

LORD'S DAY ACT IS ULTRA VIRES.

We Have Now Only the Old Upper Canada Statute in Force.

It is a Copy of the Legislation Passed in the Day of Charles I.

Privy Council Refuses Leave to Appeal From Supreme Court Decision.

A London cable: Judgment was given today by the Privy Council on the petition of the Dominion Government for leave to appeal the Lord's Day Act. It was held by the Privy Council in 1903 that the major part of the Lord's Day legislation now in force in the various Provinces was beyond the powers of the Provinces. The Supreme Court of Canada afterwards refused to say whether a draft bill submitted by the Minister of Justice, defining the powers of the Dominion and Provinces was in accordance with the constitution, and from this decision the Dominion sought an appeal to the Privy Council.

The application was refused, although Mr. Newcombe, Deputy Minister of Justice, said the matter was one of great public interest to the Dominion and the Provinces, which should know their respective jurisdictions. The court declined to hear Mr. R. U. McPherson, who appeared for the Lord's Day Alliance, supporting the petition.

Other Cases Argued. Mr. Riddell, for the Walrus Railway, said there were three objections to the appeal to the Supreme Court. First, that it was unauthorized; second, that it was academic, no legislation having yet been passed which affected the case, nor did it follow that there would be any, even if their Lordships held that it was within the power of the Provinces to pass it; third, that all the questions have already been decided by their Lordships' judgment.

In the Hamilton railway case Mr. Ratten, the English counsel for the Grand Trunk, called the case academic and speculative. Mr. G. T. Blackstock, for the Canadian Copper Company, was not heard by the court, which will only hear two counsel in the same interest. Mr. Riddell's application for costs was refused, and in this case judgment was reserved.

The net result would seem to be that the old Upper Canada Lord's Day Act in force at Confederation is still in force, and that any new act or amendment to the old act will have to be obtained from the Dominion Parliament.

That act is a copy of the old act of Charles I, and is considered to be entirely inadequate to cover modern conditions. Travellers and His Majesty's mails are expressly permitted to go forward on the Lord's Day, but that has

not, without any loss on the part of the Japanese force.

Where Will the Cash Come From?

A Berlin cable: In view of the probability of an early peace between Russia and Japan, the terms of which will involve the payment of a heavy indemnity by Russia, the financiers of Europe have been holding conferences to the end that the peace indemnity may be paid without seriously disturbing the finances of the world. The Mendelssohns, the Berlin bankers who have been for many years the representatives of the Russian loans, have formed an alliance with the Rothschilds in respect of the matter and have held communications with all the leading financial institutions, both on the continent and in England. They are about to send their representatives to New York with a view of enlisting the co-operation of the larger financiers of the United States. It is likely that a Russian loan for the purpose of paying the indemnity will be scattered.

M. Witte Delayed.

A Cherbourg cable: Although it was announced that the North German Lloyd steamer Wilhelm Der Grosse left for St. Petersburg this morning, the vessel is still here as this despatch is filed and it is not expected that she will be able to leave Cherbourg for New York before this afternoon. The Russian peace plenipotentiary, who boarded the steamer here after spending the night ashore, at a hotel, where he sent a long despatch to St. Petersburg, appears to be somewhat annoyed at the delay, the Russian plenipotentiary, who boarded the steamer here after spending the night ashore, at a hotel, where he sent a long despatch to St. Petersburg, appears to be somewhat annoyed at the delay, the Russian plenipotentiary, who boarded the steamer here after spending the night ashore, at a hotel, where he sent a long despatch to St. Petersburg, appears to be somewhat annoyed at the delay.

The Russians were most interested in reading the press despatches describing the arrival in New York of Baron Mura and his party, and expressed the hope that the Japanese conditions would really be as moderate as set forth in the despatches received here. Owing to lack of accommodation at the hotels some of the passengers of the Kaiser Wilhelm Der Grosse were compelled to spend the night at a hotel near North German Lloyd steamship company's wharf, in sleeping cars at the railroad station and even on the pier.

OVERALLS AT TEN CENTS.

Cause a Stampede of 3,000 Women in a Store.

