

# LORD'S DAY ACT IS ULTRA VIRES.

## We Have Now Only the Old Upper Canada Statute in Force.

### is a Copy of the Legislation Passed in the Day of Charles I.

## Privy Council Refuses Leave to Appeal From Supreme Court Decision.

A London cable: Judgment was given today by the Privy Council on the petition of the Dominion Government for leave to appeal the Lord's Day Act. It was held by the Privy Council in 1903 that the major part of the Lord's Day legislation now in force in the various Provinces was beyond the powers of the Dominion. The Supreme Court of Canada afterwards refused to say whether a draft bill submitted by the Minister of Justice, defining the powers of the Dominion and Provinces was in accordance with the constitution, and from this decision the Dominion sought an appeal to the Privy Council.

The application was refused, although Mr. Newcombe, Deputy Minister of Justice, said the matter was one of great public interest to the Dominion and the Provinces, which should know their respective jurisdictions. The court deemed to hear Mr. R. C. McPherson, who appeared for the Lord's Day Alliance, supporting the petition.

**Other Cases Argued.**  
Mr. Hiddell, for the Wabash Railway, said there were three objections to the appeal to the Supreme Court: First, that it was unauthorized; second, that it was academic, no legislation having yet been passed which affected the case, nor did it follow that there would be any, even if their Lordships held that it was within the power of the Dominion to pass it; third, that all the questions have already been decided by their Lordships' judgment.

In the Hamilton railway case Mr. Batten, the English counsel, for the Grand Trunk, called the case academic and speculative.

Mr. G. T. Blackstock, for the Canadian Copper Company, was not heard by the court, which will only hear two counsel in the same interest. Mr. Hiddell's application for costs was refused, and in this case judgment was reserved.

The net result would seem to be that the old Upper Canada Lord's Day Act in force at Confederation is still in force, and that any new act or amendment to the old act will have to be obtained from the Dominion Parliament.

That act is a copy of the old act of Charles I., and is considered to be entirely inadequate to cover modern conditions. Travellers and His Majesty's mails are expressly permitted to go forward on the Lord's Day, but that has

## SHUT OUT MILITARY.

### Where Will the Cash Come From?

A Berlin cable: In view of the probability of an early peace between Russia and Japan, the terms of which will involve the payment of a heavy indemnity by Russia, the financiers of Europe have been holding conferences to end that the peace indemnity may be paid without seriously disturbing the finances of the world. The Mendelssohns, the Berlin bankers who have been for many years the representatives of the Russian loans, have formed an alliance with the Rothschilds in respect of the matter and have held communications with all the leading financial institutions, both on the continent and in England. They are about to send their representatives to New York with a view of enlisting the co-operation of the larger financiers of the United States. It is likely that a Russian loan for the purpose of paying the indemnity will be scattered.

## M. Witte Delayed.

A Cherborg cable: Although it was upon Sunday excursions and freight handling. Legal judgments have been given such as limit the scope of the applicability of the act. New legislation will be necessary.

**A Conflict of Opinion.**  
A conflict of opinion had existed prior to 1903 in the courts of Canada as to whether Lord's Day legislation belonged properly to the Federal or Provincial Legislatures. In that year the Attorney-General of Ontario submitted the whole question to the Court of Appeal, and that body decided, the late Justice Armour dissenting, that Ontario's Lord's Day legislation was intra vires or constitutional. In July, 1903, an appeal from that judgment to the Privy Council at London was made, and that court reversed the judgment of the Court of Appeal and held that the Lord's Day Act as passed by the Provincial Legislature of Ontario was ultra vires, using the peculiar language, "treated as a whole" the Lord's Day Act was ultra vires of the Province of Ontario.

## Shifting the Responsibility.

Some of the members of the Lord's Day Alliance were inclined to accept the decision as final and made application to the Minister of Justice at Ottawa to have legislation passed in accordance with the new situation. The Minister, however, believed there was still a basis for Provincial legislation in the matter, and he declined to proceed with additional legislation until he was definitely certain regarding the relative jurisdictions of Province and Dominion.

