

the words "and other combustible or dangerous materials," and they therefore apply only to articles or things which are combustible or dangerous as gunpowder is, and they must therefore be confined to explosives.

W. M. Douglas, K.C., for prosecutor.

J. R. Cartwright, K.C., for Attorney-General for Ontario.

The judgment of the Court (MEREDITH, C.J., LOUNT, J.,) was delivered by

MEREDITH, C.J.—*Anderson v. Anderson*, [1895] 1 Q.B. 749, *Re Stockport Co.*, [1898] 2 Ch. 687, 696, and *Parker v. Marchant*, 1 Y. & C. C. 290, shew that general words are to be given their common meaning unless there is something reasonably plain on the face of the instrument to shew that they are not used with that meaning, and the mere fact that general words follow specific words is not enough. But, even if the general words were to be given a restricted meaning, looking at the evident purpose of the whole section—the prevention of fires—and the powers given by the various sub-sections to enable councils to pass by-laws to that end, the sense in which the word "combustible" and the word "dangerous" are used, is that of liability to cause or spread fire. It was argued in support of the other objection to the by-law that, inasmuch as the Parliament of Canada, by the Petroleum Inspection Act, 62 & 63 Vict. ch. 27, has legislated on the subject of the storing of petroleum and naphtha, the Provincial legislation, in so far as it deals with the same subject, is superseded by the Dominion legislation. The Dominion Acts and the regulations made thereunder do not supersede the Provincial legislation or any by-laws passed under the authority of that legislation. The Provincial legislation was intended to confer power to make regulations in the nature of police or municipal regulations of a merely local character for the prevention of fires and the destruction of property by fire, and (*Hodge v. The Queen*, 9 App. Cas. at p. 131) as such cannot be said to interfere with the general regulation of trade and commerce, and does not conflict with the provisions of the Petroleum Inspection Act, 1899, or the regulations as to the storage of petroleum and naphtha which are in force under the authority of that Act. Rule nisi is discharged with costs.

Hearst & McKay, Sault Ste. Marie, solicitors for prosecutor.

Maclaren, Macdonald, Shepley, & Middleton, Toronto, solicitors for defendant.