

*Hemings collection*

...The...  
**Lord's Day Advocate**

Published by  
**THE LORD'S DAY ALLIANCE OF CANADA**

JANUARY, 1907



MR. ROBERT JOHNSTON, M.A., D.L.  
Montreal, President of the Quebec Provincial  
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# THE LORD'S DAY ADVOCATE

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## NOTES

KINDLY NOTICE THAT LORD'S  
DAY WEEK FALLS THIS YEAR  
ON APRIL 7-14.

We welcome all the Provincial offi-  
cers recently elected. Rev. Robert  
Johnston, D.D., of Montreal, is given  
in this issue the place of honor. The  
others will follow.

We are glad to quote from the  
speech of Hon. Senator Frost on the  
Lord's Day Act. It was one of the  
ablest delivered in the Senate. Our  
friends will look with pleasure on his  
features and those of other friends in  
Parliament tried and true.

The electric railway legislation of  
1906 passed by Ontario and Manitoba,  
prohibiting in general the operation of  
such roads on the Lord's Day, has  
been "proclaimed" in terms of Cap.  
32, S.C. 1904, by the Governor-Gen-  
eral-in-Council, and thus is made as  
effectual against Dominion-incorporated  
roads as if it had been enacted  
by the Parliament of Canada. Appli-  
cation was made some months ago  
for the said proclamation to the  
Dominion Government by the L.D.A.  
of Canada. In consequence, action  
will shortly be taken by Hon J. J.  
Foy, Attorney-General for Ontario, to  
compel the Grand Valley Co. of  
Brantford to discontinue the opera-  
tion of their cars from that city and  
the towns of Paris and Galt to their  
pleasure resort on the Paris road.  
The progress of that case will be  
watched with interest.—S.

"The want of Sunday rest exhausts  
the vitality; stimulants are resorted  
to; the exhaustion becomes bank-  
ruptcy, and the man yields to phys-  
ical and mental disease; his children,  
too, inherit impaired constitutions  
and distorted organisms." (Dr. Alex-  
ander Jackson.)



**TWO IMPORTANT VICTORIES IN  
ONTARIO—LONDON ICE CREAM  
CASE—WELLAND ELECTRIC  
WIRING**

Following is the judgment of London's able Police Magistrate in one of the most important ice cream decisions yet given under the Lord's Day Act. It is so full and clear as to best speak for itself:—

"The complainant in this matter charges the defendant with committing a breach of the Lord's Day Act (C.S.U.C.104), by selling and disposing of certain goods, wares and merchandise at the city of London on the seventh day of October last, being the Lord's Day, and upon the case coming up for trial, the defendant by his counsel admitted the sale of the goods, being ice cream and ice cream soda, but contended that such sale did not constitute an infraction of the statute in question, for the reason that he was the holder of a license to sell victuals or eating house license, obtained from the City of London, that the victuals in question were food and that he was therefore entitled to sell and dispose of them under his license.

"The defendant further contended that this case comes under the scope of the Queen vs. Alberti, but I am not able to accede to that view.

"His own testimony shows that he supplied only what he terms short lunches, such as sandwiches, cakes, boiled eggs, etc.; that he does not serve regular meals on Sunday, but that he takes orders for the supply of ice cream and ice cream soda alone, although if cakes were ordered he would supply the same as a separate order.

"I think this case is, on a par with that of Rex vs. Sabine, in which P. M. Kingsford, of Toronto, convicted the defendant under a somewhat similar state of circumstances, which conviction was upheld by Winchester, County Judge, on appeal.

"The distinction has been drawn by the learned County Judge between an eating house, the principal business in which consists in furnishing meals and food and, incidental to that, supplies ice cream, and an eating house in which a confectionery and

ice cream business is carried on and the eating house business subordinated thereto.

"I think the distinction clearly arises here, and that the defendant carries on the latter class of business; that is, the principal and greater part of his business is the sale and disposal of ice cream and ice cream soda, and I hold this description of business when carried on on Sunday to be illegal and a violation of the statute in question.