The Department of Justice, therefore, in order to secure more definite information, submitted certain pertinent questions to the Supreme Court and argued that the Province had jurisdiction under the head of property and civil rights, which, by the British North America Act, were reserved to the Provinces, and that contention was supported by the Attorney-General of Ontario.

## OVERALLS AT TEN CENTS.

### Cause of a Stampede of 3,000 Women in a Store.

Pittsburg, July 31.—A sign reading "Men's overalls 10 cents; men's shirts, 10 cents," was put in the window of Woolworth & Co.'s store on Fifth avenue at noon and it caused a stampede of 3,000 women. Eight women were seriously hurt in a rush to secure overalls or shirts, and a reserve force of police had to be called out in the hope of keeping up the door of the big store and for a time it looked as though there would be loss of life.

## ANOTHER PLANET.

### Astronomers Hope to Find It Within Orbit of Mercury.

Berlin, July 31.—German astronomers are making unusual preparations for the observation of the forthcoming total eclipse of the sun. The Hamburg observatory will send an expedition to Algiers, which will take an extensive series of observations, giving special attention to electrical phenomena. Photographs of the sky adjacent to the sun will be taken in the hope of discovering a planet within the orbit of Mercury. The observatories at Potsdam and Göttingen will send astronomers to Spain and Algiers for observations.

## SIX KILLED.

### AND THREE HURT BY A CROSSING OF TRAINS.

Amsterdam, N. Y., July 31.—Six men were killed and three others probably fatally injured by being struck by train No. 36, an accommodation on the N. Y. C. R., at Tribes Hill, six miles west of this city, shortly before noon today. About a hundred men were engaged in work on a curve distributing sand, for ballasting purposes when they were obliged to step from the track No. 2, to allow a west-bound freight train to pass. Owing to the sand being whirled about in the high wind a number of the men failed to notice the approach of No. 36 which ran them down. The men killed were Italians living at Fonda.

## NO NEW CHINESE TREATY TO RATIFY U. S. EXCLUSION.

### China Regards U. S. Attitude as Intended to Disgrace Her.

Washington, July 31.—Some doubt is expressed in official circles whether it will be possible to obtain China's consent to another treaty with the United States which would provide for the exclusion even of Chinese laborers from this country. The state department is aware of the ill-feeling throughout China over the whole subject, and now immigration treaty with China has been allowed to lapse without the negotiations of a new agreement, reports have reached here that China is inclined hereafter to refuse to sign any similar convention. China's position appears to be that the exclusion of Chinese citizens from a friendly country is in itself a disgrace and while she cannot ignore the laws of a foreign power providing for such exclusion, she can refuse to accept it or become a party to it by concluding a treaty involving such restrictions. A year ago, it is said, it would have been easy to conduct negotiations with China for the exclusion of Chinese laborers only. Now, however, it is understood that the Chinese officials are disposed to regard the signing of such a treaty by the United States as a reflection on the dignity of their Government. The reason for the assumption at Peking of this new attitude is not quite clear to the officials here, though in some circles it is attributed to the influence of foreign powers.

## RUSSIAN POPULACE DISPLEASED WITH THE KAISER FOR GUIDE.

### They Have Doubts of His Wisdom as a Diplomatic Tutor to the Czar.

A St. Petersburg cable: The circumstances attending the meeting of the Kaiser and the Czar make it clear that the Kaiser was the guiding hand. An intimation of his wish to meet the Czar aboard the Imperial yacht Hohenzollern reached Peterhof on Wednesday, the day of M. de Witte's departure for Paris. The Czar immediately accepted the invitation, and made final arrangements to start on Friday and meet the Kaiser in Swedish waters. The brief postponement and the transference of the meeting-place to the coast of Finland were made entirely in accordance with the Kaiser's wish.

As regards the relations of the two monarchs, it should be kept in mind that since the death of the Grand Duke Sergius by an assassin's hand in Moscow, the Czar has greatly missed the advice of a man of imperial rank holding strong and clearly-defined political views. Neither Alexieff nor Vladimir is disposed to mix directly in Russia's present political trouble.

