

officer of the defendant company at Sheffield. Then the company will have full information to give, as well as the protection of seeing that their case is not prejudiced by any default of the officer or any unwarranted admissions.

The motion will be dismissed; costs in the cause, as the point is new.

MIDDLETON, J.

JANUARY 21ST, 1913.

\*RE CITY OF TORONTO PLAN M. 188.

*Highway—Dedication—Acceptance—Consent under Seal of Municipal Corporation—Memorandum Attached to Plan—Registry Act—Land Titles Act.*

Application by the Toronto Housing Company, under the Registry Act, 10 Edw. VII. ch. 60, sec. 85, or the Land Titles Act, 1 Geo. V. ch. 28, sec. 110, whichever might be applicable, to amend plan M. 188 by closing Sparkhall avenue thereon, and opening, in lieu thereof, a new street some distance south of the present street, and by closing Bain avenue, and opening, in lieu thereof, a new street south of the present street—the effect of which would be to give to the owners an additional tier of lots north of Sparkhall avenue.

A. C. McMaster, for the applicants, contended that they had acquired title to all the lots shewn upon the plan; and that, as the city corporation did not make any objection, what the applicants sought ought to be granted.

A. C. Craig, for certain property-owners on Albermarle avenue.

Several other property-owners appeared in person.

MIDDLETON, J. (after stating the facts):—The instrument 19403, mentioned by the Master of Titles, . . . appears to be a copy of the same plan as that registered by the Master as M. 188 . . . The strip to the north is, however, shewn not as a ten-foot extension of Sparkhall avenue, but, as indicated on plan 60 E, as a nine-foot lane, and a one-foot reservation. This ten-foot strip is also continued across the southern portion of lot 65 (the southern lot facing on Logan avenue). An irregularly-shaped parcel is laid out on the north side of the

\*To be reported in the Ontario Law Reports.