

"food," and what was not "meat" or "food"; in the last analysis, however, he gave the effort up and concluded—"it must probably be assumed that in adopting the provision of 29 Car. II. c. 7, our legislature intentionally omitted to re-enact the proviso. Our Act therefore has to be construed without it, and its omission compels the Court to place a meaning upon the words—'work of necessity'." It may be admitted that candies or confections are scientifically or chemically food, because they contain elements which, taken judiciously, may promote health and sustain life, and may come within the definition of victuals, "which is food, and what mixed with something else constitutes such food." See *Rez v. Hodgkinson*, 10 B. & C. 74.

Is the test then to be whether these articles are food, or is the true principle to be found in the answer to the question, what is meant by "works of necessity or charity"? Let it be remembered also that there is no distinct exception as to food in the prohibition that it is not lawful for a "merchant to sell or publicly shew forth or expose or offer for sale, or to purchase any goods, chattels or other personal property," and the exception of "works of necessity or charity" is connected with the prohibition as to "work" and not as to "sales." There is no exception such as "sales of necessity" in the old Upper Canada Act nor in the new Dominion Lord's Day Act, which is the latest down-to-date elaboration on this subject and the best Lord's Day Act, in a civil sense, the world round and generations through. In that Act there is excepted "words of necessity or mercy" in general terms, and among illustrations of the general principle set forth as specific exceptions only three touch the question of food, and they are: —

- (1) The caring for milk, cheese and live animals;
- (2) The delivery of milk for domestic use and the work of domestic servants;
- (3) The operations connected with the making of maple sugar and maple syrup in the maple grove."

None of these exceptions directly touch "sales of food."

The Dominion Lord's Day Act was the result of the combined