## HAT PIN VICTIM.

### JURY SAYS MONTGOMERY'S WIFE KILLED HIM.

Sandwich, July 31.—That Fred Montgomery came to his death by a wound inflicted by a hat pin in the hands of his wife Josephine, and that she acted in self-defence, is the verdict brought in last night by the coroner's jury in the case of the man who died in a Detroit hospital two weeks after being stabbed with the hat pin, and under an assumed name.

The evidence showed that it was known that Montgomery and his wife had a fight, that the woman had stabbed her husband under an assumed name, still the witnesses did not notify the authorities nor betray Montgomery or his wife in any way. Montgomery's mother testified that just before his death his son told her that it was purely accidental. It is not known what steps the authorities will now take in the matter.

## REFUSED TO SHORTEN THE LIFE OF THE BRITISH HOUSE OF COMMONS.

London, July 31.—The House of Commons today refused to permit Winston Spencer Churchill to introduce a bill limiting the life of Parliament to five instead of seven years.

## FIGHTING THE PLAGUE.

### ACTIVE MEASURES TAKEN TO COMBAT YELLOW JACK.

Washington, July 31.—In his address from New Orleans to the Marine Hospital service to-day Surgeon White says that a house to house inspection is being conducted in that portion of the city infected by yellow fever. This section includes forty or fifty blocks.

Assistant Surgeon Goldberger has been ordered to visit Shreveport, with instructions to run down all rumors of fever of any kind in that city, and to conduct a personal campaign of education among the profession and the laity in regard to methods of destroying mosquitoes and other means of preventing infection.

## CORNER ON FRAGONARDS.

### Pierpont Morgan Fills a Room With Rare Pictures.

London, July 31.—During his absence from America, J. Pierpont Morgan has added a whole Fragonard room to his London residence, the intrinsic value of which is estimated in the hundreds of thousands of pounds sterling, besides being of infinite historical importance. Some appreciation of the value of the collection may be gathered from the fact that while a Fragonard a foot square is worth \$5,000, the largest room in Mr. Morgan's house is walled with the great artist's pictures.

In all there are twelve of these paintings, each measuring three yards high and two yards wide. In order to embrace the whole collection in a single room it was necessary to remove the wall separating the drawing-rooms of Mr. Morgan's adjacent house at Prince's Gate.

## EQUITABLE HEAD'S SALARY.

### Paul Morton Receives \$80,000 a Year as President.

New York, July 31.—At today's meeting of the directors George F. Victor, of New Orleans, were nominated as directors and will be elected at a special meeting to-morrow. Mr. Victor is a prominent dry goods and commission merchant of this city, and Mr. Kruttschnitt is one of the leaders of the bar in the southwest.

Chairman Morton reported to the directors that in pursuance of his policy of retrenchment the society would effect savings of \$500,000 a year. He submitted a financial report for the first six months, which was pronounced very satisfactory by the Board of Directors.

At to-morrow's meeting it is quite probable the position of Chairman will be abolished. It is understood that Mr. Morton's salary as President of the society will be \$80,000 a year, or \$100,000, less 20 per cent.

## TO RESCUE OUR SAILORS.

### British Government May Send Warship to Uruguay.

Washington, D. C., July 31.—Official advice reaching Washington fail to show any relief in the acute situation which has been developing for some time between the British and Uruguayan Governments over the imprisonment in Uruguay of the captain and crew of the Canadian fishing vessel Agnes Donagan for alleged poaching.

Several months ago the British Government laid before the American State Department a full statement of its side of the case, and the American Minister to Uruguay was instructed to use his good offices to assist an amicable settlement. The British Government takes the ground that as the contract of the Uruguayan Government giving to a certain company the exclusive right to

## CHILD FOLLOWED THIEF.

### Walked With Him on Street Until She Found Help.

New York, July 31.—A burglar who refused to heed a little girl's petition to "please give back" what he had stolen is locked up at the One Hundred and Fourth street police station, and Hannah Davis, 12 years old, of 70 East One Hundred and Fifteenth street, is a heroine.

When the man refused to listen to her she walked calmly along by his side until some men on a trolley car came to her assistance. Then she had the burglar taken into custody.

He is Joseph Katz, and he is accused of having entered the flat of Mrs. Ada Raymeyer, directly above the one in which the Davis child lives.

