

There also appears upon the plan a certificate, in the form required by the Act, purporting to be signed by the owners of the land, setting forth that the lots and streets shewn on the plan within the limits of the lands owned by them are laid out according to their instructions, and that they desire the same to be registered. There is also a consent, purporting to be signed by certain mortgagees of portions of the lands, to the registration of the plan so far as it covers the land on which they hold mortgages.

A part of the land was owned by one Georgiana Bissonnette, the wife of the defendant. He was not the owner of any of the land, but the owner's certificate was signed by him as well as by his wife, probably in virtue of his marital right, if any. Another owner was Josephine Cantin. The owner's certificate was signed by her, and it appears that her husband, Narcisse M. Cantin, who was acting for her and some other owners, was the person by whom Baird was engaged and instructed. Cantin appears to have been actively concerned in the preparation of the plan and the procuring of the signatures of the owners and mortgagees, and was present in the registry office when the plan was presented for registration.

As it was prepared in the first place, the plan shewed another parcel of land subdivided into lots and streets lying to the north of the subdivided land now affected by it. But before registration it was discovered that a part owner or a mortgagee of some of the north parcel had not signed the certificate or consent to registration. Consequently that part was scored out of the plan. It appeared also that at the request of one Swartz, and with the assent of the owner and mortgagee of the block of land affected, a short street was marked on the plan as in the centre of a tier of lots lying between Bissonnette and Campbell avenues on the north and south respectively, and Lake or Vallee road and Picotte street on the east and west respectively. These changes were made in the presence of some of the owners and of Narcisse M. Cantin, by Baird, who was instructed and authorised by Cantin to attend to the registration. After these alterations, the plan was received and registered by the registrar of the county, and it has ever since been recognised as the duly registered instrument to which reference is to be made in granting, conveying, or otherwise dealing with the lots and streets shewn upon it. A number of lots have been sold and conveyed to the purchasers by reference to the plan in the registry office.

Among other streets laid out on the survey and delineated on the plan are two called respectively Bissonnette avenue and Ar-