

following questions, assuming that the Act ever contemplated the submission of such questions. They relate to matters which I humbly submit ought to be left for decision when they are raised in actual litigation in the application and construction of legislative enactments with reference to an existing state of facts. When they are presented, as they here are presented, *in scena* and not *in foro*—argued and decided academically and not judicially—the answers are likely to embarrass and perplex Judges and parties who may afterwards have to deal with such questions or similar questions arising under varying facts and circumstances as they may be presented in actual litigation. More especially is this likely to be the case where answers to abstract questions are intended to be or may be made use of by inferior judicial officers, justices of the peace, police magistrates, etc., in summary proceedings before them.

I must add that I reserve, as in former similar cases I have reserved, the right to arrive at a different opinion upon all or any of the questions I have answered, except in so far as I may be precluded by authority from doing so, should they or any of them again come before me in the course of actual litigation.

MACLENNAN, J.A.—I am of opinion that the questions submitted to us should be answered as follows—

1: Yes.

2 (a) and (b): No.

3, first branch: No.

3, second branch: Yes.

4: No.

5: No.

6: No.

7 (a), (b), (c): I have given a great deal of attention to these questions, and to the arguments which were addressed to us, and must confess my inability to answer them. In order to do so it appears to me one would require to arrive at an exhaustive definition of “works of necessity,” a definition limiting the extent of the signification of the words, and including every conceivable work to which they could apply. I have not found myself able to do that; and must, therefore, respectfully pray to be excused from answering those questions.

Moss, J.A.—I have considered the case and the questions submitted. A number of the questions appear to me