"It may be contended that this decision conflicts with the decision in the Queen vs. Alberti, and doubtless it comes perilously near doing so, but it does not to any greater extent than Rex vs. Sabine, which I follow as a later decision.

"I would have preferred to base this decision on the broad ground that an eating house proprietor, in the fullest sense of the term, is not entitled to sell ice cream on Sunday unless it is supplied in conjunction with a regular meal or at a time when regular meals are usually and ordinarily supplied or when the consumer is taking it for food purposes and as a necessary food and not a confection, but as this would directly contradict the Queen vs. Alberti, I do not feel at liberty to do so.

"I do not think, however, the Queen vs. Alberti goes so far as to decide that an eating house proprietor has the right to almost continuously sell ice cream on Sunday to persons who purchase ice cream alone and who consume the same as a confection, and not as a necessary food, and I shall act on that view unless I am precluded by the authority of a higher court.

"I find the defendant guilty as charged, and fine him \$2.00 and \$1.85 costs or five days. Francis Love, P. M."

The defendant has a large number of branch stores and restaurants, e.g., Brantford, Stratford and other places. He said he would appeal and make this a test case. Other counsel seems to have prevailed. The Ontario L. D. A. asked the Attorney-General to defend the judgment if appealed from. This he promptly decided to do. His decision may have prevented the appeal.



The other case was one brought by Mr. Stevens, of Welland, against men who worked on the Lord's Day stringing electric wires. W. M. German, M.P., defended them. The magistrate convicted. Mr. German said he would appeal. The Ontario L.D.A. decided to stand by Mr. Stevens, asked the Attorney-General to defend the magistrate's judgment, and besides, to allow the L.D.A. to be represented on the case by Mr. J. G. O'Donoghue. Perhaps these steps prevented the appeal being taken. It has been dropped and the fines paid.—S.

### THE BOTHWELL OIL CASE—REX. VS. McLAMPUS

The defendant is an employee of the Walker Oil & Gas Co., of Bothwell, engaged in running the pumps. The case was instituted by the Hon. J. J. Foy, Attorney-General, to ascertain whether the company's claim that the operation of these water-oil wells continuously, and therefore on the Lord's Day, was warranted.

Police Magistrate Houston of Chatham, an able and fair-minded lawyer, tried the case, with Mr. H. D. Smith, Crown Attorney, prosecuting, and Messrs. Lewis and Hickey, counsel for the defence. Mr. Smith went into the case with thoroughness and all his well-known ability.

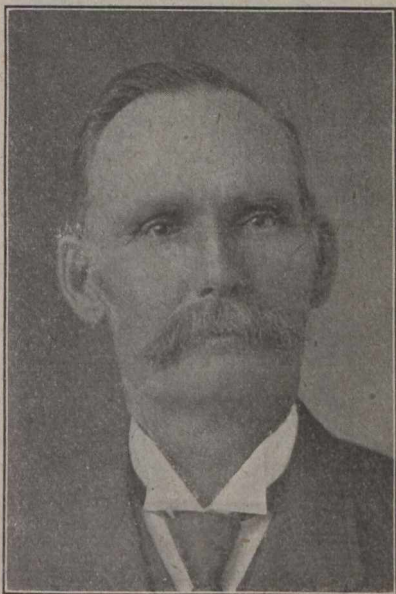
The magistrate's decision is as follows:—

"I was asked to find on the evidence if it were necessary for the defendant to work on Sunday.

"I am of opinion, under the evidence, that it was not; that the business could have been conducted properly without pumping on Sunday.

"The defendant was working for a corporation, and under the cases cited and others I have read, I am of opinion that I cannot make a conviction, and on that ground dismiss the defendant without costs. (Signed) M. Houston, P. M. and J. P."

