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THE SEMI-WEEKLY SUN.

ST. JOHN, N. B., JULY 28, 1906.

THE LORD'S DAY LAW.

The special text of the amended Lord's Day Act, as copied by the Sun today from the Canada Gazette, is still subject to some amendment owing to errors in its drafting. As the chief instance, a word has been inadvertently omitted in section 15 which changes its whole sense and intention. As copied from the official gazette it reads:

"No action or prosecution for a violation of this act shall be commenced without the leave of the attorney-general for the province in which the offense is alleged to have been committed, after the expiration of sixty days from the time of the commission of the alleged offense."

As thus worded, the clause means that the consent of the provincial attorney general is only needed when it is sought to bring action more than sixty days after the offense has been committed. The insertion of the omitted word "not," after the word "committed," which has been made in a special edition of Gazette, provides the intended limitation and makes the enforcement of the law contingent, in all cases, upon the consent of the attorney general, and nullifies any prosecution not begun within sixty days of the date of the violation.

Much criticism has been directed at this senate-adopted amendment. That it destroys the act utterly has been frequently claimed. What it really does is to place the enforcement of the law exclusively in the hands of the provincial authorities, where it belongs.

Before the bill had been long before parliament it became evident that no general law could be enacted satisfactory to all the provinces. What seemed too wide license in Ontario was to Quebec puritanical tyranny. As regards Sunday observance the opinions of even the religious of the two provinces were too greatly variant to be covered satisfactorily by any blanket legislation. The logical solution would have been to let each province look after itself, but that is impossible under the constitution which places all criminal matters under federal control. So a compromise was reached, under which the federal parliament enacts the general law, but leaves its special application to the governments of the various provinces. Not only is the legislation of provincial assemblies given precedence over the federal act, but the latter, in whole or in part, cannot be enforced without the consent of the head of the legal department of each province.

Provincial governments are supposed to represent provincial sentiment. At any rate they must bend to it or they will not long remain governments. Public sentiment in Quebec is undoubtedly hostile to many of the provisions of the Lord's Day Act, and unless the attorney general of that province is desirous of defying that sentiment, those provisions will be dead letters, as far as Quebec is concerned. But in Ontario and the maritime provinces, where popular opinion is strongly in favor of a quiet Sunday, no attorney general could refuse assent to legitimate prosecutions under the act without endangering himself and his government. In the west the same rule will apply. The law will be enforced just so far as the people de-

mand it. And if at any time, public opinion in any of the provinces changes, there is the wide general law ready to exert whatever pressure the people demand.

Altogether this seems on its face an admirable solution of a great difficulty. It it proves in practice not so effective as its appearance promises, it can and undoubtedly will be amended as conditions require.

WOMEN AND PERSONS.

Lord Salveson in the Edinburgh court of sessions recently gave a decision with reference to the legal application of the term "person" to a woman, similar to the judgment delivered by the New Brunswick supreme court not long since in the case of the St. John lady who applied for admission to the bar of this province.

Under imperial statute certain British universities have the power of electing representatives to parliament and all "persons" who have been regularly graduated from those institutions have the privilege of voting. Of recent years some of the Scottish universities have thrown open their doors to women and have awarded them degrees on the same terms as men. Now these graduates have laid claim to the franchise privilege also, claiming the rights given by the act to "persons."

Lord Salveson has, however, ruled against them, declaring that the application of the term is limited to males. So is the law again set up in contradiction to the prophets and the poets and the dictionary makers and also to common sense. Women were persons to Shakespeare. According to Locke's interpretation, a person is "a thinking, intelligent being, that has reason and reflection." Even conservative Noah Webster extended the term to embrace all living self-conscious human beings. But the law, forsooth, the narrow-minded, pernickety, strait-laced-at-a-gnat-and-swallow-a-whole-circus law, rules otherwise. Women to it are chattels, toys, non-entities with no legal rights save as may be graciously granted by their trousered lords and masters.

And, again, we are given reason to extend the right hand of approval and endorsement to the homely sage who once proclaimed, "The law is a ass."

BRITAIN WILL SEE FAIR PLAY.

While it is the popular custom to take from the utterances of public men more than was actually meant by the speakers, it seems improbable that the British premier's enthusiastic exclamation, "La Duma est morte, vive la Duma," at the meeting of the Inter-parliamentary Union in London the other day, was not intended to convey more than the personal opinion of that astute statesman that though the Russian parliament has been dispersed it will continue as an institution. Taken in connection with the report freely circulated by the newspaper organs of the Russian government that Germany and Austria have promised armed assistance to the Czar, that exclamation would undoubtedly be interpreted, and was probably so intended, as an official intimation to the world of the direction of the British government's sympathies and a plain warning of the result of any outside intervention in the struggle between the Russian people and the autocracy.

