

## MORE SYMPTOMS OF PROGRESS.

WE have already noticed the present attitude of the London "Times" in reference to the question of "prohibition" and "local option" in England as not so much of importance in itself, as indicative of the marked and healthful progress of public opinion in reference to the temperance movement. The proposition to make the influence of intoxicating liquors on the physical system a distinct branch of instruction in some of the public schools in Britain, points also very distinctly in the same direction, while here in Canada the keen discussion of the whole question both on public platforms and through the press, with all the usual exhibitions of affected candour, bitter hostility, and earnest admiration, leads unerringly to the conclusion that in this respect what is true of Britain is equally true of our Dominion. The crusade against intemperance gathers strength, and as it does so, in the estimation of many, gains also in respectability.

Some short time ago we noticed, a great deal more in sorrow than in indignation, though the latter feeling was by no means absent, the offensive exhibitions which too many make of themselves at public entertainments, and especially some very conspicuous instances of the kind which had recently taken place in connection with the closing exercises of some of our educational institutions. It had long for instance been a matter of painful notoriety that the Convocation dinners in connection with our Provincial University too often ended in a fashion neither creditable to the institution nor conducive to the moral well-being of those "cultured youth" of whom we have all heard so much. As so far representing the views of many in a religious denomination which is insignificant neither in numbers nor intelligence, it was surely at once our right and our duty to criticise such proceedings and to protest against the undenied and undeniable excesses which had too long been characteristic of these and other "good fellowship" meetings. All would have gone well, the hint would have been quietly taken, and amendment no doubt would have been the result, had not a very omniscient and very supercilious monthly contemporary with that ludicrously patronizing air, which as one has phrased it "would be offensively insolent in an archangel to a mollusc," chosen to proclaim the fact that there was no excess at all, but simply good wine on the table and good fellowship among the guests, while it was at the same time insinuated that the editor of this paper "having been all his life committing breaches of charity and poisoning the social atmosphere around him," was certainly not in the way to gain anything like saintship by "scenting debauch" where there was nothing but "good fellowship." All this was very foolish and very offensive, the more especially as the "debauch" was as notorious as anything well could be. In a subsequent issue we said this in very plain and unmistakable terms, and surely we were not taking an unpardonable liberty in doing this also. It seems, however, that we were; for our magnificent and immaculate censor in his last issue gives us very unmistakably to understand that we have been very naughty and very presumptuous in "persisting to force" ourselves on his "notice," though how we have done this, except by issuing THE PRESBYTERIAN as usual, passes our comprehension. How far we "scattered imputations of beastly excess" or fancied that by doing so we were "displaying superior Christianity" our readers are quite able to judge. We stated nothing but facts which could easily be verified by many competent witnesses, while as to "forcing" ourselves upon the notice of our "tremendous" neighbour, all we can say is that nothing could be more whimsically remote from our desire or intention. Indeed it must have required a vanity so consuming and exigent that nothing short of mental aberration could either account for it or excuse its exhibition to lead any one to entertain or express the grotesque idea that his "notice" was so important that every one must be anxious to secure a part of it, were it only to be pitied, patronized, or condemned for his trouble. We are quite willing to have Bolingbroke's sneer reproduced as original for our special benefit, and have not the slightest objection to any number of additional illustrations being given of how one of that peculiar class whom Sydney Smith describes as having discovered at an early stage in their upward struggle that the "crum" in "crummet" was long and the "pet" short, eventually disport themselves. All the foolish

talk about "malignity," "the marriage of Cana," and the "wine bibber of Galilee" has long, long since become old and stale. Yet it can never be repeated even by a tenth rate or a first rate *litterateur*, who may fancy that he always carries a ground plan of the universe in his waistcoat pocket, and can occasionally patronize Jesus Christ as a "very respectable party," though somewhat destitute of educational advantage, without its supplying another illustration of that progress in thought and feeling we have spoken of, though not in the direction this oracle would either follow or approve.

**TURKISH FAMINE FUND** — Previously acknowledged, \$183. "A Friend," Woodstock, \$4. Total, \$187.

THE Rev. Dr. Patton, of New York, will, it is expected, preach the sermon at the formal convening of the Presbyterian Council, at Philadelphia, on the 21st inst. Dr. Adams, as all know, was appointed to this work, and on his removal by death no more appropriate substitute could be thought of than the present Moderator of the General Assembly of the Presbyterian Church (North).

THE Queen's printer, in London, Macmillan, has spent over \$100,000 on the new version of the Bible, which has been preparing for several years. The New Testament has been completed, and very soon large numbers of copies will be shipped to all parts of the world where the English language is spoken. The old divisions of chapters and verses and the running head lines are gone. Some of the excisions and changes made by the revisers will certainly be the occasion of no small amount of learned controversy.

THE Pope has been representing to the Belgian Government that he did not approve of the opposition of the Belgian bishops to the law on education, while, at the same time, he was secretly urging them to oppose it. The letters on both sides are published, and, as a contemporary aptly observes, it raises the question on which side the infallibility lies, or whether it lies on both sides. It certainly lies. All is not peace and quiet in the Romish Church. Even the French nuns, to the number of several hundreds, have been standing out against infallibility and kindred dogmas of their Church.