The case thus fails of conviction on the technical ground that corporations and their employees are not subject to this old law framed before there were corporations. But it succeeds in demonstrating that there is no 'necessity' for the continuous operation of



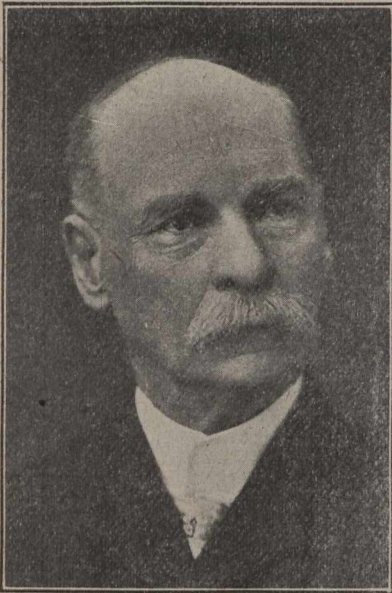
P. H. MCKENZIE, M.P., S. BRUCE

such wells. The new Dominion Act applies to corporations. It will be necessary, therefore, to institute new proceedings under this Act against the corporation as such.—S.

### AN ILLUSTRIOUS AMERICAN'S WORTHY EXAMPLE

The New Zealand Outlook says:—  
"The Hon. W. J. Bryan, the candidate for the American Presidency, who on his return to New York after his visit to England, was accorded a great Democratic welcome, is a public man who in his world-wide travels has followed the example of General Grant in making himself known as a Sabbath keeper and a temperance man. It is related of Mr. Bryan that he recently declined a dinner to be given in his honor on the Sabbath day, saying, 'I am sorry, but it's Sunday, and I go to church. Won't you go with me?' It will be well with the nation whose public men are of this stamp, and actuated by such lofty principles."





HON. F. T. FROST, SENATOR

### EXTRACTS FROM MR. FROST'S SPEECH

Hon. Mr. Frost said : I only desire to say a few words on this very important measure. It is a question that has been pretty thoroughly threshed out in the House of Commons, and I have read over the Bill since it has come into our hands, it strikes me that it is an eminently fair one.

The truth of the matter is that many people are discussing this Bill adversely because they have not read it.

It interferes only with the carrying on of work whereby laboring men will be compelled, under a penalty of dismissal, to work for seven days in the week. It provides that the Mosaic Christian law shall be carried out; that upon six days of the week thou shalt do thy work but the seventh shall be considered a day of rest. It matters not to me how any one takes the seventh day as a day of rest; he may go to church if he choose, or he may wander in the woods. The law does not prohibit any one from using that day as they desire to do provided they do not use it for the purposes of gain or in any

way by which they might become a nuisance to their neighbour or to the community. The law is a simple one.

It is only a few days ago that I met a gentleman from Indianapolis. He told me that the Lord's Day in their city had practically become one of the busiest days of the week, a day when thousands of people were compelled to work against their will. And that if any refused to work on that day, they were liable to dismissal from the service. We would not like to see that in our country. Our country is young. We have not reached the proportions where an Act of this character might be almost impossible to enact. We have not come to a day when if we undertook to enact such a measure as this we would find our population, many of them, perhaps, foreigners in our country who would not permit such an act. If we are ever to have an Act for the preservation of the Lord's Day, we are to enact this Bill now. Now is the time. This is the best time in the history of our country for the passing of such an Act for the preservation of the Lord's Day. As far as I can see it, the Bill is practically in the interests more particularly of the workingman of Canada. That is what the Bill practically is being passed for, and in that feature of it, it is a measure which every one who desires to have a quiet day on Sunday and who desires to protect our workmen from any inordinate labor for the purpose of gain, will support. I do not say that our railway companies are to be characterized in that way, but I do say that the pressure of business and competition in this feverish age is getting so that it is a very easy matter for those who employ large bodies of men to trample the workingman under their feet, and there should be something on our statute-books by which the men who are helpless in themselves as a body should be protected from any undue tyranny or any indication of anything that might perhaps draw them down and compel them to almost a position of slavery.

We want to have such legislation on our statute-books as will protect every man.