Pittsburg, July 31.—A sign reading "Men's overalls 10 cents; men's shirts, 10 cents," was put in the window of Woolworth & Co.'s store on Fifth avenue at noon and it caused a stampede of 3,000 women. Eight women were seriously hurt in a rush to secure overalls or shirts, and a reserve force of police had to be called out in the downtown district. Ambulances and patrol wagons were backed up to the door of the big store and for a time it looked as though there would be loss of life.

Mrs. Mary Hoover, of Fifth street, caught in the crush, fainted at the head of a staircase and was found by the lower floor had the crowd been thin enough to allow her to fall, but she was held up in the crush apparently dead and the entire body of 3,000 women became panic stricken and tried to reach the street by the shortest way. A dozen women fainted, and the police on their arrival had all they could do to handle the frenzied women who yet remained in the place. After about 2,500 had got out, the store was turned into a hospital, and the women who fainted were cared for and sent to their homes, some of them in carriages.

ANOTHER PLANET.

Astronomers Hope to Find It Within Orbit of Mercury.

Berlin, July 31.—German astronomers are making unusual preparations for the observation of the forthcoming total eclipse of the sun.

The Hamburg observatory will send an expedition to Algiers, which will take an extensive series of observations, giving special attention to electrical phenomena. Photographs of the sky adjacent to the sun will be taken in the hope of discovering a planet within the orbit of Mercury. The observatories at Potsdam and Göttingen will send astronomers to Spain and Algiers for observations. The Prussian meteorological observatory at Potsdam is sending an expedition to Burgos, Spain, to study atmospheric and electrical phenomena the week before and the week after the eclipse.

SIX KILLED

AND THREE HURT BY A CROSSING OF TRAINS.

Amsterdam, N. Y., July 31.—Six men were killed and three others probably fatally injured by being struck by train No. 36, an accommodation on the N. Y. C. R., at Tribes Hill, six miles west of this city, shortly before noon today. About a hundred men were engaged at work on a curve dissection road, which had been dumped there for ballasting purposes when they were obliged to step from the track No. 2, to allow a west-bound freight train to pass. Owing to the sand being whirled about in the high wind a number of the men failed to notice the approach of No. 36 which ran them down. The men killed were Italians living at Fonda.

Government Faces Issue.

A London cable: (London Times cable).—The St. Petersburg correspondent of the Times telegraphs to-night: "Prince Trouzetki contributes an outspoken article to the Russkaya Viedomosti, in which he declares that the electoral system adopted by the Government will practically decide the question of revolution. 'Will the revolutionary movement,' he asks, 'direct relief through the channel of the Dumas or will the torrent burst its bonds and spread desolation?' If the Government persist in attempting to effect a system of election by class there is no doubt indeed, but the enemy had set fire to Munka and Akova was still burning. The town of Alexandrovsk was not burned.

The admiral's report, which was received at 7.30 p.m. on July 24th, says that the Japanese flag was hoisted over the Government buildings at Alexandrovsk.

SHUT OUT MILITARY.

OTTAWA SOLDIERS CANNOT GO ARMED INTO MASSACHUSETTS.

Boston, Mass., July 31.—Adjutant-General Stodford, of Massachusetts, has written a letter to Lieut. Col. S. Maynard Rogers, commanding the 43rd Regiment, Duke of Cornwall's Own Rifles, Ottawa, Ont., declining his request that the regiment be permitted to enter this state under arms next month.

This decision was reached after a conference with Governor Douglas and after having received an opinion from Attorney-General Parker. The Adjutant-General in his communication to the Canadian commander, points out the status of Massachusetts as a prohibitive and that the only way to arrange the matter would be by passage of a special act in the legislature, which is impossible, as the general house is not in session. He suggests that the arms of the regiment be forwarded to Providence and that the command pass through Massachusetts in uniform. The occasion of the regiment's visit is to attend a celebration to be held by the British residents of Providence.

HAT PIN VICTIM.

JURY SAYS MONTGOMERY'S WIFE KILLED HIM.

Sandwich, July 31.—That Fred Montgomery came to his death by a wound inflicted by a hat pin in the hands of his wife Josephine, and that she acted in self-defence, is the verdict brought in last night by the coroner's jury in the case of the man who died in a Detroit hospital two weeks after being stabbed with the hat pin, and under an assumed name.