And so public attention is directed to the train that leads from the Russian confederation to the European powder magazine. Germany and Austria may or may not have promised to aid the Czar; certainly they will have temptation to do so. They both have interests which will be endangered by the threatened civil war in Russia. Armed revolution will probably provide occasion for the Poles to strike again for national independence, and, as both the Kaiser and Franz Joseph exercise sovereignty over portions of the old kingdom of Poland, they have good reason to dread such an uprising. France also is interested in the maintenance of the Czar's government. Practically she is still considered as Russia's ally and financially she is heavily concerned in the government's welfare, for her financiers have advanced to the Czar large loans, the latest of which the Duma refused to endorse and may repudiate should the reins of government fall into its hands. The Czar must have considered these things before taking the step of reviving the old despotism. Unless he and his advisers are altogether insane he must either have had some unknown reason to rely upon the loyalty of his army or upon help from outside. And the British premier has now informed him what outside intervention will involve. If Germany, or Austria, or France, or all three step into the arena they must first pass the sword of Britain. And back of Britain is Japan.

In other words, Campbell-Bannerman has given the Russian people, who are fighting the same fight Britons won centuries ago, the old British guarantee of fair play. The ring will be kept clear.

A few days ago the mangled remains of Grand Duke Sergius' body were taken from the temporary vault where they have lain since his death, by the explosion of a bomb over a year ago and buried with the utmost secrecy in a crypt in the monastery of miracles in the Kremlin at Moscow. And this is only one incident in the first chapter of the tragedy of the Russian autocracy.

And if at any time, public opinion in any of the provinces changes, there is the wide general law ready to exert whatever pressure the people demand.

Altogether this seems on its face an admirable solution of a great difficulty. It it proves in practice not so effective as its appearance promises, it can and undoubtedly will be amended as conditions require.

THE FULL TEXT OF THE NEW LORD'S DAY ACT.

The Canada Gazette contains the official text of the Lord's Day Act passed at the last session of Parliament. The act follows:

CHAP. 27.

His Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. In this Act, unless the context otherwise requires:

(a) "The Lord's Day" means the period of time which begins at 12 o'clock on Saturday afternoon and ends at 12 o'clock on the following afternoon;

(b) "Person" has the meaning which it has in the Criminal Code, 1892;

(c) "Vessel" includes any kind of vessel of boat used for conveying passengers or freight by water;

(d) "Railway" includes steam railway, electric railway, street railway and tramway;

(e) "Performance" includes any game, match, sport, contest, exhibition or entertainment;

(f) "Employer" includes every person to whose orders or directions any other person is by his employment bound to conform;

(g) "Provincial Act" means the charter of any municipality or any public Act of any province whether passed before or since Confederation.

2. It shall not be lawful for any person on the Lord's Day, except as provided hereon or in any provincial act or law, now or hereafter in force, to sell or offer for sale or purchase any goods, chattels, or other personal property, or any real estate, or to carry on or transact any business of his ordinary calling, or in connection with such calling, or for gain to do, or employ any other person to do, on that day any work, business, or labor.

WORKS OF NECESSITY OR MERCY

3. Notwithstanding anything herein contained, any person may on the Lord's Day do any work of necessity or mercy, and for greater certainty, but not so as to restrict the ordinary meaning of the expression "work of necessity or mercy," it is hereby declared that it shall be deemed to include the following classes of work:

(a) Any necessary or customary work in connection with divine worship;

(b) Work for the relief of sickness and suffering, including the sale of drugs, medicines and surgical appliances by retail;

(c) Receiving, transmitting, or delivering telegraph or telephone messages;

(d) Starting or maintaining fires, making repairs to furnaces and repairs in cases of emergency, and doing any other work which is necessary for the maintenance of the public health or safety;

(e) Starting or maintaining fires, and ventilating, pumping out, and inspecting mines, when any such work is essential to the protection of property, life or health;

(f) Any work without the doing of which on the Lord's Day, electric current, light, heat, cold air, water or gas cannot be continuously supplied for lawful purposes;

(g) The conveying of travellers and express matter and work incidental thereto;

(h) The continuance to their destination of any cars and vessels in transit when the Lord's Day begins, and work incidental thereto;

(i) Loading and unloading merchandise at intermediate points, on or from passenger boats or passenger trains;

(j) Keeping railway tracks clear of snow or ice, making repairs in cases of emergency, or doing any other work of a like incidental character necessary to keep the lines and tracks open for the Lord's Day;

(k) Work before six o'clock in the forenoon and after eight o'clock in the afternoon of yard crews in handling cars in railway yards;

(l) Loading, unloading and operating any ocean-going vessels, or loading or unloading thereof, or any vessel which otherwise would be unduly delayed after her scheduled time of sailing, or any vessel which otherwise would be put in danger of being stopped by the closing of navigation; or loading or unloading before seven o'clock in the morning or after eight o'clock in the afternoon any grain, coal or ore, or any other cargo, or any vessel carrying such cargo, or any vessel which otherwise would be unduly delayed after her scheduled time of sailing, or any vessel which otherwise would be put in danger of being stopped by the closing of navigation; or loading or unloading before seven o'clock in the morning or after eight o'clock in the afternoon any grain, coal or ore, or any other cargo, or any vessel carrying such cargo, or any vessel which otherwise would be unduly delayed after her scheduled time of sailing, or any vessel which otherwise would be put in danger of being stopped by the closing of navigation; 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