

the Privy Council was more important with regard to the future than to the present, as it had become clear that the Lord's Day Act had been emasculated, on the one hand by the slow but sure erosion of the modern application of ancient precedent, and, on the other hand, by the creation of new industries under large corporations, which called for an enlargement and modernization of the law, and therefore there had arisen a special need of amendments to meet new conditions. It consequently became necessary to know whether the Dominion Parliament or the Provincial Legislature had that power of amendment and enlargement. Not only does there remain to us untouched the old Upper Canada Act, but also important and valid legislation by the province, prohibiting by their "Shop Regulation Act" certain classes of employees working on the Sabbath, and also the "Electric Railway Act," which controls the Sunday running of Electric Railways chartered by the Province. The Province is therefore still governed by a Lord's Day Act and other Acts of a similar kind, and the judgment of the Privy Council has by no means uprooted the trunk of Provincial Sabbath law, although it seems to have looped off some branches and appears to have said that no more shoots can spring from or be grafted upon the Provincial tree. So far as can be understood the judgment seems to indicate that although some portion of the Ontario Act may be *intra vires*, yet "as a whole," or regarding what may be called the general principle governing Lord's Day restriction, the subject matter belongs to Dominion legislation. Are we then to look to Ottawa? If so, let us do it with courage and determination. There has, however, appeared to be some room for the suggestion that a Provincial Lord's Day Act may still be a possibility, by a careful choice of language avoiding all reference to the Lord's day as a religious day and making its governing principle that of "civil rights," and so bringing it within the Provincial jurisdiction. No lawyer can safely say that such a course would be a safe one, for it might well be argued that the object of the Act settles its validity, and however astutely and sagaciously it might be drawn, if after all the real object is to have a restriction or cessation of labor on Sunday, the Privy Council might, on some future effort being made to test the validity of such an Act, firmly draw aside the "civil rights" drapery it wore and set its hand resolutely on its very heart's core and say: "This, after all, is Lord's Day Legislation, and because such belonged to Criminal Law before Confederation, it therefore still remains federal and *ultra vires* the Province." One would need to be gifted with more than ordinary insight and prescience to affirm or be more than unusually reckless to guess what would be the result of any effort to legislate along Provincial lines. The Privy Council by their judgment have by no means exhausted the matter; the last word has by no means been said, but only the first word. It was so with the liquor question. The Federal and Provincial jurisdiction were not differentiated until after about 34 years of litigation in the Provincial, Dominion and Imperial Courts. But indeed it is much to be regretted that the Privy Council did not more fully elaborate their opinion. They did not say all they could have said upon the subject, and which they were invited to say within the scope of the case presented to them—if they had, it would have been a very great advantage to all the provinces. A decision of the highest court in the Empire has the effect of a statute, and however unpalatable a further and more specific statement as to provincial powers in that respect would have been, it undoubtedly would have been a distinct gain to have had it expressed, and so settle further controversy. *Jus vagum est misera servitus.*

Sir Edward Coke long ago wrote: "Reason is the life of the law, nay, the Common Law itself is nothing but reason." The law which is the perfection of reason. And Sir John Powell in giving judgment in the leading case of *Cogges vs. Bernard*, 2 Lord Raymond, 911, says: "Let us consider the reason of the case. For nothing is law that is not reason." These principles would, however, seem to have become modified, for we find the Lord Chancellor of England (who gave the judgment in the Lord's Day Act case) stating in his judgment in the case of *Quinn vs. Leatham*, which was before the House of Lords in 1901 (see 1901 (A. C.) 506.

"A case is only an authority for what it actually decides. I entirely deny that it can be quoted for a proposition that may seem to follow logically from it. Such a mode of reasoning assumes that the law is necessarily a logical code, whereas every lawyer must acknowledge that the law is not always logical at all." A careful study of these words leaves an ordinary mind wondering what these former eminent jurists meant by the enthronement of law on the pedestal of reason.

Can we therefore draw any definite, helpful conclusion from the judgment of the Privy Council in this case that will settle or even help us to unravel the difficulties that still remain, or must we steer our ship of legislative amendment onwards by the light of all decisions under the British North American Act, including the one in question?

