

and involves difficulties in the application of constitutional law not covered by previous authority. It appears necessary to take a somewhat general survey of the whole field of pertinent legislation, Imperial, Canadian, and provincial. But first as to the legal status of the defendants, a body incorporated on the 17th March, 1910. On the ground, the line of track of the defendants extends over an area of some sixteen miles from London to Port Stanley on Lake Erie. Power is given by the charter to establish a line of lake steamers, and so communicate with the State of Ohio at Cleveland. Power is also given to construct various ramifications all near-by the present line, and all within the province of Ontario. The railroad is at present nothing more than an electric road within the province. Its possibly larger operation in the future over other provinces or over the great lakes is a matter of contingency that does not affect the present situation. Nevertheless, by reason of presenting in its application for incorporation this extended charter as in contemplation, it became a subject for incorporation by Dominion charter, and so was passed the statute 9 & 10 Edw. VII., ch. 120, wherein the undertaking was declared to be a work for the general advantage of Canada, and the company was empowered to hold, maintain, and operate the railway subject to the provisions of the Railway Act of Canada (R. S. C. 1906, ch. 37). That statute does not, nor does the private Act prohibit the running of cars on Sunday. The running in this case took place on the 11th, 18th, and 25th days of December, 1910. It is proved that on one of these days his Majesty's mail was carried by special request from London to Port Dover, in addition to the usual carriage of passengers and their belongings.

There has been a long standing attempt in this province to enforce cessation of labour on local railways during Sunday, and many efforts have been made to place the law in this respect upon a plain and intelligible footing. This is a most desirable result in regard to all penal or criminal law, which should be made simple and clear for all men. What has been attempted and decided will now be related as briefly as possible.

In January, 1897, it was decided by the Court of Appeal that a company incorporated for the purpose of operating street cars by electricity was not within the meaning of inhibited persons under the provisions of the Lord's Day Act