

cipal 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 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 highway remains the property of the town until closed or disposed of under the provisions of the Municipal Act. The rights of persons interested to be heard and the requirements as to notice by posters and publication in a newspaper and provision for a substituted road, and compensation in some cases must all be accorded and strictly complied with before a highway can be legally stopped up, altered, diverted, sold, or disposed by the municipal council. Consolidated Municipal Act, 1903, ch. 19, secs. 629, 632. Cases collected in Biggar's Municipal Manual, pages 352-3. The council could not, therefore, by the casual and equivocal act referred to deprive the corporation and the public of this valuable and necessary highway for the benefit of a man buying with his eyes open. The council, however, have not been blameless and the municipality is therefore not entitled to costs.

There will be judgment dismissing the action without costs.