It is said that a certain tribe in India had their lands once taken from them by their local courts, which judgment had been reversed by the Privy Council. A traveller found these natives offering up sacrifices to an unknown but puissant god, who lived in some far-off region. He en-

quired the name of the god and was told: "We do not know him, but believe him to be a good god, and his name is the Judicial Committee of the Privy Council." The Privy Council is therefore in the pantheon, and with their help we must move on towards whatever finality the constitution of human affairs will permit.—The Presbyterian.

Done at the Counter.

BY REV. THEODORE L. CUYLER, D. D.

I have lately seen in an English newspaper the announcement that a public house is for sale, and the advertisement contains the following sentence: "These premises are surrounded by numerous manufactories, employing thousands of well-paid hands, who inhabit numberless dwellings in this dense neighborhood. The trade is large, full-priced, and mostly done at the counter, approaching \$2,000 per month."

The cold-blooded announcement smells of the pit. Beelzebub himself could not frame a more infernal sentence than this one, in which the dram-dealer tells how cunningly he has planted his death-trap between those laborers' wages and all their needy wives and children. He has reared his toll-gate right in the track of these well-paid hands, so that he may levy on them at the rate of \$2,000 per month! For this sum he retails to these operatives disease, poverty, disgrace, and endless destruction. We feel our fingers instinctively twitching to get such a scoundrel by the jugular, and gripping it until he is as purple in the face as any of his victims.

But why spend our righteous indignation upon a foreign liquor seller, when the same conspiracy against the wages and honor and lives of working-men is being carried on in our land? Precisely the crime which that Englishman so shamelessly advertised is being perpetrated here in all our factory towns, in all our cities, and in a great majority of our villages. At this time the labor question is one of the foremost questions of the hour. Discussions about labor about wages, and about the needs of the laboring classes are engaging the pens and the tongues of the ablest writers of the country. Both patriotism and philanthropy are studying the problem. "How shall the laborer be elevated? and how shall the inequalities in a degree be remedied?"

Halting for a street car a few evenings since in front of a corner dram-shop, I observed two well-dressed young men playing some game with dice. Their wages were being "done at the counter," and some poor mother's heart was being wrenched asunder. A decently clad woman stepped in with a pitcher under her apron and got it filled from a cask. Her wages for washing and other work went to the same counter, and that pitcher of grog went to her house to instruct her children in the accursed habit. Right in the midst of our community the bottle spider weaves his seductive web, and feeds on the foolish flies that are enticed within. As long as labor pays this tremendous toll, all hope of general betterment of its condition is futile. But if this greedy outlet for wages were effectually stopped, more than half of the labor problem would be effectually settled.

What can be done toward it? Several things ought to be done and can be. A legal restriction of the liquor traffic in the State of Maine has almost swept the State of dram-shops. But that was because the people in Maine were too well instructed to tolerate the dram shop. As the mass of citizens are abstainers, there is really but a small demand or desire for liquors. With a powerful public sentiment to drive it, a prohibitory law is a McCormick's reaper, cutting clean. Without such a sentiment it is a rusty reaper at which every grog-seller laughs. To produce such corrective and restrictive sentiments requires labor of tongue, pen, pulpit and personal influence. Every man who helps to throttle the drinking houses, helps to elevate the working classes.

"Do you have any drinking houses in your township?" I inquired lately of a friend from my native county in this State. "No," he replied, "not one. Our people have voted it out." In that township there is no manufacture of poverty and crime done at the counter. What is accomplished in that township may be accomplished in any other, provided the same thorough education of the people on temperance is carried out. The pulpit has always been outspoken for temperance in that community.

Multitudes of the humbler classes may be rescued from the clutch of the dram-shop by personal effort. This is the line of effort in which the Sawyers, Moodys, Murphys, Reynolds, Goughs and Willards did their best service. Father Mathew saved thousands of his fellow-countrymen from the whisky shop by his own personal effort. My Irish gardener refused to touch whisky even as a medicine when he was sick. He belonged to a "Father Mathew Abstinence Society." The dead hand of the Irish apostle held him back. There is an immense field for this Christian Temperance propagandism among the working classes, and the educated Christian class ought to go into it. Horace Greely told me that none of his work paid better than this—to open temperance coffee houses, holly-tree inns and reading rooms.

