

to be cast. The greatest publicity is given as to the time and place of voting before the election, and everyone interested had the opportunity of doing his utmost to further or to oppose the success of this appeal to the electorate. This failure to observe the directions of the statute was no doubt an irregularity as to the taking of the poll, but it is not made to appear that it has in any sense affected the result of the election, and the curative section (204) applies to validate at this stage. Apart from the statute the doctrines of laches and acquiescence apply to protect the outcome of de facto elections, when the parties complaining have been aware of the irregularities and have concurred therein by taking part in the election: *Regina v. Ward*, L.R. 8 Q.B. 210, and see *Regina ex rel. Regis v. Cusac*, 6 P.R. 303.

*J. B. Mackenzie*, for appellant. *Raney*, K.C., for respondent corporation.

Middleton, J.]

*LEX v. WELLS.*

[May 29.

(And four other Cases.)

*Lord's Day Act*—Sale of cigars, candies, newspapers, etc., by hotel keepers, restaurant keepers, and druggists—"Merchant or tradesman"—Exercise of ordinary calling—Works of necessity or charity.

The defendants in these cases were charged before the police magistrate of Toronto with violations of the Provincial Lord's Day Act, C.S.U.C., c. 104, and acquitted. These decisions were questioned by the Crown, and at the instance of the Attorney-General for Ontario, a stated case in each instance was submitted by the magistrate under s. 761 of the Criminal Code. These five cases all arose under the same statute, and were argued together having much in common. Counsel for the Crown based his case on the Provincial Lord's Day Act and not on the Dominion Statute of R.S.C. c. 153, s. 16.

C.S.U.C., c. 104, s. 1, reads as follows: "It is not lawful for any merchant, tradesman, artificer, mechanic, workman, labourer or other person whatsoever on the Lord's Day to sell or publicly shew forth or expose or offer for sale or to purchase any goods, chattels or other personal property or any real estate whatsoever, or to do or exercise any worldly labour, business or work of his ordinary calling (conveying travellers or Her Majesty's mail by land or water,