Mrs. Raymeyer screamed when she saw the man coming out of her apartment, as she returned home, and the little Davis girl came out to see what it meant.

"Oh, please, mister," the child cried, "don't take Mrs. Raymeyer's things; she's poor. Please give them back."

Katz roughly brushed Mrs. Raymeyer aside and started to walk rapidly away. The girl hurried to his side and continued to plead with him until he attempted to board a cross-town car a block away, when she called upon some men to aid her.

Katz was taken back, and Mrs. Raymeyer identified as hers a purse containing \$8.50 found in the man's possession.

Hannah rode in the patrol wagon with the man to the police station.

## TO ABOLISH ALL GAMBLING.

### Also Horse Racing at Ontario Country Fairs.

Toronto, July 31.—The necessity for abolishing all gambling at agricultural fairs is enlarged upon in the annual report of Fairs and Exhibitions, just issued by the Minister of Agriculture. Photographs are given of some of the gambling devices used, by which immense sums of money are taken from the farmers. Strong ground is taken against horse racing and the consequent betting on these occasions. Many of the fairs are said to be disgraced by the immoral character and line of the side shows.

It is pointed out that horse racing at fairs is illegal, and directors of fairs and those taking part were races are held are liable to a fine and imprisonment. Trials of speed are interpreted as the usual process in judging single or double carriage or saddle horses, of allowing them to travel around the ring to show their style of action and speed.

It is held that too many small exhibitions are held, and photographs show the utterly inadequate accommodation for stock in several cases. Among the desirable features illustrated are athletic competitions, school games, horse jumping contests, boys' competition, sailing, apples, cavalry squad manoeuvres and similar features. The whole report is fully illustrated.

## TO ABOLISH ALL GAMBLING.

### Also Horse Racing at Ontario Country Fairs.

Toronto, July 31.—The necessity for abolishing all gambling at agricultural fairs is enlarged upon in the annual report of Fairs and Exhibitions, just issued by the Minister of Agriculture. Photographs are given of some of the gambling devices used, by which immense sums of money are taken from the farmers. Strong ground is taken against horse racing and the consequent betting on these occasions. Many of the fairs are said to be disgraced by the immoral character and line of the side shows.

It is pointed out that horse racing at fairs is illegal, and directors of fairs and those taking part were races are held are liable to a fine and imprisonment. Trials of speed are interpreted as the usual process in judging single or double carriage or saddle horses, of allowing them to travel around the ring to show their style of action and speed.

It is held that too many small exhibitions are held, and photographs show the utterly inadequate accommodation for stock in several cases. Among the desirable features illustrated are athletic competitions, school games, horse jumping contests, boys' competition, sailing, apples, cavalry squad manoeuvres and similar features. The whole report is fully illustrated.

## TO ABOLISH ALL GAMBLING.

### Also Horse Racing at Ontario Country Fairs.

Toronto, July 31.—The necessity for abolishing all gambling at agricultural fairs is enlarged upon in the annual report of Fairs and Exhibitions, just issued by the Minister of Agriculture. Photographs are given of some of the gambling devices used, by which immense sums of money are taken from the farmers. Strong ground is taken against horse racing and the consequent betting on these occasions. Many of the fairs are said to be disgraced by the immoral character and line of the side shows.

It is pointed out that horse racing at fairs is illegal, and directors of fairs and those taking part were races are held are liable to a fine and imprisonment. Trials of speed are interpreted as the usual process in judging single or double carriage or saddle horses, of allowing them to travel around the ring to show their style of action and speed.

It is held that too many small exhibitions are held, and photographs show the utterly inadequate accommodation for stock in several cases. Among the desirable features illustrated are athletic competitions, school games, horse jumping contests, boys' competition, sailing, apples, cavalry squad manoeuvres and similar features. The whole report is fully illustrated.

## TO ABOLISH ALL GAMBLING.

### Also Horse Racing at Ontario Country Fairs.

Toronto, July 31.—The necessity for abolishing all gambling at agricultural fairs is enlarged upon in the annual report of Fairs and Exhibitions, just issued by the Minister of Agriculture. Photographs are given of some of the gambling devices used, by which immense sums of money are taken from the farmers. Strong ground is taken against horse racing and the consequent betting on these occasions. Many of the fairs are said to be disgraced by the immoral character and line of the side shows.

