by early canons of the Church, adopted or confirmed by the English Kings and so incorporated into the common law, and as such introduced into this province by its first colonization and constitution. Christmas Day, Good Friday, and the like, are holidays by statute, but they are not on the same footing as to separateness from ordinary or secular work as the Lord's Day. Therefore the proceeding with the trial of this case on Good Friday, both counsel consenting and the jury desiring, it was a perfectly proper and competent thing to do so far as the legal validity of the proceeding was concerned.

*W. R. P. Parker*, for plaintiff. *Bicknell*, for defendants.

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Armour, C.J., Falconbridge, J., Street, J.] [March 10.

REGINA *v.* REID.

*Lord's Day Act—Ordinary calling—Foreman of grain elevator of Grand Trunk Railway Co.—R. S. O. c. 246—Employer—Employee.*

The defendant was convicted of following his ordinary calling of foreman of Grand Trunk Railway Co. grain elevator in superintending the unloading of grain from a vessel into the elevator on the Lord's Day.

*Held*, that R. S. O. c. 246 does not apply to defendant's employer the Grand Trunk Railway Company of Canada, and as it did not apply to the employer it did not apply to the employee (the defendant) and the conviction was quashed.

*Du Vernet*, for the motion. *O'Meara*, contra.

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Armour, C.J., Falconbridge, J., Street, J.] [May 1.

MCMILLAN *v.* MCMILLAN.

*Will—Devise—Estate in fee—Cutting down—Estate in tail.*

A testator by his will provided as follows: "Thirdly. I give and devise to my son A and his heirs and assigns forever . . the south half of lot 23. . . Fourthly. It is my will and desire provided my son A shall have no lawful heir or children that . . . the south half of lot 23 . . after his death that my son D shall have it with all the right and title that my son A had to it heretofore, provided that my son D will come and take possession of the same six months after my son A's death . . Fifthly. I will and bequeath to my beloved wife the use of all my stock of cattle and personal property, it is my will likewise that she will have the use of the East half of the South half of lot 23 . . during life, to remain on the premises on which she shall be entitled to reside during her life. After her decease my will is that the same shall belong to my son A, his heirs and assigns forever." After the testator's death his widow remained in possession of her half and A took possession of the remainder which he retained until his mother's death after which he occupied the whole until