The evidence showed that it was known that Montgomery and his wife had a fight, that the woman had stabbed her husband and that Montgomery was in the hospital under an assumed name, still in the city, and that he notified the authorities not to betray Montgomery or his wife in any way. Montgomery's mother testified that just before his death his son told her that it was purely accidental. It is not known what steps the authorities will now take in the matter.

REFUSED TO SHORTEN

THE LIFE OF THE BRITISH HOUSE OF COMMONS.

London, July 31.—The House of Commons today refused to permit Winston Spencer Churchill to introduce a bill limiting the life of Parliament to five instead of seven years.

Mr. Churchill explained that the bill would give further control of the executive. He said there was a growing diminution of Parliamentary authority over the Government and by the mechanical arrangement, more frequent appeals to the country would be of national advantage. The proposal was defeated by 259 to 176 votes.

FIGHTING THE PLAGUE.

ACTIVE MEASURES TAKEN TO COMBAT YELLOW JACK.

Washington, July 31.—In his address from New Orleans to the Marine Hospital service today Surgeon White says that a house to house inspection is being conducted in that portion of the city infected by yellow fever. This section includes forty or fifty blocks.

Assistant Surgeon Goldberger has been ordered to visit Shreveport, with instructions to run down all rumors of fever or yellow fever cases in those cities and to conduct a personal campaign of education among the profession and the laity in regard to methods of destroying mosquitoes and other means of preventing infection.

CORNER ON FRAGONARDS.

Pierpont Morgan Fills a Room With Rare Pictures.

London, July 31.—During his absence from America, J. Pierpont Morgan has added a whole Fragonard room to his London residence, the intrinsic value of which is estimated in the hundreds of thousands of pounds sterling, besides being of infinite historical importance. Some appreciation of the value of the collection may be gathered from the fact that, while Fragonard a foot square is worth \$5,000, the largest room in Mr. Morgan's house is walled with the great artist's pictures.

In all there are twelve of these paintings, each measuring three yards high and two yards wide. In order to embrace the whole collection in a single room it was necessary to remove the wall separating the drawing-rooms of Mr. Morgan's adjacent house at Prince's Gate.

NO NEW CHINESE TREATY TO RATIFY U. S. EXCLUSION.

China Regards U. S. Attitude as Intended to Disgrace Her.

Washington, July 31.—Some doubt is expressed in official circles whether it will be possible to obtain China's consent to another treaty with the United States which would provide for the exclusion even of Chinese laborers from this country. The state department is aware of the ill-feeling throughout China over the whole subject, and now immigration treaty with China has been allowed to lapse without the negotiations of a new agreement, reports have reached here that China is inclined hereafter to refuse to sign any similar convention. China's position appears to be that the exclusion of Chinese citizens from a friendly country is in itself a disgrace and while the United States cannot ignore the laws of a foreign power providing for such exclusion, she can refuse to sanction it or become a party to it by concluding a treaty involving such restrictions. A year ago, it is said, it would have been easy to conduct negotiations with China for the exclusion of Chinese laborers only. Now, however, it is understood the Chinese officials are disposed to regard the signing of such a treaty beneath the dignity of their Government. The reason for the assumption at Peking of this new attitude is not quite clear to the officials here, though in some circles it is attributed to the influence of foreign powers.

RUSSIAN POPULACE DISPLEASED WITH THE KAISER FOR GUIDE.

They Have Doubts of His Wisdom as a Diplomatic Tutor to the Czar.

A St. Petersburg cable: The circumstances attending the meeting of the Kaiser and the Czar make it clear that the Kaiser's was the guiding hand. An intimation of his wish to meet the Czar aboard the Imperial yacht Hohenzollern reached Peterhof on Wednesday, the day of M. de Witte's departure for Paris. The Czar immediately accepted the invitation, and made final arrangements to start on Friday and meet the Kaiser in Swedish waters. The brief postponement and the transference of the meeting-place to the coast of Finland were made entirely in accordance with the Kaiser's wish.

As regards the relations of the two monarchs, it should be kept in mind that since the death of the Grand Duke Sergius by an assassin's hand in Moscow, the Czar has greatly missed the advice of a man of imperial rank holding strong and clearly-defined political views. Neither Alexieff nor Vladimir is disposed to mix directly in Russia's present political life.