It is pointed out that horse racing at fairs is illegal, and directors of fairs and those taking part were races are held are liable to a fine and imprisonment. Trials of speed are interpreted as the usual process in judging single or double carriage or saddle horses, of allowing them to travel around the ring to show their style of action and speed.

It is held that too many small exhibitions are held, and photographs show the utterly inadequate accommodation for stock in several cases. Among the desirable features illustrated are athletic competitions, school games, horse jumping contests, boys' competition, sailing, apples, cavalry squad manoeuvres and similar features. The whole report is fully illustrated.

## TO ABOLISH ALL GAMBLING.

### Also Horse Racing at Ontario Country Fairs.

Toronto, July 31.—The necessity for abolishing all gambling at agricultural fairs is enlarged upon in the annual report of Fairs and Exhibitions, just issued by the Minister of Agriculture. Photographs are given of some of the gambling devices used, by which immense sums of money are taken from the farmers. Strong ground is taken against horse racing and the consequent betting on these occasions. Many of the fairs are said to be disgraced by the immoral character and line of the side shows.

It is pointed out that horse racing at fairs is illegal, and directors of fairs and those taking part were races are held are liable to a fine and imprisonment. Trials of speed are interpreted as the usual process in judging single or double carriage or saddle horses, of allowing them to travel around the ring to show their style of action and speed.

It is held that too many small exhibitions are held, and photographs show the utterly inadequate accommodation for stock in several cases. Among the desirable features illustrated are athletic competitions, school games, horse jumping contests, boys' competition, sailing, apples, cavalry squad manoeuvres and similar features. The whole report is fully illustrated.

## TO ABOLISH ALL GAMBLING.

### Also Horse Racing at Ontario Country Fairs.

Toronto, July 31.—The necessity for abolishing all gambling at agricultural fairs is enlarged upon in the annual report of Fairs and Exhibitions, just issued by the Minister of Agriculture. Photographs are given of some of the gambling devices used, by which immense sums of money are taken from the farmers. Strong ground is taken against horse racing and the consequent betting on these occasions. Many of the fairs are said to be disgraced by the immoral character and line of the side shows.

It is pointed out that horse racing at fairs is illegal, and directors of fairs and those taking part were races are held are liable to a fine and imprisonment. Trials of speed are interpreted as the usual process in judging single or double carriage or saddle horses, of allowing them to travel around the ring to show their style of action and speed.

It is held that too many small exhibitions are held, and photographs show the utterly inadequate accommodation for stock in several cases. Among the desirable features illustrated are athletic competitions, school games, horse jumping contests, boys' competition, sailing, apples, cavalry squad manoeuvres and similar features. The whole report is fully illustrated.

## TO ABOLISH ALL GAMBLING.

### Also Horse Racing at Ontario Country Fairs.

Toronto, July 31.—The necessity for abolishing all gambling at agricultural fairs is enlarged upon in the annual report of Fairs and Exhibitions, just issued by the Minister of Agriculture. Photographs are given of some of the gambling devices used, by which immense sums of money are taken from the farmers. Strong ground is taken against horse racing and the consequent betting on these occasions. Many of the fairs are said to be disgraced by the immoral character and line of the side shows.

It is pointed out that horse racing at fairs is illegal, and directors of fairs and those taking part were races are held are liable to a fine and imprisonment. Trials of speed are interpreted as the usual process in judging single or double carriage or saddle horses, of allowing them to travel around the ring to show their style of action and speed.

It is held that too many small exhibitions are held, and photographs show the utterly inadequate accommodation for stock in several cases. Among the desirable features illustrated are athletic competitions, school games, horse jumping contests, boys' competition, sailing, apples, cavalry squad manoeuvres and similar features. The whole report is fully illustrated.

## SIBERIA IS AT LAST INVADED.

### Japanese Troops Now on Russian Territory.

### The Russian Position on Tumen River Being Attacked.

### Regarding the Landing of Japanese on Siberian Coast.

A St. Petersburg cable despatch says: Despatches from Manchuria report the landing of a Japanese battalion and the seizure of a light-house on the Siberian coast near Aleksandria, 700 miles north of Vladivostok, after a preliminary sailing by torpedo-boat destroyers.