In concluding these remarks I have just a quotation which I wish to give that is just along the lines of my

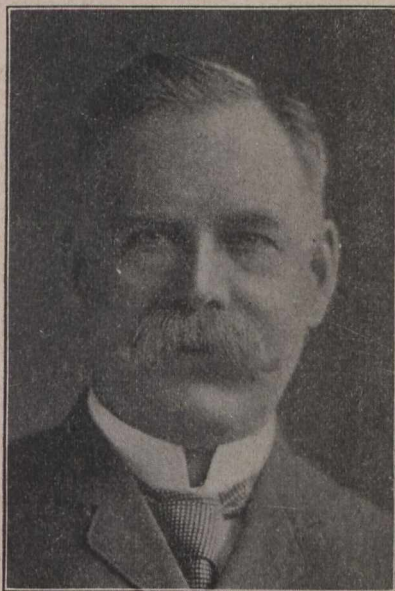


own mind, but given in better language than I can express it. It is a letter written by His Grace Archbishop Bruchesi to the Hon. Mr. Fitzpatrick when he was Minister of Justice, in regard to this Sunday Observance Bill. The whole tenor of this letter is most admirable and fitting, and is given in moderation and in a spirit of concession and charity, and I believe it is admirably adapted for the consideration of this Senate in the discussion of this Bill. He writes on the 29th March as follows :

The following letter has been sent by His Grace Archbishop Bruchesi to the Hon. Charles Fitzpatrick, Minister of Justice, who asked his opinion on the Sunday Observance Bill :

With regard to the desire you have expressed, I beg to give my opinion regarding your measure on Sunday observance. I hasten to say, in the first place, that I approve of the principle of the Bill, as well as of the greater number of its clauses. Contrary to what has been written in several newspapers, I am of the opinion that the government has the power and is in duty bound to offer legislation on this matter. In doing this, it in no way interferes in matters of conscience and religion; it does not restrain the liberty of worship as it is recognized in Canada; it only gives its aid to the maintenance of a practice common to all Christian people. Our country is really a Christian one, and our governing bodies should keep this in view in framing legislation. If it were necessary to accept certain statements which have been put forth in the name of liberty of conscience, it would follow that the civil power would have to abstain from enacting all laws for the observance of Sunday, and would not have the right to prohibit on that day the carrying on of **business or general work**. There may be some people in our country who have reached this conclusion, but it is not true that the almost totality of our fellow-citizens admit that legislation on this point is a necessity ?

I admit that the measure presented to parliament is, perhaps, severe on several points, but we must also add that there are very grave abuses to

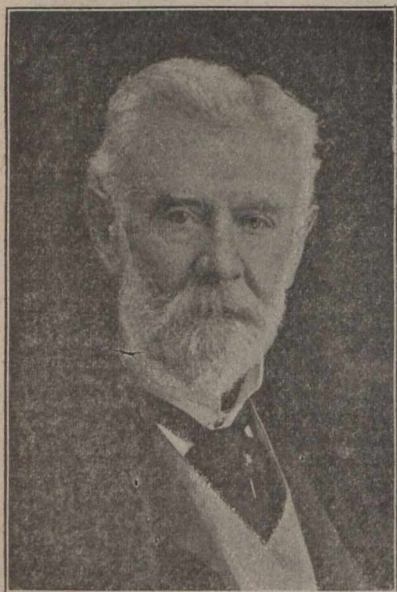


ROBERT STEWART, M.P., OTTAWA

suppress, and that it is high time to act on the question. Without precise and firm legislation, our Canada will before long resemble certain European countries, where we find not a vestige of respect due to the Lord's Day. Your measure might, perhaps, be mitigated in several of its clauses, but on the whole it seems to me that you have struck the right note. For my part, I have been obliged to prohibit, in my diocese, several of the things prohibited in the Bill, which fact you, no doubt, have noticed in my last circular, a copy of which has been sent to your address.

I consider it quite in order that all traffic, all sales, unless they refer to necessities of life, should be prohibited on Sunday, and the same should apply to the running of freight trains, when they are not a real necessity. As to trains and steamers for the transportation of passengers, they should be, of course, less numerous on Sunday than during the week, but I would not demand their suppression altogether. It behooves us to accord to our people, and particularly to the laboring classes, facilities for leaving





HON. W. J. MACDONALD, SENATOR

the city and to making trips on Sunday which they could not, perhaps, make on any other day. I am, however, absolutely opposed to the organization of public excursions, whether it be with the object of making money or amusement, experience having proved that these excursions promote disorder and deplorable abuses. I approve entirely of the clauses of the Bill which prohibit theatrical representations, concerts and tournaments given as a public or paying entertainments.

