

lane for the purpose of forming a connection with block X, across which it is apparently intended to extend Sparkhall avenue; and south of block X another triangle is laid out for the same purpose.

This document is not an original; and, save as to the signature of the city corporation, the different writings found upon it are copies only. The portions of the land covered by plan 60 E, above referred to, other than the lane, are coloured green; and Mr. Cook, who appears to have been the owner at that time, signs this memorandum: "I hereby dedicate for the purposes of a public highway the portions of this plan coloured green."

The triangular portion of land south of block X is coloured yellow, and is dedicated by Mr. Williams, its then owner, by a similar memorandum, "for the purpose of a public highway." Mr. E. A. Macdonald also signs a memorandum dedicating as a public highway block X.

Attached to this plan is the following memorandum: "In accordance with report No. 28 of the committee on works, adopted by the city council December 21st, 1891, the consent of the Corporation of the City of Toronto is hereby given to the registration of this plan, shewing Sparkhall avenue as having a width throughout of 59 feet; the limits of said avenue being indicated by the lines between the red letters A, B, C, D, E, F, G, H, I, J, K, L, and the said avenue is accepted as a public highway." This is signed by the mayor, treasurer, and city clerk, and the corporate seal is attached.

The boundaries so indicated include the whole of Sparkhall avenue as shewn upon plan M. 188, and the whole of the ten-foot strip to its north, and the two triangular parcels, and block X, necessary to unite this new section of the street with the portion shewn to the east on plan 685.

By the Surveys Act, now 1 Geo. V. ch. 42—subject to the provisions of the Registry Act as to the amendment or alteration of plans—allowances for road shall be public highways; but, by sub-sec. 6, as amended by 2 Geo. V. ch. 17, sec. 32, where the road "has not been established by by-laws of the municipal corporation, or otherwise assumed by it for public use," and is closed, the part closed does not vest in the municipality, but belongs to the owners of the land included in the plan abutting thereon.

The applicants desire to close the street, contending that, in the result, by virtue of this statute, the portion of Sparkhall avenue laid out upon plan M. 188 would belong to them.