Military officials here attach importance to the episode only in connection with the Sakhalin campaign, and say that as the landing was effected at a place where the Straits of Tartary are narrow, apparently it is part of the strategy of the Japanese to prevent the escape of Russian garrisons in Sakhalin, across the straits. They add that the landing is too far north to have any bearing on the main campaign or on the operations against Vladivostok.

## What Landing Means.

A London cable: The Japanese landing at Aleksandria, which is the terminus of the only cable line connecting mainland with the island of Sakhalin, is regarded by the London morning newspapers as an attempt to seize the mouth of the Amur River in order to enable the Japanese to dispatch an army up that great waterway to threaten the Russian communications. Japanese gun-boats and torpedo boats could thus reach Harbin and give effectual assistance to any attack on the Russian fortifications.

Both the Ussuri and Sungari Rivers are navigable for vessels of light draught, and thus the Japanese could advance inland in three different directions for a considerable distance. If, as is supposed, Japan has a river expedition in readiness, the mere threat of its advance may suffice to change the plans of the Russians and compel the retirement from the Kirin and Fenghua districts upon Harbin.

## Odessa's Governor Starts Row.

An Odessa cable: The Governor of Odessa has issued an extraordinary proclamation, which when posted in the city to-morrow may have the effect of increasing the already bitter feeling against the Jews among the troops and more ignorant classes of the population. The Governor says he has received a number of anonymous letters denouncing persons as Socialists and re-

## Government Faces Issue.

A London cable: (London Times cable.)—The St. Petersburg correspondent of the Times telegraphs to-night: "Prince Troubetzko contributes an outspoken article to The Russkaya Viedomosti, in which he declares that the electoral system adopted by the Government will practically decide the question of revolution. 'Will the revolutionary movement,' he asks, 'direct relief through the channel of the Dumas or will the torrent burst its bonds and spread desolation?' If the Government persist in attempting to effect a system of election by class there is no doubt of a cataclysm." Prince Troubetzko thinks there is still hope for safety if even at this hour the Government invites the Zemstvos to rediscuss the Boulgaine scheme.

## Government Faces Issue.

A London cable: (London Times cable.)—The St. Petersburg correspondent of the Times telegraphs to-night: "Prince Troubetzko contributes an outspoken article to The Russkaya Viedomosti, in which he declares that the electoral system adopted by the Government will practically decide the question of revolution. 'Will the revolutionary movement,' he asks, 'direct relief through the channel of the Dumas or will the torrent burst its bonds and spread desolation?' If the Government persist in attempting to effect a system of election by class there is no doubt of a cataclysm." Prince Troubetzko thinks there is still hope for safety if even at this hour the Government invites the Zemstvos to rediscuss the Boulgaine scheme.

## Government Faces Issue.

A London cable: (London Times cable.)—The St. Petersburg correspondent of the Times telegraphs to-night: "Prince Troubetzko contributes an outspoken article to The Russkaya Viedomosti, in which he declares that the electoral system adopted by the Government will practically decide the question of revolution. 'Will the revolutionary movement,' he asks, 'direct relief through the channel of the Dumas or will the torrent burst its bonds and spread desolation?' If the Government persist in attempting to effect a system of election by class there is no doubt of a cataclysm." Prince Troubetzko thinks there is still hope for safety if even at this hour the Government invites the Zemstvos to rediscuss the Boulgaine scheme.

## Government Faces Issue.

A London cable: (London Times cable.)—The St. Petersburg correspondent of the Times telegraphs to-night: "Prince Troubetzko contributes an outspoken article to The Russkaya Viedomosti, in which he declares that the electoral system adopted by the Government will practically decide the question of revolution. 'Will the revolutionary movement,' he asks, 'direct relief through the channel of the Dumas or will the torrent burst its bonds and spread desolation?' If the Government persist in attempting to effect a system of election by class there is no doubt of a cataclysm." Prince Troubetzko thinks there is still hope for safety if even at this hour the Government invites the Zemstvos to rediscuss the Boulgaine scheme.