Of course, the details of the measure may be the subject of discussion; it may be opportune also to make certain points clear in order that they may be well understood. For instance, let it not be forbidden to go to the country to take fresh air, or to take a quiet hunting or fishing excursion. Once more, however, let me say that I look upon a law for Sunday observance as decidedly opportune, and I hope that such a law may receive the sanction of parliament. When, however, you come to Montreal, I will be happy to talk the matter over with you.

In the meantime accept, dear minister, the assurance of my sincere and devoted sentiments.

PAUL,  
Archbishop of Montreal.

March 29.

Practically speaking these are my sentiments. I believe every word the archbishop has written. It is a moderate statement of what we should have in this Dominion. We should have a law that would be applicable to all parts of Canada and a check upon undue violations of the sanctity of the Lord's Day. We should have such laws enacted as will give liberty and not let liberty degenerate into license. If we have such measures we will grow as a nation. We will not become as European countries; we will grow and we will have a race of people on this northern half of the continent that will be the pride and glory of the race. That, I believe, is what this archbishop is pointing at. To-day as I was coming on the train, I purchased a copy of *The Globe* and cut out of it the closing sentence of an article on this Sunday observance law which I think expresses the sentiment following up this quotation which I have given here from the Archbishop of Montreal. It says :

If life in Canada is to be kept worth the living there must be maintained the regular pause in the midst of life's increasing clamour and wasting strain. If the history of these centuries proves anything it is that the state, as surely as the church, suffers irreparable loss when the Sabbath is openly desecrated or profanely done away. Because man is other than a machine and more than a beast, he needs one day in seven when he may rest from his toil and cease from his pleasures and join with his fellows in the worship of his God.

These practically are my sentiments. I simply give them as a member of this honorable House. I would like to see the Bill as it is now before the House ratified.

I am prepared, as a member of this House, to support the Bill, and I hope to see it receive its second and third readings and become the law of the land in due course.



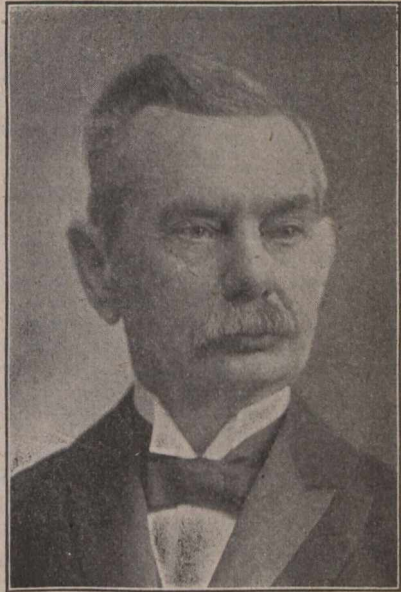
## TO STOP SUNDAY SHOOTING IN BRITISH COLUMBIA

The following interesting item is clipped from the Vancouver "Province" of recent date. It indicates that public sentiment is steadily approaching the point where it will not tolerate such desecration of the Lord's Day. To allow hunting and shooting on the Lord's Day is not only a desecration of the Sacred Day; it is also an invasion of private rights and a menace to both property and life. On that day, as on no other, reckless youths go abroad with dangerous firearms searching for something to shoot at. To them it matters little what. The public good and private self-interest, as well as morals and religion, combine to oppose the reduction of the quiet, worshipful Sabbath to the level of a mere holiday. If the liberty the Sabbath secures is not to give way to anarchic license, all public sports and amusements must be discontinued.

The item in the "Province" is as follows:—

"Sunday shooting on Lulu Island is to be stopped if the farmers there can prevent it. Fourteen of the island ranchers have subscribed to an agreement with Mr. Bryan Williams, provincial game warden, whereby it is arranged that prosecutions for trespass under the Game Act will be commenced against those caught shooting on Sunday on the lands of the interested farmers. The full penalty of \$50 will be pressed for in case of convictions. It is reported that other farmers intend to sign the agreement.

