

The statements contained in the circulars that the reserve fund would do away with the increase of premiums, would even permit a decrease in the amount thereof and would end by almost entirely meeting the assessments upon the members of the company, seem to prove the fact that the organizers of the company believed erroneously that the interest on the reserve fund would suffice to pay the premiums. Taken in their entirety these circulars indicate rather a statement of hopes than of facts. They were certainly of a nature to deceive, and a contract entered into under such circumstances by surprise, might perhaps have been repudiated at once, but we do not believe that the respondent having been a member during a period of more than twelve years is justified in demanding the annulment of a contract because he misunderstood, ignored or misinterpreted the constitution or by-laws of the company, or because he was mistaken as to the character of the Association of which he was a member during so long a time.

Appeal sustained. Judgement reversed and case dismissed.

Lafleur, K.C., and *Chase Casgrain*, K.C., for plaintiff. *Beaudin*, K.C., and *Aime Geoffrion*, for defendants.

Province of Nova Scotia.

SUPREME COURT.

Forbes, C.J.]

THE KING v. CHANDLER.

[March 5.]

Fisheries — Deep sea fish in provincial foreshore waters — Dominion license fee for trap nets — R.S.C., c. 95, s. 14, sub-s. 7, unconstitutional.

Appeal from a summary conviction of the defendant by L. S. Ford, Inspector of Fisheries for Fishery District No. 3 in the Province of Nova Scotia, and ex-officio, J.P., for that "he, the said William Chandler, at or near Fox Point, in St. Margarets Bay, in the county and province aforesaid, did, in the month of July, 1902, use a trap-net for capturing deep sea fish, other than salmon, without having a license then in force, contrary to the provisions of sub-s. 7, s. 14 of the Fisheries Act, c. 95, R.S.O.," and was fined \$5.00 and costs.

Held, 1. The license demanded of the defendant and all similar licensees are demanded by virtue of s. 14, sub-s. 7, of R.S.C., c. 95, and by virtue of the exercise of an alleged exclusive right to control the fisheries in the provincial foreshores and not under any regulation made or published by the Department of Marine and Fisheries for controlling the manner of fishing, which regulations would be undoubtedly within the competence of the Dominion Parliament.