

of the members thereof being present, hereby resolve that we hereby approve of this plan." This bears the corporate seal and is signed by the mayor and clerk. Murray street, the only street shewn, is less than 66 feet wide. Upon this endorsement the plaintiff practically rests his case and the effect if it has to be determined in this action. Before dealing with this point, however, it will be necessary, or at all events, convenient to refer to other facts established by the evidence and to consider and determine whether or not, prior to the endorsement of this certificate, the roadway in question had become "a common and public highway."

I have come to the conclusion upon the evidence that both Robillard and his grantee clearly intended to dedicate the road in question as a public highway and recognized and treated it as a highway, by doing statute labour upon it and otherwise, for a number of years. It is true that the bridge and the first fence may have been built before the patent issued, as in *Beveridge v. Creelman*, 42 U. C. R. 29, and *Rae v. Trim*, 27 Grant 374; but here there was a continuous offer until it was accepted and acted upon by the township of McKim, as I shall refer to. Although not a complete dedication at the time, perhaps, the owner was bound by his acts both before and after the issue of the patent as held in the two cases above quoted. As a matter of fact, however, neither the patentee nor the adjoining owner did anything at any time except in recognition and furtherance of the dedication.

The bridge built by Robillard and young Dubreuel was carried away by a freshet. Xavier Pilon tells what happened then. This was probably about 1889. He bought 6 acres alongside of Agnes street extending westerly to or near the continuation of the road in question and he had no way to get out. He petitioned the council of McKim. The council advertised for tenders. He tendered, but Dennis Lavoie was below him and got the building of the bridge at \$175 and Lavoie and Dubreuel, junior, built it. Pilon says he was pathmaster that year and ploughed and scraped the road at both ends of the bridge and did road work right along south to Pembroke street, and that old man Dubreuel did his statute labour on the disputed road for years. Distinguishing between the road and the bridge Robillard says that the township took over the road definitely in 1891 and the minutes of council bear this out. On the 6th of May, 1891, they appointed a special committee to report as to