

The consequence of this opinion is that to this extent C. S. U. C. ch. 104 is still in force, never having been repealed by competent authority.

And as a result of this opinion I answer questions 2 (a) and (b) in the negative.

As to question 3, I say that the meaning of the words "other person whatsoever" in sec. 1 of C. S. U. C. ch. 104 is limited so as to apply only to persons *ejusdem generis* with the classes enumerated.

I answer questions 4, 5, and 6 in the negative.

Question 7 (a), I answer in the affirmative, and as to (b), I say that such necessity may grow out of or be incident to a particular manufacture, trade, or calling, and I answer (c) in the negative.

OSLER, J.A.—My answer to the first question is in the affirmative, referring for my reasons to my judgment in *Regina v. Wason*, 17 A. R. at pp. 221, 238.

2 (a), 2 (b): I answer these questions in the negative.

3: The first branch of this question I answer in the negative, the second branch in the affirmative.

4: I answer this question in the negative.

5: I answer this question in the negative.

6: I answer this question in the negative.

My reasons for these answers will be substantially found in the decisions in *Attorney-General v. Niagara Falls Tramway Co.*, 18 A. R. 453; *Regina v. Somers*, 24 O. R. 244; *Attorney-General v. Hamilton Street R. W. Co.*, 24 A. R. 170; *Regina v. Reid*, 26 A. R. 181, 30 O. R. 732.

7 (a), (b), (c): I find it difficult to understand the scope of these queries or their true meaning, and to answer them in such a way as not to make the answers of doubtful application in many of the ever-varying circumstances and conditions which may from time to time hereafter arise between parties in a real litigation. I must, therefore, with all respect, ask to be excused from attempting to solve them, as no useful answer can be given to them. Further, with the like respect, I submit that, while it may be reasonable and proper to take the opinions of the Bench as to the constitutional validity of an Act or section of an Act, it is not convenient that the power of the Lieutenant-Governor in council under R. S. O. 1897 ch. 84 should be exercised by asking the Judges to answer questions such as number 3 and the