

Quebec.]

[Dec. 9, 1895.

LA COMPAGNIE L'ECLAIRAGE AU GAZ, ETC., v. LA COMPAGNIE DES
POUVOIRS HYDRAULIQUES, ETC.

Construction of statute—By-law—Exclusive right granted by—Statute confirming—Extension of privilege—45 Vict., c. 79, s. 5 (P.Q.)—C.S.C., c. 65.

In 1881 a Municipal by-law of St. Hyacinthe granted to a company incorporated under a general Act of Quebec the exclusive privilege for twenty-five years of manufacturing and selling gas in said city, and in 1882 said company obtained a special Act of incorporation (45 Vict., c. 79), sec. 5 of which provided that "all the powers and privileges conferred upon the said company as organized under the said general Act, either by the terms of the Act itself or by resolution, by-law or agreement of the said city of St. Hyacinthe, are hereby reaffirmed and confirmed to the company as incorporated under the present Act, including their right to break up, etc., the streets . . . and in addition it shall be lawful for the company, in substitution for gas or in connection therewith, or in addition thereto, to manufacture, use and sell electric, galvanic or other artificial light . . . with the same privilege, and subject to the same liabilities, as are applicable to the manufacture, use and disposal of illuminating gas under the provisions of this Act."

Held, affirming the decision of the Court of Queen's Bench, that the above section did not give the company the exclusive right for twenty-five years to manufacture and sell electric light; that it was a private Act, notwithstanding it contained a clause declaring it to be a public Act, and the city was not a party, nor in any way assented to it; that in construing it the Court would treat it as a contract between the promoters and the legislature, and apply the maxim, *verba fortius accipiuntur contra proferentem*, especially where exorbitant powers are conferred; that the right to make and sell electric light "with the same privilege" as was applicable to gas, did not confer such monopoly, but gave a new privilege as to electricity, entirely unconnected with the former purposes of the company; and that the word "privilege" there used could be referred to the right to break up streets and did not necessarily mean the exclusive privilege claimed.

Appeal dismissed with costs.

Geoffrion, Q.C., for the appellants.

Lafleur and *Blanchet* for the respondent.

Province of Ontario.

HIGH COURT OF JUSTICE.

Divisional Court.

MEREDITH, C.J., ROSE, J.,
MCMAHON, J. }

[Feb. 17.

BELANGER v. MENARD.

Bills of sale and chattel mortgages—Fraud—Possession.

The registration of a bill of sale, and the consequent publicity given to the transaction which it evidences, prevents the inference of fraud being drawn from the retention of the possession by the bargainor.