All attempts to break down the counters are balked as long as costly bars are sustained by the upper classes. The drinking of working men will continue just as long as their employers practice the same. Social influences work downward. And in the highest tier of society the decanter is

slaying its thousands, too. Alcohol is no respecter of persons.

Perhaps some of our readers, who will redder with indignation at that English rum-seller's advertisement, will themselves offer wine at their own tables! They set out liquors at weddings and on New Year's Day. Practically they put their own tables on a par with the dram-shop counter! Fashion tempts them to do what avarice tempts the liquor-seller to do. Are they any less guilty? Before they warm into indignation at the temptation set before the poor laborer, let their cheeks crimson with shame at the example they themselves are setting.—Christian Observer.

The Bible and Young People.

In the September number of the *Atlantic Monthly* there is a very suggestive and important article by Mr. Herbert W. Horwill, entitled "The Bible in Public Schools." He treats the whole question in a very careful and discriminating way. He begins by telling us of the lamentable ignorance that exists at the present time in regard to the contents of the great book. Despite the fact that the Bible has a larger circulation than ever before, it is to be so knowledge that it is not known as once it was. Especially is this true among our young people. What the Bible is, what it contains, what it tells us about history and psalm and gospel and epistle, is not known as once it was. Mr. Horwill states that this ignorance of the Bible is paralleled at least among the college students by the ignorance of standard literature. For example, in a division of forty sophomores in a New England college, he says, on the authority of a professor of English therein, that not one could give the names of six plays of Shakespeare, fourteen did not know the author of "In Memoriam," twenty-six could not mention any book by Ruskin and thirty-five were similarly ignorant of the title of a single poem of either Wordsworth or Browning. Such a condition of ignorance in a college class is scarcely conceivable. It must come about for the reason that our reading, in these last days, is so largely trashy. The current novel pushes aside the standard volume and that which is read only to be forgotten takes the place of that which should be connoisseur to be remembered. But ignorance of standard literature does not in anywise lessen the disadvantage of ignorance of God's word. The question then is how to overcome this latter.

It is proposed to do in part as we know by the introduction of the Bible into our public schools and into our private schools and colleges. The movement has taken form of late to treat the Bible in large measure as literature. It is the product of the Hebrew people to be placed side by side with the Greek or Roman classic. Mr. Horwill is of the opinion that knowledge of the Bible will not be materially increased by this process. Something may be done but not much. Treat the Bible as literature, treat it as a textbook and the student becomes quite apt to place it on a par with his geometry or physics. The knowledge that our fathers had of the Bible was not possessed by this process. It was not regarded as literature. They looked upon it as a message from God; it enforced a line of duty; it revealed to them a way of redemption; it was because of this that they deemed the book a book to be studied and prayed over rather than to be read. That gave them the knowledge of its contents which they possessed.

It has been thought too, that the reading of the Bible in the public schools without note or comment would, to a certain extent, remove this ignorance of which we have spoken. While we do not feel that it can do very much in this line, we are inclined to think that it can do something. The simple reading of certain portions of the divine word will make an impression at least on some. Take the sermon on the Mount; take the thirtieth of First Corinthians, or the twenty-third Psalm or the beginning of the fourth chapter of John, and it is practically impossible for a group of scholars to listen thereto without finding themselves in some measure at least, influenced.

But after all increased knowledge of the Bible must come from those who have it specially in charge. It is not to the college; it is not to the private school; it is not to the public school that we must look for greater familiarity on the part of the young with the Bible. It is the church itself that must take it in hand, and take it in hand more thoroughly. An hour once a week on Sunday will not suffice. There must be made provision somehow for wider and more thorough study of this book that bears so important a relation to our race. Mr. Horwill says and says truly: "The conclusion of the whole matter is that the teaching of religion is the work of the churches and not of the State. If for any reason it has fallen into neglect the duty of repairing lies upon those organizations which have been formed for the express purpose of the spread of Christianity. It is well for the churches themselves that they should be thrown upon their own resources in this respect."

This work of training and developing is no less important than gathering in. The reception into the church is but the beginning of the Christian life. Then comes building up; then comes the training of these who receive the word of truth from which comes the spiritual power of which they have been the subjects. This work of upbuilding those within is too often neglected. But it is no less important than evangelizing and bringing into the church those who are without.—The Commonwealth.