
Province of British Columbia.

COURT OF APPEAL.

Macdonald, C.J.A., Irving, Martin,
Gallihier and McPhillips. JJ.A.]

[18 D.L.R. 109.]

REX v. WALDON.

Constitutional Sunday laws—Dominion Lord's Day Act—Provincial power.

The Lord's Day Act, R.S.C. 1906, ch. 153, by the proviso in sec. 5, enables a province to reduce the scope or mitigate the severity of the general prohibition in respect of the topics mentioned therein, but does not clothe the province with power, either itself to deal generally with the matter of Sunday observance, or to confer such powers on municipalities so as to enlarge the scope of the Dominion Act; and a conviction under a municipal by-law so framed under the Municipal Act, R.S.B.C. 1911, ch. 170, cannot be sustained.

Rex v. Waldon, 14 D.L.R. 893, 22 Can. Cr. Cas. 122, affirmed. *Bodwell*, K.C., for the appellant. *Woodworth*, for the respondent.

Obituary.

FIELD-MARSHAL EARL ROBERTS

OF KANDAHAR, PRETORIA AND WATERFORD; VISCOUNT ST.
PIERRE, P.C., K.P., G.C.B., G.C.S.I., V.C., K.G.,
D.C.L., Ox. and Tor. Un., etc.

It is fitting in these days of the Empire's stress and its fight for liberty and freedom and to keep its plighted word, to record the death of Field-Marshal Frederick Sleigh Roberts, who died of pneumonia, contracted when visiting our Indian troops on the battle line on the border of France and Belgium. It was as he would have wished it to be: to die near the soldiers he loved so well. England's most illustrious General since the time of Wellington—one of the greatest of the sons of the Empire—