

GARROW, J.A.:— . . . In my opinion, the plain meaning of sub-s. 2, properly considered in its relation to sub-s. 1, is that no small-bread, if made into loaves and so sold or offered for sale, no matter how much less the individual or detachable portions may weigh, shall exceed in weight twelve ounces. And the palpable object is to keep the loaf of small-bread so small that no purchaser need be deceived by having it put off on him for a full loaf of twenty-four or forty-eight ounces. . . .

MACLAREN, J.A.:— . . . I am of the opinion that sub-s. 2 of s. 3 . . . only permits the sale of "small-bread," so-called, when the loaf does not, or the loaves thereof joined together do not, in the aggregate, exceed twelve ounces in weight.

MEREDITH, J.A.:— . . . The question is one of fact: if there are really different rolls or loaves, or "small-bread"—an undefined expression—they are none the less rolls, loaves, or "small-bread" because they have run together in the baking, or are attached in the way loaves commonly have been ever since loaves were made, without any one dreaming that they were anything but several loaves, there is no infringement of the provisions of the enactment; but, if in truth and in fact, they are not so attached, but the bread is all in one piece, and it is not of one of the specified weights, there is such an infringement: and is none the less so for any colourable marks or other pretences of actual division, and whether so sold or offered for sale or even if so made for sale without any offering for sale or sale.

I desire to add an expression of my entire concurrence with Judge Morson in the views of the subject which he expressed in the case, under the Act, recently decided by him—*Rex v. Nasmith Co. Limited*, ante 116—views which I cannot help thinking, and saying, ought to commend themselves to all reasonable men, from whom only, and not from those too much possessed by the subject, legislation should emanate.

MAGEE, J.A.:— . . . "Small-bread" is not required to be sold in separate loaves when, if joined together, the aggregate weight does not exceed twelve ounces, and a number of loaves of "small-bread" may be joined together and so sold without being detached, where the same do not exceed in the aggregate twelve ounces in weight; but not if they do exceed in the aggregate that weight.

Carrwright, K.C., and Nickle, K.C., for the Attorney-General.
DuVernet, K.C., and Judd, K.C., for the Bakers' Association.