

intelligence of our legislators after hearing all that could be possibly said upon the subject from all ranks and conditions of men, and we do not press the conclusion too far when we say that if it had been intended to give restaurants a free hand, the House of Commons would have done so. Let us not forget, moreover, that this Act was the composite result of all shades of Sabbath observance opinion throughout British America. We must, however, consider the spirit of the enactment, and if sales of certain goods are necessary, then we think the words "work of necessity" may be applied to such sales. Now it is perfectly manifest that preparing meals on Sunday is necessary, for health must be protected and life sustained, and the sale of the product of such necessary work must be permitted, or otherwise the preparation of food on Sunday would be useless. A restaurant-keeper is certainly a merchant, for a merchant is defined as "a person who buys and sells commodities as a business and for profit," and therefore a restaurant-keeper is forbidden to sell on Sunday unless his selling be connected with or grafted upon a "work of necessity." A restaurant-keeper may sell lawfully and may sell unlawfully; it is lawful to sell what is necessary, and unlawful to sell what is not necessary. A lawful business cannot protect an unlawful business, even if carried on in the same premises and by the same person. One hesitates to define the word "necessity," as eminent judges have, as above stated, declined so to do, but some principles may be safely laid down which may guide one to a clearer understanding. We would venture to suggest:—

(1) That "necessity" is not a physical or absolute necessity, but a moral fitness or propriety of the thing done under the circumstances of the particular case;

(2) That there is a clear distinction between "convenience" and "necessity";

(3) That necessity must be real, and not fancied;

(4) A necessity must not be voluntarily brought about by the person pleading the necessity.

We are not in the habit of taking the Sunday habits or laws of our American cousins as ideal, for we are rather inclined to