

Held, that, the provisions of the Workmen's Compensation Act, 1902, awarding compensation to the dependants of a deceased workman in circumstances provided for in the Act, do not apply to alien dependants of such workman resident in a foreign country.

IRVING, J.A., dissented.

Davis, K.C., for appellant. S. S. Taylor, K.C., for respondent.

SUPREME COURT.

Murphy, J.]

[May 18.

FRENCH v. MUNICIPALITY OF NORTH SAANICH.

Municipal law—By-law regulating trade—Power to regulate does not include power to prohibit—Reasonableness—Intention of council in passing by-law—Object aimed at in by-law.

Held, 1. A menagerie kept within the municipal area is not a nuisance per se.

2. Where, therefore, a municipal council passed a by-law purporting to regulate the maintenance of a menagerie within the municipal bounds, but imposed such conditions as to make such maintenance virtually prohibitive, the by-law was held bad and was quashed.

3. A by-law manifestly passed in pursuance of a particular section of the Municipal Clauses Act, and aimed at regulating or governing a specific matter, cannot be supported as applying to other matters.

4. Thus, where a by-law was framed under subsection 27a of section 50 for regulating the keeping of wild animals in captivity, such by-law cannot be supported under other provisions of the same section dealing with public health and sanitation.

A. E. McPhillips, K.C., in support of the application. Aikman, for the municipality, contra.