

*Held*, on appeal, affirming the judgment of MARTIN, J., that plaintiffs were dependants within the meaning of the term in the Workmen's Compensation Act, 1902.

An action at common law for damages for negligence, resulting in the death of a workman, having failed, and defendants admitting liability under the Workmen's Compensation Act, the trial judge proceeded under s. 2, sub-s. 4, to assess compensation. On the question of the apportionment of costs of the abortive action and of the assessment under the Act, plaintiffs set up their inability under the Act to procure the taking of evidence on commission.

*Held*, per MARTIN, J., at the trial, that s. 2 of the second schedule, and rules 2, 34 and 81 of the Workmen's Compensation Rules, 1904, give the arbitrator power to direct the taking of evidence on commission.

*Joseph Martin*, K.C., for defendants, appellants. *G. E. Martin*, for plaintiffs, respondents.

Full Court.]

REX v. SMITH.

[April 10.

*Criminal law—Evidence—Proof of blood relationship on a charge of incest.*

On a trial for incest, the evidence against the accused was that of the child, a girl of eleven years, and of a woman who had known the accused and the girl living together as father and daughter for some seven or eight months. This evidence was not rebutted.

*Held*, on appeal, affirming the holding of WILSON, Co.J., that there was not sufficient proof of relationship to justify a conviction.

*Maclean*, K.C., for the appeal. *Macdonell*, for the accused.

Clement, J.]

IN RE BEHARI LAL.

[April 29.

*Immigration Act, 1907 (Dom.)—Delegation of power under Act.*

Sec. 30 of the Immigration Act, 1907, empowering the Governor-General, by proclamation, to prohibit the landing of immigrants of a specified class, does not permit the delegation of such power to the Minister of the Interior.

*Brydone-Jack* and *Woods*, for prisoners. *Macdonell*, for Dominion Government.