"On Monday at Steveston, William Howell appeared before Justice of the Peace Faulkner on three charges, and he was heavily fined. To two charges of trespassing on the property of William Tilton he pleaded guilty, and was fined \$15 and costs on each count. Howell pleaded not guilty to a charge of shooting ducks during prohibited hours last Sunday. He was found guilty, however, and fined \$30 and costs. The prosecution, conducted by Deputy Game Warden Austin Harris, showed that Howell had been shooting by moonlight. Game Warden Williams stated to-day that moonlight shooting was responsible for



O. TURGEON, M.P., NEW BRUNSWICK

driving the ducks away from this vicinity.

"George Kirkbride, of Vancouver, a blacksmith's helper, pleaded guilty before Justice Faulkner of shooting ducks during prohibited hours last Sunday. On account of his youth and various extenuating circumstances he was let off with a fine of \$2.50 and costs."

## THE PEW TO THE PULPIT

The following letter by an able journalist is earnestly commended to the clergy of all Churches. He says:

"It seems to me that our great weakness is that the defence of the Lord's Day, and the inculcation of right principles as to its observance, is that the matter is viewed as extra-parochial. This is not wise. 'The Lord's Day is the right arm of the Church; if paralysed, she is helpless,' said Principal Cavan. Lord's Day observance (and temperance) should be as much church work as home missions, preached upon and taught, and



prayed over, quite as much and as constantly, as the old and new natures, sin of any kind, and salvation itself. How constantly the Sabbath and temperance are mentioned and dwelt upon in both the Old and New Testaments. It is not in stated sermons, but in line upon line, precept upon precept, here a little and there a little, that the community is to be incensed with zeal, knowledge and freedom in these matters. Constant dropping wears a stone, occasional showers tend to enlarge it by deposits of matter or the growth of fungus. It was by bringing the question incidentally before the people every time he spoke, or preached, that the late Rev. \_\_\_\_\_ did so much to transform "drunken" \_\_\_\_\_ into a red hot temperance town, and yet he did it so naturally and incidentally that people were enlightened and aroused without realizing how the change was affected."

We are persuaded this journalist is right. It is only the things the few hears about frequently in earnest, oft-repeated references and appeals in the pulpit that it comes to regard as pressing and vital. The stated sermon on Sabbath observance "once a year" is good, but it is far from sufficient in a country like Canada in the 20th century. Again, let us say we would earnestly commend this layman's view, not written for publication, to our brethren of the pulpit in all churches.—S.

## THE LORD'S DAY AND LONGEVITY

Robert P. C. Corfe, Esq., secretary of the Sunday Lay Movement of England, in a letter to the Railway Review, says:—

"American insurance companies (such as the Union Central of Cincinnati) are beginning to refuse life policies to men who are known to be working seven days a week. Nothing cuts at the root of the matter so keenly as this, for medical experts have been showing that when men come to be 50 who have always worked seven days a week they are worn out and die, while they who have worked only six days a week live another seven years.

"This corroborates the remark of Mr. Chambers, K.C.: 'In Paris there is no old stonemason, no old shoemaker, no old painter, no old artisan.' Here will come in the value of the new French Act, and in passing one may reflect that old age pension scheme would have excellent chances of success under the new Act. With due observance of Sunday, a man can worship, he can see his children, he can enjoy the home he has worked for, he can be strong, and look forward to honorable old age. For every reason, therefore, I venture to suggest, sir, that the Trade Union movement give its powerful aid to this great reform, and insist on Sunday rest, so that all, without distinction, may 'Rest and let rest on the Rest Day.'"

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## THE DRUGGISTS AND THE LORD'S DAY

There is a widespread movement among druggists and their employees in favor of Sunday closing and the reduction of Sunday business to the minimum of necessity. Mr. J. G. Bone, of Scranton, Penn., an enthusiastic Sabbath observer and defender, sends us the following editorial from "The Midland Druggist." All druggists and their customers as well ought to read and carefully consider it:—

"It is often said of the druggist that he is narrow, that he is filled with an absurd idea of his duty to the public, which finds expression in his long hours of service, in the denial to himself of the recreation of a holiday and even the quiet rest of the Sabbath. That this idea is general is undeniable; that it is absurd and false we believe also. It seems to us the growth of habit and machine service into supposed duty.

