S.O., ch. III, sec. 84, to amend the plan, and that his decision was not examinable in prohibition.

*Semble*, a person not the owner of the property may register a plan, and although this would be at the time a futile proceeding, yet if he afterwards became the owner of the property and adopted the plan, he would be entitled under the Act to have it amended. In *re* Chisholm and the corporation of the town of Oakville, 12 A.R., 225. In *re* the Hon. G. W. Allan, 10 C.R., 110.

EVIDENCE—SURVEYOR'S FIELD NOTES—POSSESSION—ACTS  
OF OCCUPATION—STATUTE OF LIMITATIONS—R. S. O.,  
C. 108.

McGregor *vs.*  
Keiller *et al.*

To determine a disputed boundary line between two lots, the field notes of S., a land surveyor, were offered in evidence, but objected to on the ground that they were not made by S. in the execution of his duty as such surveyor:

*Held*, that the objection was good, and the evidence inadmissible. The plaintiff and M., his next adjoining neighbour, in 1868, employed a surveyor to run the line between his land and that of M. The line drawn ran through a wood. For more than ten years the plaintiff was in the habit of cutting timber up to the said line, and he and the owners of the adjoining land recognized it as the division line.

*Held*, that this was sufficient occupation by the plaintiff to give him a good title by possession up to the said line, whether it was the correct line or not.

*Harris v. Mudie*, 7 A.R., 414, distinguished. *McGregor v. Keiller et al.*, 9 O.R., 677.

SURVEYOR'S LIABILITY—PROVINCIAL LAND SURVEYOR—IM-  
PROPER SURVEY—LIABILITY FOR DAMAGE.

Tp. of Stafford  
*vs.* Bell.

A surveyor in making a survey is under no statutory obligation to perform the duty, but undertakes it as a matter of contract, and is liable only for damages caused by want of reasonable skill, or by gross negligence. The