

porations for or on behalf of which the work or labour is done, are or are not within the prohibition of said section?

5. Do the words "conveying travellers," as used in sec. 1, apply exclusively to the carrying to or towards their destination of persons who are in the course of a journey at the commencement of the Lord's day?

6. Does sec. 1 apply to and include corporations?

7. (a) Do the words "work of necessity," as used in sec. 1, apply so as to include the doing of that which is necessary for the care or preservation of property so as to prevent irreparable damage other than mere loss of time for the period during which the prohibition extends?

(b) If so, is the necessity contemplated by the statute only that which arises from the exigency of particular and occasional circumstances, or may such necessity grow out of or be incident to a particular manufacture, trade, or calling?

(c) If such necessity may grow out of or be incident to a particular manufacture, trade, or calling, do the words "work of necessity" apply exclusively to the doing on the Lord's day of that without which the particular manufacture, trade, or calling cannot successfully be carried on during the remaining six days of the week?

The questions were argued before ARMOUR, C.J.O., OSLER, MACLENNAN, MOSS, and LISTER, J.J.A., on the 2nd, 3rd, and 4th April, 1901.

John A. Paterson and A. E. O'Meara, for the Attorney-General for Ontario.

A. H. Marsh, K.C., and J. H. Moss, for classes of persons interested.

ARMOUR, C.J.O.—As to question 1, I am of the opinion that the Legislature of Ontario had no jurisdiction to enact R. S. O. 1897 ch. 246, intituled "An Act to prevent the Profanation of the Lord's Day," in its present form and to the full extent of its provisions.

The profanation of the Lord's day is an offence against religion, and offences against religion are properly classed under the limitation "crimes," and consequently the enacting of laws to prevent the profanation of the Lord's day, and imposing punishment therefor by fine, penalty, or imprisonment, properly belongs to the Parliament of Canada under sub-sec. 27 of sec. 91 of the British North America Act, and to this extent ch. 246 is beyond the power of the Legislature of Ontario.