

1854.
 Guelph
 v.
 Canada Co.

in the United States, where similar rights have been asserted in suits, instituted in the name of the municipality, the inhabitants of which have been immediately interested in the question. It is true that the right here in question is not exclusively the right of the inhabitants of Guelph, but is a right in which the Queen's subjects generally are or may be interested, But the right and interest of the inhabitants of Guelph are peculiar; they are actual and real, while those of the general public are remote, and exist rather as a matter of principle than of actual application. Looking at the acts in relation to the municipal corporations of Upper Canada, they appear to me to be intended to protect the interests of the municipalities, as well as to regulate their internal affairs; and it is certain that the interests of the inhabitants of Guelph are involved in the question presented in this suit not only in a different degree, but in a different sense from the interests of the public at large. I think that the suit is not improperly constituted.

Judgment.

I would make one remark in regard to the dotted lines so often adverted to. It has been assumed that if they always existed, it was in that case shewn by the map itself that there was no dedication of the land in question. This may be the case; but what was the meaning of *dotted* lines instead of the continuous lines, by which all other boundaries on the map are marked? They must denote something different from continuous lines, or continuous lines would have been used. My own interpretation of these lines appearing where they do on the more recent maps would be, that they were meant to shew Market-street continued through the land in question and streets around it inside the single tier of lots, and that the residue of the two blocks thus surrounded by streets was still part of the market-square. As, however, the evidence proves, as I think, that upon the original maps there were no lines, dotted or continuous, on the open space in question, the meaning of such dotted lines in such a place is not very material.