

and ingenious gentleman on Yonge street, Toronto, who was a druggist, opened his shop wide on Sunday for the ice-cream soda business, and put up a sign intimating to the thirsty public that he only sold ice-cream soda as medicine. His counters were lined with brawny specimens of lusty, rugged humanity, who, adopting the suggestion so obligingly offered by the druggist, silently offered him their dimes and sought to remedy their bodily anguish and to cure the ills that Sunday afternoon flesh is heir to by copious supplies of ice-cream soda. Two unsympathetic plain-clothes myrmidons of the law, as administered by Police Magistrate Denison, sauntered in one Sunday afternoon and received the medical treatment, and thereupon rudely disturbed the little pleasantries by laying an information, and the Police Magistrate quite good-naturedly gave the druggist the benefit, not of the doubt, for there was none, but of his views of the Lord's Day Act, and inflicted the expected fine, which at once stopped the Sunday afternoon ice-cream soda dispensary traffic. It was not observed as a result that the mortality of the city suffered any appreciable increase. There is no recorded appeal against this conviction—it was a one-act comedy. This incident presented a refreshing aspect in more than one sense.

In the case of *Rex v. Devins*, to which reference has been made, the test applied by the learned judge appears to have been whether or not candies were a food, and throughout the other cases which we have quoted that test seems to have been applied to a greater or less degree. It is difficult to understand how that can be the guiding or governing principle. In *Queen v. Alberti*, the earliest of the series, the learned judge discussed s. 3 of the old English Act of 29 Car. II, c. 7, which excepts from the prohibition of that Act, "the dressing of meat in families or dressing or selling of meat in inns, cook-shops or victualling-houses, for such as otherwise cannot be provided." This section was not inserted in the old Upper Canada Act, c. 104, nor in R.S.O. 1897, c. 246, which was the law when the *Alberti* judgment was delivered. The judge, however, seemed to desire the benefit of that last section, and thus arose the question what was "meat" or