

solemn function which is held to be outside existing provisions for the preservation of the sanctity of the Lord's day, at least so far as the law in the Province of Ontario and in Cape Colony is concerned.

As to the former, it was decided in *Reg. v. Carter*, 31 C.L.J. 664, that, though it is not lawful for any person on that day "to play at skittles, ball, foot-ball, racquets, or any other noisy game," there was no objection to playing golf, as the word "ball" (which the learned judge euphemistically described as a "sphere") does not include a ball used in golf, and also that golf is not a "noisy game."

This function has also come up for judicial discussion, with the solemnity appropriate to the occasion, in Cape Colony (*Reg. v. Ochley*, 27 S.A.L.J. 117). Under the Sunday observance ordinance in force there since 1838 it is "lawful for any magistrate, police officer, etc., to disperse all persons gathering together on the Lord's Day in any public or open place for the purpose of gambling, fighting dogs, fighting cocks, or playing at any game, and all persons actually playing as aforesaid shall on conviction be sentenced," etc.

Under this enactment some golfers were convicted and fined. An appeal was allowed by the court on the ground that there was no "gathering together" to play a game, and moreover that in their opinion no "game" had been played at all. It appears that these crafty South African sports had carefully considered the situation and arranged that each golfer should proceed around the course alone, and so, not having "gathered together" as they claimed with any one else, it was held that they did not come within the ordinance. The reasoning was somewhat subtle not to say "shaky," as was also that of the judgment of the court as to there being no "game" involved, inasmuch as it was thought that that word means something in the nature of a "contest for supremacy, and was not to be taken in its widest meaning of pastime, or amusement;" otherwise every person who rides a bicycle or rows a boat on Sunday would contravene such an ordinance. They seemed to think that