"We are glad to note now and then a voice raised in protest. At the meeting of the Ohio State Pharmaceutical Association in June, there was presented a detailed statement of the Sunday business of a city drug store, which store is known to be prosperous and which does a large general business. Out of some hundreds of items comprising the day's business, not one could be called a necessity. Not one of the many customers that could not just as well have deferred his call until the following Monday, unless it be in the matter of personal convenience. In other words, no person would have suffered had that store been closed tight all day and no other source of supply available. This is one instance, which we believe will be found the rule, if careful investigation is made. That there is an occasional case of emergency that is met by the ever-present druggist, we do not mean to deny, but we do assert that these are so rare and can so easily be provided for, that they do not begin to justify the enslavement of an entire class. Financial considerations are sometimes urged in excuse for such enslavement, but there we unhesitatingly say, 'You are wrong.' The clearer mind, the greater energy, resulting from rest and relief from routine, will result in a modification

of that routine and quickly cover the small loss incident to such relief. We will therefore be glad to see the agitation for shorter hours and Sunday closing continue to a successful issue."



## THEM THAT HONOR ME I WILL HONOR

About fifty years ago in Edinburgh, a Mr ——— was second in charge in a Government office. On a Saturday afternoon, about time for shutting up, his superior entered his room and inquired if he had nearly finished his work. When told he should be in about half an hour, the chief ordered the office to be closed and the clerk to return next day. The clerk, surprised, said he would work as long as he wished him then, but could not work on the Lord's Day. His superior told him if he would not come next day he need not return. The clerk was distressed. Though a good master he knew the principal to be a very determined man, who kept his word, and that he would carry out his threat. He thought of his wife and family, who would become destitute, but more imperative was obedience to the Divine injunction, "Remember the Sabbath day to keep it holy." He sat down and wrote a letter to the head of the department in London, speaking well of his superior, but adhering to his determination to do no work on the Lord's day.

A letter to London in those days took long before a reply was received. Monday came. He returned to his post expecting dismissal on the chief's arrival. When he did arrive no reference was made to the Saturday incident either that day or afterwards. The clerk regretted that he had written the head of the department, but when a long time had elapsed he received a letter bearing the Government stamp, from the eminent official in London to whom he had ventured to address himself in his trouble, acknowledging his letter, stating that a valuable opening in the service was vacant, that the occupant must be one of strict integrity and decided principle, that in looking around he knew none so worthy to fill the situation, and that it was his. We are



not to serve God for what we get. Nothing was further from that Government clerk's intention in writing the letter, but God commands us to observe the Sabbath, a privilege as well as an order, and says, "Them that honour me I will honour" (1 Sam. ii., 30).—A MacDonald, in British Messenger.

### THE NEW LAW IN FRANCE

The Presbyterian Witness of Halifax says:—"France has tried to establish Sunday as a day of rest, a day when toil should pause and the wheels of industry stop. Unexpected difficulties have been encountered, and much dissatisfaction prevails. Bakers could not give up their work without, depriving the Parisian of his hot rolls on Sunday. Innumerable hardships and difficulties were conjured up. We do not know that the effort is likely to prove wholly a failure, but it does

not look hopeful. It is easier to retain the good institutions we possess than to bring them back after they are lost."

The public is as heartless as the great corporations. Once let it get some means of self-gratification, Sunday cars, cigar stores or ice-cream parlors, or hot rolls for Monday's breakfast, and it will not give up the veriest trifle of acquired privilege, not though tens of thousands of fellow-creatures have to give up their Sabbath rights to furnish that privilege. Let Canadians learn from France's experience, and in particular, let Canadian working people be on their guard against being robbed of their rights by the selfish public, and, above all, see that they themselves are not guilty of requiring other working people to serve them in pleasures or conveniences at the expense of the Sabbath rights of these others.—S.

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