

APRIL 14TH, 1902.

C. A.

RE LORD'S DAY ACT OF ONTARIO.

Constitutional Law—Powers of Provincial Legislature—Act to Prevent Profanation of Lord's Day—Working on Sunday—Necessity—Conveying Travellers.

The following questions were submitted to the Court of Appeal by the Lieutenant-Governor in Council, pursuant to R. S. O. 1897 ch. 84:—

1. Had the Legislature of Ontario jurisdiction to enact R. S. O. 1897 ch. 246, intituled "An Act to Prevent the Profanation of the Lord's Day," and in particular secs. 1, 7, and 8 thereof?

2. (a) Had or has the Legislature of Ontario power by the aforesaid Act, or any Act of a similar character, to prohibit the doing or exercising of any worldly labour, business, or work on the Lord's day, within the Province, upon and in connection with the operation of lines of steam or other ships, railways, canals, telegraphs, and other works and undertakings to which the exclusive legislative authority of the Parliament of Canada extends under the British North America Act, sec. 91, sub-sec. 29, and sec. 92, sub-sec. 10 (a), (b), (c)?

(b) Had or has the Legislature of Ontario power to prohibit the doing or exercising of any worldly labour, business, or work, on the Lord's day, within the Province, when such prohibition would affect any matter to which the exclusive legislative authority of the Parliament of Canada extends under any other sub-section of sec. 91, as, for example, sub-secs. 5, 10, and 13.

3. In sec. 1 of R. S. O. ch. 246, or C. S. U. C. ch. 104, as the case may be, do the words "other person whatsoever" include all clauses or persons other than those enumerated who may do any act prohibited by said section, or is the meaning of these words limited so as to apply only to persons *ejusdem generis* with the classes enumerated?

4. Subject to the exceptions therein expressed, does sec. 1 prohibit individuals who, for or on behalf of corporations, do the labour and work or exercise the business of carrying passengers for hire, from doing such labour and work and exercising such business on the Lord's day, whether the cor-