THE statistical reports made to the English Wesleyan Conference shewed that a net decrease had taken place during the year of 934 members. An analysis of the items shewed that the Church had suffered a positive loss of not less than 37,000 members; that is, that number of persons whose names had been on the rolls had ceased to appear there. This is the third year in which the Church has had to face a decrease, and it is only natural that the fact attracted the serious attention of the Conference. The discussion which took place on the subject did not, however, throw any great light on the causes of the decrease, further than that the habit of making regular contributions was declining, and those who neglected it failed to be registered as members, although they attended the services regularly. This was particularly the case in Cornwall, one of the districts where the decrease was most marked. Many, also, had emigrated.

## THE SABBATH CONCERT CASE.

On the 30th ult., at the Court of Queen's Bench, before Chief Justice Hagarty, Justices Armour and Cameron, judgment was given in the application on a writ of *certiorari* to quash the conviction of the Police Magistrate against Lucien Barnes, late Manager of the Royal Opera House, in Toronto, for holding a "Grand Sacred Concert" by a "Comic" Opera Company there, on Sabbath evening, February 22nd last, contrary to the English statute, 21 George III., chap. 49.

The Chief Justice in stating the facts of the case said that the conviction was based upon a well considered judgment given by Mr. Denison, the Police Magistrate, and which might well be added to the judgment now rendered by this Court. So far as he was aware, the Act 21 Geo. III., chap. 49, had never been called in question in this country before, and the importance and utility of its provisions made it desir-

able that they should be widely known. The Act is entitled "An Act for preventing certain abuses and profanations on the Lord's Day," and after reciting that certain public entertainments and debates had of late been held in the cities of London and Westminster, etc., it enacts "that from and after the passing of this present Act, any house, room, or other place which shall be open or used for public entertainment or amusement, or for public debating on any subject whatsoever upon any part of the Lord's day, called Sunday, and to which persons shall be admitted by payment of money, or by tickets sold for money, shall be deemed a disorderly house or place." The Act then provides that "the keeper thereof shall be liable to a penalty of £200 for each Lord's day such place was opened or used for the purpose aforesaid to any person who shall sue for the same, besides being liable to be prosecuted and punished as for keeping a disorderly house." A penalty of £100 is also imposed on the manager of such entertainments, and £50 upon the door-keeper who collected the money or tickets, provided that no action shall be brought for such penalties unless within six calendar months next after the offence committed. Persons acting as managers of such entertainments are declared to be liable as keepers of such house; and it is finally provided that nothing in the Act contained shall interfere with the free exercise of their religion by His Majesty's dissenting subjects under the Toleration Act of William and Mary.

The Chief Justice then proceeded to remark upon the wide application of the Lord's Day Act of this Province prohibiting tippling in taverns, playing ball and other games, gambling, hunting, fishing, bathing in exposed situations, holding political meetings, and restraining all persons from exercising the worldly work or labour or their ordinary calling on the Lord's day, and he asked Mr. Fenton why the prosecution was not based on the Lord's Day Act?

Mr. Fenton replied that he thought the rule *ejusdem generis* excluded the manager of a theatre from the operation of the Lord's Day Act.

The Chief Justice—This question at any rate did not arise in the present case, in which the offence charged and proved was for violating the statute of George III. The objection urged that this Act was applicable to England only, because its preamble recited that it was passed to remedy abuses in the cities of London and Westminster, was met by the answer that the general terms of the enacting clauses, and the general utility of its provisions, made it of universal application. It was objected that this statute was not introduced into or in force in Canada, because our own Legislature had passed law (the Lord's Day Act) on the subject. But to this it was well answered that the Canadian Acts were not inconsistent with the English statute, and the decisions of Chief Justice Draper and the Court of Queen's Bench in the cases of Reid v. Inglis, and Dunne v. O'Reilly, and Marshall v. Platt, and of Chief Justice Robinson in Cronan v. Winner, shew conclusively that English statutes, passed before the English law was introduced into Canada, remain in force here unless repealed or superceded by Canadian statutes inconsistent with English Acts. The old decision of this Court in the case of Doedern Anderson v. Todd, that the English Mortmain Acts were not introduced into Canada by the Canadian Act of 1800 (40 Geo. III. chap. 1), was relied on by Mr. McCarthy as shewing that only such of the laws of England as were applicable to the conditions of the colony were introduced into Canada by the latter Act. He could not understand, however, the propriety of the decision given in Anderson v. Todd. He believed the Mortmain Acts were applicable to the conditions of this colony, and were introduced into Canada with the body of the English law, and he concurred in the opinion of Chief Justice Draper and other judges to that effect expressed in the later case of Whitby v. Liscombe, in appeal, 23 Geo. I. In the present case the Act of 21 Geo. III., chap. 49, which promoted the observance of the Lord's Day must be held to be of general application, and to be in force in Ontario. And the Court holds that the conviction of the defendant Barnes by the Police Magistrate for holding a concert in a theatre on Sunday evening, February 22nd last, was valid, and the application for the rule to quash the conviction is refused.

Justices Armour and Cameron concurred.

It is understood that this decision will be final, as no appeal is to be taken.