

Mulock, C.J.Ex., Clute, Riddell,  
Sutherland, and Leitch, JJ.]

[May 13.

RE ROYSTON PARK and TOWN OF STEELTON.

*Registry Act—Subdivision of lands—Plan—Approval by Municipal Council or by County Judge—Jurisdiction.*

By 10 Edw. VII. c. 60, s. 80 (18) it is provided that "The registrar shall not register any plan upon which any street, road or lane is laid out unless there is registered therewith the approval of the proper municipal council or the order of the judge of the County or District Court . . . approving of such plan made upon notice to such council." The contention was as to the construction to be placed on this section in reference to the respective jurisdictions of municipal councils and county judges.

*Held*, 1. That although the word "or" was to have its ordinary alternative meaning and should not be read "and," there being two courses prescribed by the statute, either of them might be adopted by the owners of the land, and the fact of their having chosen one of the alternatives did not preclude a resort to the other.

2. The refusal of the council to grant the approval of the plan was not a judicial determination of the rights of the parties, and such refusal was no bar to application for approval by the County Judge. See *Elliott v. Turner*, 2 C.B. 446; *Birley v. Toronto, Hamilton and Buffalo Ry. Co.* (1898) 25 A.R. 88; *Town of Aurora v. Village of Markham* (1902) 32 S.C.R. 457.

A. R. Clute, for the applicants (appellants). H. S. White, for the town.