

prejudice the alleged right of R. C. Brandon to recover a half-share of the price of the land, and this is to be declared in the formal judgment. M. H. Ludwig, K.C., for the plaintiffs. Hamilton Cassels, K.C., and N. Phillips, for the defendant.

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REAUME V. CITY OF WINDSOR—MIDDLETON, J.—JAN. 7.

*Highway—Dedication—By-law of Municipality—Waiver of Conveyances—Evidence.*]—Action for a declaration of the plaintiffs' rights with regard to a certain street or alley in the city of Windsor, alleged by the defendants, the city corporation, to be a public highway, and for an injunction and other relief. The question was, whether what was called Medbury street, extending from Brock street westward to the Crawford House property, had been dedicated as a public highway. The plaintiffs were the owners of lands south of the street. There was formerly a defined road or alley immediately north of the American Hotel, extending easterly from the extension of Ouelette street. A by-law was passed by the Windsor council on the 18th May, 1884, which recited that Mrs. Medbury, the then owner of the lands to the south, desired to have this alley closed, and had offered to dedicate, in lieu thereof, the strip of land now called Medbury street, and provided for the closing of the old alley and acceptance of the new strip—the by-law to come into force immediately after the date of the conveyance of the strip by Mrs. Medbury to the corporation. Mrs. Medbury, however, never executed the conveyance, and the corporation never executed any conveyance of the old alleyway, but Mrs. Medbury took possession of the latter, and the strip called Medbury street had been used by the public since 1884. MIDDLETON, J., finds upon the evidence that there was a dedication of Medbury street to the public as a highway, and that the execution of the conveyances was waived both by Mrs. Medbury and the corporation. Action dismissed. Declaration that Medbury street, as described in the by-law, is a public highway. If the plaintiffs desire to have any question as to the title to the old alleyway cleared up, the defendants are to execute a proper conveyance of the land covered by it. The plaintiffs to pay the defendants' costs of the action. J. H. Rodd, for the plaintiffs. E. D. Armour, K.C., and F. D. Davis, for the defendants.