

The Ontario Weekly Notes

Vol. IV.

TORONTO, MAY 23, 1913.

No. 36

APPELLATE DIVISION.

MAY 13TH, 1913.

*RE ROYSTON PARK SUBDIVISION AND TOWN OF STEELTON.

Plan—Subdivision of Lands in Town—Approval of Town Council Refused—Application to District Court Judge for Approval—Jurisdiction—Registry Act, 10 Edw. VII. ch. 60, sec. 80—Construction—Prohibition.

Appeal by certain land-owners in the town of Steelton from an order of FALCONBRIDGE, C.J.K.B., in Chambers, made upon an application of the town corporation, prohibiting the Judge of the District Court of the District of Algoma from proceeding with the issue of an order pronounced by him, approving of a plan submitted by the appellants of a subdivision of their lands, under the provisions of the Registry Act, 10 Edw. VII. ch. 60, sec. 80.

The appeal was heard by MULOCK, C.J.Ex., CLUTE, RIDDELL, SUTHERLAND, and LEITCH, JJ.

A. R. Clute, for the appellants.

H. S. White, for the town corporation.

The judgment of the Court was delivered by RIDDELL, J.:—
The decision must depend upon the meaning to be attached to 10 Edw. VII. ch. 60, sec. 80 (18): "The registrar shall not register any plan upon which any street, road or lane is laid out unless there is registered therewith the approval of the

*To be reported in the Ontario Law Reports.