

of Appeal for hearing and consideration the following question: "Under sub-s. 2 of s. 3 of the Bread Sales Act, 10 Edw. VII. c. 95, is 'small-bread' required to be sold in separate loaves, or can a number of loaves of small bread, so called, be joined together and so without being detached by the vendor, when the same exceeds in the aggregate twelve ounces in weight."

Section 3.—(1) Except as provided in sub-section 2, no person shall make bread for sale or sell or offer for sale bread except in loaves weighing twenty-four ounces or forty-eight ounces avoirdupois.

(2) Small-bread may be made for sale, offered for sale and sold in any weight not exceeding twelve ounces avoirdupois.

Moss, C.J.O.:—The right under the statute to refer the matter is scarcely open to question; but the expediency and utility of submitting questions of the nature of the present one has been strongly questioned by eminent judges in this country and in England.

For the purpose of illustration, it is sufficient to quote the observations of Osler, J.A., in *In re Ontario Medical Act*, 13 O.L.R. at p. 502: "The difficulty in the way of answering satisfactorily questions submitted under the Act for 'expediting the decision of constitutional and other provincial questions' has frequently been commented on by the courts which have been invited—or ordered—to solve them. Generally, they are abstract questions, the answers to which must almost necessarily be of an academic or advisory character, and practically not binding upon the court in a real litigation. I may refer to what I have said on this subject in *Re Lord's Day Act of Ontario*, 1 O.W.R. 312, and other like cases, and to the observations of Lord Halsbury in delivering the opinion of the Judicial Committee in the same case, [1903] A.C. 524, and to the certificate of the judge respecting a court-martial (1760), 2 Eden 371 (Appx.)."

It seems almost unnecessary to repeat what has been said by others, that the answer to the question determines nothing, and binds no one, not even ourselves.

As I read the question, an answer is only called for as to the effect of the legislation with regard to the sale of small-bread, and not at all as to the manner of baking, and, so understanding it, I answer that, as I read the enactment, where a number of loaves of small-bread, so called, joined together, exceed in the aggregate twelve ounces in weight, they are not to be so sold.