The Czar's brother-in-law, the Grand Duke Alexander Michaelovitch, has recently shown signs of instability on the subject of a National Assembly. Besides, there has been an estrangement between him and the Czar on account of the Grand Duke's implacable antagonism to M. de Witte.

Of all this the Kaiser was well informed. He holds strongly that, as a sovereign ruler, by divine right, it is not only permissible for him, but incumbent on him, to give counsel to the only other Christian sovereign holding the title to the throne on the same grounds. He considers the revolutionary struggle with the socialistic and revolutionary forces in Russia as of direct concern to the ruler of Germany, whose greatest internal anxiety springs from the same source.

The other great issue in Russia's internal policy, about which the Kaiser views upon the Czar is of equally direct concern to Germany, whatever may be the end of the pending peace negotiations, that Russia should not abandon the far east as the main source of territorial expansion. It is, above all, a matter of the gravest concern to the German Emperor that Russia should not regard as her line of least resistance a policy

directed toward Asia Minor or the Persian Gulf.

At all hazards, he will strive to dissuade the Czar from looking to French help or English complacency for facilitating the acquisition by Russia of a warm-water port on the Persian Gulf. His dominating idea of paving a way for German hegemony from Hamburg to the Persian Gulf cannot be reconciled with Russia's finally abandoning her ambition for empire upon the Pacific, and any rapprochement with England would preclude a Russian advance on India and the middle east.

Business Men Dissatisfied. Widespread dissatisfaction with the meeting of the Emperors pervades the business community in Russia. With purpose of the meeting, business men point out that whenever the Kaiser becomes closely concerned in Russian affairs it has shaken the economic stability of the country. This uncertainty is intensified now, at a time when the economic situation is already desperate. The consensus of opinion in the civilian community is that the Kaiser's advice, if accepted, will intensify militarism and governmental bureaucracy at the expense of the productive elements of society. A significant coincidence is that, while the conference is passing, the objection of Russian troops to fighting in the counter-attack is being published by the Russian press. The example set by six regiments of Don Cossacks in the Novocherkassk Government in declaring their willingness to go to Manchuria, but refusing to fight within European Russia against Russians, has profoundly impressed the public. Meanwhile the peasantry have begun to succeed in publishing their programme against Boulaquine's scheme, which excludes the unclassified ranks of the population, containing annoying members of the proposed National Assembly. The peasants of Kursk Province have sent delegates from eight districts, who unanimously have decided that only the participation of themselves in the movement for developing and liberating the loyal forces of Russia can satisfy the people at large.

They have decided to form a union of Russian peasants, and have sent four representatives to form a connection with the National Zemstvo organization at Moscow.

The peasantry of Saratoff have already joined the union.

CHILD FOLLOWED THIEF.

Walked With Him on Street Until She Found Help.

New York, July 31.—A burglar who refused to heed a little girl's petition to "please give back" what he had stolen is locked up at the One Hundred and Fourth street police station, and Hannah Davis, 12 years old, of 70 East One Hundred and Fifteenth street, is a heroine.

When the man refused to listen to her she walked calmly along by his side until some men on a trolley car came to her assistance. Then she had the burglar taken into custody.

He is Joseph Katz, and he is accused of having entered the flat of Mrs. Ada Raymeyer, directly above the one in which the Davis child lives.

Mrs. Raymeyer screamed when she saw the man coming out of her apartment, and she returned home, and the little Davis girl came out to see what it meant.

"Oh, please, mister," the child cried, "don't take Mrs. Raymeyer's things; she is poor. Please give them back." Katz roughly brushed Mrs. Raymeyer aside and started to walk rapidly away. The girl hurried to his side and continued to plead with him until he attempted to board a cross-town car a block away, when she called upon some men to aid her.

Katz was taken back, and Mrs. Raymeyer identified as hers a purse containing \$8.50 found in the man's possession. Hannah rode in the patrol wagon with the man to the police station.

EQUITABLE HEAD'S SALARY.

Paul Morton Receives \$50,000 a Year as President.

New York, July 31.—At today's meeting of the directors George F. Victor, of this city, and Ernest B. Kruttschnitt, of New Orleans, were nominated as directors, and will be elected at a special meeting to-morrow. Mr. Victor is a prominent dry goods and commission merchant of this city and Mr. Kruttschnitt is one of the leaders of the bar in the southeast.

