

# The Ontario Weekly Notes

Vol. II. TORONTO, NOVEMBER 16, 1910. No. 8.

COURT OF APPEAL.

NOVEMBER 7TH, 1910.

TOWNSHIP OF HAY v. BISSONNETTE.

*Highway—Dedication — Municipal By-law Assuming Highway Dedicated by Owners—Surveys Act, sec. 39—Registration of Plan—Consent of Various Owners of Land Included in Plan—Deletion of Part before Registration—Conveyances by Reference to Plan—Objections to By-law—Absence of Motion to Quash.*

Appeal by the defendant from the order of a Divisional Court, 1 O. W. N. 287, dismissing an appeal from the judgment of CLUTE, J., 14 O. W. R. 279, in favour of the plaintiffs in an action for a declaration that certain streets laid down upon a plan were public highways.

The appeal was heard by MOSS, C.J.O., GARROW, MACLAREN, MEREDITH, and MAGEE, J.J.A.

W. Proudfoot, K.C., for the defendant.

M. G. Cameron, K.C., for the plaintiffs.

Moss, C.J.O.:— . . . . On the 6th April, 1900, an instrument expressed to be a plan of subdivision into town lots and streets of a portion of lot 9 and of lots 10 and 11 west of the Lake road, and of portions of lots 9, 10, and 11 east of the Lake road, in the township of Hay, the property of one Josephine Cantin and others, was registered in the registry office for the county of Huron. The land was surveyed and subdivided and the plan prepared by one Alexander Baird, whom the evidence shews and the learned trial Judge found to be an Ontario Land Surveyor; and a certificate, in the form required by the Registry Act, duly signed by him, appears upon the plan.