



THE American papers have not yet stopped writing about the alleged acceptance of "the unwritten law" by the jury in the Thornton Hains case. The liberated prisoner himself seemed to have been in no doubt about the matter; for he is reported as crediting his escape wholly to this intangible statute and promising to write a novel setting it forth. Nor will most disagree with him. The general opinion undoubtedly is that the jury liberated Hains because they thought he was engaged in an excusable, if not a worthy, enterprise; and not because they believed that he was too insane to know what he was at. This "unwritten law" affects the judgment of multitudes of thoroughly good citizens; and it is high time that the community looked it in the face and recognised the well-nigh universal spirit which it represents. Possibly not all men would have liberated Hains; but practically all men are influenced by their knowledge of the reasons which actuate a man-killer when they come to judge his action. Where they will not liberate, they will be lenient.

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NOW what, in plain English, is the "unwritten law"? How would it look in writing? Roughly, it might run something like this: When a man suffers an intolerable wrong through women under his protection, for which the clumsy-fingered statutes have no real remedy he may then take the law into his own hands and exact the only adequate payment. I remember reading a vivid sentence once in the comment which Mr. E. E. Shepherd used to contribute to *Saturday Night*. He said: "There are some things which a man must defend with his life." And when you have uprooted with your polished instruments of ordered civilisation that feeling out of the hearts of all men, you will have produced a nerveless, pale-blooded, calculating and epicene race which may be law-abiding while it lasts; but which will fall like withered leaves in some day of rude tempest when a more virile people come riding the whirlwind of conquest. Organised society and its provisions for law and order are the symbols of civilisation and the conditions of progress and all that; but, after all, they are the creation of human imperfection and are liable to have their shortcomings and their lacks. There are undoubtedly yet many things which might be added to make them more perfect.

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NOW no man can quite give over to society as it exists the full direction of his conscience. He may recognise that there are powerful reasons why he should hesitate long, and be very sure that moral compulsion drives him, before he decides that the course ordered by society is insufficient. On the vast majority of points, he can even give way to society when he deems it wrong, comforting himself with the knowledge that greater evils will flow from his refusal to accept the ruling of society as final than from his sitting down under individual outrage. Public order is so great an individual good that he may make many and genuine sacrifices for it. But there are surely places where he must draw the line. There is, for instance, religion. If society decides that for its self-preservation all its members should have the same religion, the worshippers who are in a minority must ask themselves whether they dare obey. If they refuse, they appeal to "the unwritten law." They assert the inalienable right and duty of every man to worship his Deity as he believes to be right—a right which he can hardly sink in any smooth enactment of wise statesmanship which proposes to establish public order and national security by decreeing a uniform religion based upon the most acceptable form of worship to the greatest number.

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NEXT to a man's religion, he probably values his honour; and at no point is his honour dearer to him or more sensitive to affront than in the fair name of the woman whom he has made his wife. A wound suffered here deprives men of their reason and drives them to murder and suicide. And what does society offer by way of legal remedy? Let us take the Hains version of this Hains-Annis case by way of example. I am not saying that the Hains version is the true one, or in any way prejudging the case which is yet to be tried;

but the outlines as sketched by the Hains defence will serve as well as anything else to illustrate the present legal situation. Let us suppose that Captain Hains married a pure, lovely and affectionate girl to whom he gave his entire heart and trust. She was not an experienced woman of the world but just a careless girl, loving life as she sipped its pleasures, loving her husband and skeptical as to the evils which prosy moralists saw everywhere; and all the more innocent and lovable for this attitude of mind. While Captain Hains was with her, all went well. But his country required a patriotic sacrifice from the Captain. He had to go to the Philippines. In a sense, he left his girl-wife a trust under the protection of the country whose command he obeyed. While he was away, a reckless *debauche* or a calculating scoundrel turned her into a drunken sensualist.

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WHAT remedy did society offer to Captpain Hains when he returned and found the girl he had left so pure a lying intriguer with the smell of liquor on her breath and her honour gone forever? Society said to Captain Hains: "You can sue Annis for damages; and, after you have endured the intolerable pain of having the whole terrible story told in public and commented on by the press of the continent, he may write you a cheque—if he happens to have the money—and laugh at you for having to take his money after he had taken your wife." So long as this is the best that society can offer such cases in the form of written law, men with red blood in their veins will appeal to the "unwritten law" and other men will sit on juries and find them "not guilty" or "temporarily insane" or whatever may be necessary. If society does not like the "unwritten law," she should write one stern enough to render it unnecessary. Such a crime as we have assumed the imaginary Annis to be guilty of, should be punished by death; and if society will not inflict the punishment, the imaginary Hains brothers usually will. And so far as the Monocle goes, he thanks God that chivalrous honour is not dead in the world.

N'IMPORTE

"MY LADY OF THE SNOWS."

AT the opening of Parliament on Thursday, among others in His Excellency's box was Margaret A. Brown, the author of "My Lady of the Snows." A keen observer would have singled her out of the crowd of onlookers because of the intense eagerness of her eye and her spirituelle appearance.

"My Lady of the Snows" is not an ordinary book. Apart from the interest it evokes as the product of a Canadian woman born and brought up in Huron County, the book demands attention because of the ideals of Canadian life which it presents. The modern spirit of materialism is depicted as having crept into Canadian life, and the higher idealism rises to the challenge. Idealism, of the highest and best type, is incarnated in the person of Modena Wellington; vulgar, deadening materialism, in the character of Verona Lennox. A constant fight is kept up between the two throughout the book, and if at times one becomes, like Modena Wellington, rather weary of the long-drawn-out battle, one cannot help admiring the spirit and courage which the author has poured into her book.

There are a few slips which do not really affect the spirit of the book, and when the mist created by these errors is swept away, there is revealed an inspiring view of Canadian ideals. In her earnestness to create a national spirit the author can be forgiven for the travesties she has committed.

WHERE SKATING IS UNUSUAL



While Toronto has been having spring weather, and while Montreal and Ottawa were having sleet and rain, Victoria has experienced the severest spell of frost in some years. This photograph shows citizens skating on the Ornamental Lake in Beacon Hill Park.