Chairman Morton reported to the directors that in pursuance of his policy of retrenchment the society would effect savings of \$500,000 a year. He submitted a financial report for the first six months, which was pronounced very satisfactory by the Board of Directors.

At to-morrow's meeting it is quite probable the position of Chairman will be abolished. It is understood that Mr. Morton's salary as President of the society will be \$50,000 a year, or \$100,000, less 20 per cent.

TO RESCUE OUR SAILORS.

British Government May Send Warship to Uruguay.

Washington, D. C., July 31.—Official advice reaching Washington fail to show any relief in the acute situation which has been developing for some time between the British and Uruguayan Governments over the imprisonment in Uruguay of the captain and crew of the Canadian fishing vessel Agnes Donahue for alleged poaching.

Several months ago the British Government laid before the American State Department a full statement of its side of the case, and the American Minister to Uruguay was instructed to use his good offices to assist an amicable settlement. The British Government takes the ground that as the contract of the Uruguayan Government giving to a certain company the exclusive right to

SIBERIA IS AT LAST INVADDED.

Japanese Troops Now on Russian Territory.

The Russian Position on Tumen River Being Attacked.

Regarding the Landing of Japanese on Siberian Coast.

A St. Petersburg cable despatch says:

Despatches from Manchuria report the landing of a Japanese battalion and the seizure of a light-house on the Siberian coast near Dekastries, a post formerly called Alexandrovsk, 700 miles north of Vladivostok, after a preliminary shelling by torpedo-boat destroyers. Military officials here attach importance to the episode only in connection with the Sakhalin campaign, and say that as the landing was effected at a place where the Straits of Tartary are narrowest, apparently it is part of the strategy of the Japanese to prevent the escape of Russian garrisons in Sakhalin, across the straits. They add that the landing is too far north to have any bearing on the main campaign or on the operations against Vladivostok.

What Landing Means.

A London cable: The Japanese landing at Dekastries, which is the terminus of the only cable line connecting the mainland with the island of Sakhalin, is regarded by the London morning newspapers as an attempt to seize the mouth of the Amur River in order to enable the Japanese to despatch an army up that great waterway to threaten the Russian communications. Japanese gunboats and torpedo boats could thus reach Harbin and give effectual assistance to any attack on the Russian fortifications.

Both the Ussuri and Sungari Rivers are navigable for vessels of light draught, and thus the Japanese could advance inland in three different directions for a considerable distance. It is supposed, Japan has a river expedition in readiness, the mere threat of its advance may suffice to change the plans of the Russians and compel the retirement from the Kirin and Fenghuai districts upon Harbin.

Odessa's Governor Starts Row.

An Odessa cable: The Governor of Odessa has issued an extraordinary proclamation, which when posted in the city to-morrow may have the effect of increasing the already bitter feeling against the Jews among the troops and more ignorant classes of the population. The Governor says he has received a number of anonymous letters

voluntaries which he entirely ignores, believing that in most cases these communications were inspired by motives of personal vengeance. The proclamation continues:

"Letters have also come from the Jews charging the police with preparing for a Jewish massacre. The Governor then declares that such action is impossible and will not be permitted, but he adds: 'The Governor is astonished at the Jews addressing such letters to him, seeing that it is the Jews themselves who caused the disorders. The police invariably have revolvers, bombs and prohibited literature in Jewish houses. But for the Jews there would be no disturbances and no Kmaz Potemkin affair. Now the Jews have the impudence to bring charges against the police.'

Four Days' Riots.

A St. Petersburg cable says: The disorders at Mzhim Novgorod have now continued for four days with daily collisions between the rival camps into which the workmen and the rioting roughs have divided. But there has been no general rioting since Sunday's five-hour fray. According to the Government advice, twelve men were killed and three were fatally wounded Monday and Tuesday night. On Sunday night a bomb was thrown against the school house in the suburb of Soromovo, where a detachment of soldiers were quartered. The thrower of the bomb was killed. A regular blood feud appears to exist between the Socialistic workmen in Soromovo district and the stevedores, brickmakers and cab drivers. The factions invade each other's territory and fight on sight, using revolvers and clubs.

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