

v. *Fowler*, 10 U.C.R. 382; *Griffin v. McKenzie*, 46 U.C.R. 93; and (3) if a statement filed in one year could be re-filed with the statement of the following year, it could not be read in aid of the latter, unless it was referred to in the later statement in such a manner as to make it a part of that statement. and the references to the earlier renewals and statements contained in the later ones, in this case, are sufficient to connect the earlier with the later as parts of one statement.

Whilst admitting the good faith of the defendant, and the hardness of the decision in his case, the object and purpose of the Act demand a strict construction and observance of its provisions in all cases where a departure from that course would sanction questionable methods, which, though innocent and harmless in some cases, might in other cases be used for a fraudulent purpose; and where the statute expressly requires that certain information shall be given in a statement, the omission of that information from the statement, whether intentional or otherwise, must be regarded as a material omission and fatal to the validity of the statement and of the security.

The defendant's mortgage therefore ceased to be valid as against creditors, and subsequent purchasers and mortgagees in good faith, in December, 1891.

Judgment for plaintiff for \$100 and costs.

Province of Quebec.

SUPERIOR COURT.

DAVIDSON, J.]

BELL TELEPHONE CO. v. MONTREAL STREET RY. CO.

Electric street railway—Interference with operation of telephone system—Use of streets.

The defendant company was authorized by statute (Que. 34 Vict., c. 45) to run its street cars by "motive power produced by steam, caloric, compressed air, or by any other means or machinery whatever." The plaintiff company operated a telephone service worked by the earth circuit system. This was interfered with by the defendant company, who had commenced to operate their railway by electricity, and this action was brought to recover by way of damages, the cost to the telephone company of converting its system from the earth circuit system to the McClellan or common return system, a change necessitated by the operation of the street railway by electric power.

Held, 1. That the words "motive power produced by steam, caloric, compressed air or by any other means or machinery whatever," are broad enough to include undiscovered as well as then known modes of operation, and therefore included the operation of the railway of the defendant company by electricity.

2. The dominant purpose of a street being for public passage, any appropriation of it by legislative authority to other objects will be deemed to be