

ing the claim that he is bound to do so by saying *non haec foedera veni*.

Millar, for plaintiff. *Holman*, K.C., for defendant.

Meredith, C.J.C.P.]

[April 2.

RE TAYLOR & THE VILLAGE OF BELLE RIVER.

Municipal law—Closing road—Meaning of "wholly within the jurisdiction of the council."

Application by a ratepayer to quash a by-law to close up part of the Tecumseh Road in the said village. The question was as to the jurisdiction of the council to close part of a continuous highway extending into another municipality which was the case of the above road. It was provided by the Con. Mun. Act, 1903, s. 637, that municipal councils may pass by-laws for "opening, making, preserving, improving, repairing, etc., or stopping up roads, streets, etc., wholly within the jurisdiction of the council." It was contended by the applicant that the use of the word "wholly" had the effect of limiting the powers so conferred to the stopping up of a road lying wholly within the municipality.

MEREDITH, C.J.—I am unable to agree with this contention. If it were to prevail, it would seem to follow that the duties imposed on corporations as to the repair of highways would not apply to the part of the Tecumseh Road which lies within the municipality of Belle River, and there would be no power in its council to pass by-laws for preserving, improving or repairing it. A construction that would lead to such a result ought not to be given to the enactment unless its language admits of none other, which in my opinion is not the case. The motion is dismissed with costs.

Province of Manitoba.

KING'S BENCH.

Cameron, J.]

[March 27.

MULDOWAN v. GERMAN-CANADIAN LAND CO.

Company—Powers of general manager—Contract not under seal—Commencing business contrary to requirement of statute—First directors.

Held, 1. A company incorporated by letters patent under the Manitoba Joint Stock Companies Act, R.S.M. 1902, c. 30, for