

THE BATTLE FOR THE SABBATH:

THE SABBATARIAN LOBBY IN

CANADA, 1890-1912

by

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ABSTRACT

This study traces the growth of the sabbatarian lobby in Canada. Limited to sporadic and ephemeral groups during the nineteenth century, sabbatarianism became organized in response to the appearance of the Sunday street car in the early 1890s. This issue precipitated the formation of an aggressive lobby, the Ontario Lord's Day Alliance. Owing to a succession of judicial decisions handed down concerning the Sunday car, the Ontario Alliance found itself balked in its pursuit of provincial Sabbath observance legislation. As a consequence, it expanded in the early 1900s into a national lobby, the Lord's Day Alliance of Canada, in order to pressure the federal government. As the Alliance developed an increasing awareness of the requisites of successful lobbying, it improved and broadened its techniques: first, by presenting the sabbatarian aim as a social rather than a moral reform; second, by forging a temporary alliance with organized labour; third, by developing new campaigning methods such as a membership and a press campaign; finally, by persuading the Laurier Liberal government that the Alliance had the support of the two major groups within Canadian society. Throughout its campaign, the Alliance maintained a cohesive organization and pressured the government on all fronts -- two key determinants to a lobby's success within the Canadian political system. Political success came to the Alliance when the French

Catholic church, for its own reasons, decided to support the campaign for Sabbath observance legislation.

Convinced that he was effecting a compromise acceptable to both English and French, Laurier agreed to introduce a Lord's Day bill in 1906. The subsequent debates forced Laurier to modify his position in the face of unexpected French Canadian hostility. The Alliance's lobbying inside Parliament was markedly less effective than it had been outside. Although a truncated version of the bill became law, the Alliance failed to turn a political victory into a moral triumph. After five years' ardent pursuit of law enforcement, it became apparent that social legislation did not guarantee a reform of Canadian morals.

Canadian sabbatarianism was one of many responses to vast social and economic change in the period leading up to the First World War. The particular solution advocated by sabbatarians was the reform of society's ills through the reform of the individual's morals. This ideal had little contact with the realities of an emerging urban and industrial society; it had little relevance to the working class need for recreation other than church-going on the week's one day of leisure.

Studies of crusades for moral reform legislation demand discussion because restrictions on recreation affected larger groups more directly than did legislation concerning factory hours or poor relief. The study of moral and social reform groups is attracting the attention of increasing numbers of Canadian his-

torians, while the study of pressure group activity is attracting that of political scientists. Based on a theoretical framework provided by David Truman and Neil Smelser, the core of my analysis consisted of a detailed examination of the papers of the Lord's Day Alliance of Canada, its allies, and the key politicians involved; the legislation passed at all levels of government; and the numerous judicial decisions concerning Sabbath observance. It is hoped that the study of the sabbatarian lobby, its transformation from a single issue group to a more institutionalized group, its shift from traditional nineteenth century techniques to more sophisticated methods of lobbying, its political success in 1906 and subsequent failures, will contribute an historical dimension to the debate concerning the relationship between pressure groups and the policy-making process in Canada.

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Abbreviations used in footnote citations:

- A. LDACP Lord's Day Alliance of Canada Papers
- The LDACP (Toronto, Thomas Fisher Rare Book Room, University of Toronto) include the Minutebooks, Reportbooks, Scrapbooks, and other records of the Lord's Day Alliance of Canada, the Ontario Lord's Day Alliance, and other provincial organizations. Footnote citations of these sources have used the following abbreviations:
- | | |
|----------|--|
| LDAC | Lord's Day Alliance of Canada |
| LDAC, CR | Lord's Day Alliance of Canada, Committee Reports |
| LDAC, MB | Lord's Day Alliance of Canada, Minutebook |
| LDAC, SB | Lord's Day Alliance of Canada, Scrapbook |
| LB | Letterbook (The five Letterbooks in the LDACP contain letters of both the Lord's Day Alliance of Canada and the Ontario Lord's Day Alliance, arranged chronologically. Hence, no distinction between the two associations was possible.) |
| OLDA | Ontario Lord's Day Alliance |
| OLDA, CR | Ontario Lord's Day Alliance, Committee Reports |
| OLDA, MB | Ontario Lord's Day Alliance, Minutebook |
| OLDA, SB | Ontario Lord's Day Alliance, Scrapbook |
- B. PAC, LP Public Archives of Canada, Laurier Papers
- C. PC, APGA Presbyterian Church in Canada, Acts and Proceedings of the General Assembly (1875-1913)

Preface: The Battle for the Sabbath: The Sabbatarian Lobby
in Canada, 1890-1912.

This study traces the growth of the sabbatarian lobby in Canada. Limited to sporadic and ephemeral groups during the nineteenth century, sabbatarianism became organized in response to the appearance of the Sunday street car in the early 1890s. This issue precipitated the formation of an aggressive lobby, the Ontario Lord's Day Alliance. Owing to a succession of judicial decisions handed down concerning the Sunday car, the Ontario Alliance found itself balked in its pursuit of provincial Sabbath observance legislation. As a consequence, it expanded in the early 1900s into a national lobby, the Lord's Day Alliance of Canada, in order to pressure the federal government. As the Alliance developed an increasing awareness of the requisites of successful lobbying, it improved and broadened its techniques: first, by presenting the sabbatarian aim as a social rather than a moral reform; second, by forging a temporary alliance with organized labour; third, by developing new campaigning methods such as a membership and a press campaign; finally, by persuading the Laurier Liberal government that the Alliance had the support of the two major groups within Canadian society. Political success came to the Alliance when the French Catholic church for its own reasons, decided to support the campaign for Sabbath observance legislation.

Convinced that he was effecting a compromise acceptable to both English and French, Laurier agreed to introduce a Lord's Day bill in 1906. The subsequent debates forced Laurier to modify his position in the face of unexpected French Canadian hostility. The Alliance's lobbying inside Parliament was also markedly less effective than it had been outside. Although a truncated version of the bill became law, the Alliance failed to turn a political victory into a moral triumph. After five years' ardent pursuit of law enforcement, it became apparent that social legislation did not guarantee a reform of morals.

Canadian sabbatarianism was one of many responses to vast social and economic change in the period leading up to the First World War. These responses took many forms, but few displayed as defensive a reaction as the sabbatarian lobby. Richard Allen, in his study of the Social Gospel, has characterized such conservative reformers as those "closest to traditional evangelicism, emphasizing personal-ethical issues, tending to identify sin with individual acts, and taking as their social strategy legislative reform of the environment."¹ The solution advocated by the sabbatarians was the reform of society's ills through the reform of the individual's morals: the success of such a reform would be evidenced by increased attendance at public worship twice a Sabbath, accompanied by prayer and private contemplation. This ideal had little contact with the realities of an emerging

¹Richard Allen, The Social Passion: Religion and Social Reform in Canada 1914-1928 (Toronto: University of Toronto Press, 1973), p. 17.

industrial and urban society; it had little relevance to the working class need for recreation other than church-going on the week's one day of leisure. Sabbatarianism was but another of the "middle class panaceas which ignored the root causes of urban blight and the abuses of the factory system."²

Studies of crusades for moral reform legislation demand discussion, as Brian Harrison comments, because "much larger groups were more directly affected by restrictions on recreation and by limitations on drinking hours" than by legislation on factory hours or poor relief.³ The study of groups agitating for such reform in Canada is engaging the attention of increasing numbers of Canadian historians, as the work of Allen, Terence Morrison, Neil Sutherland, and John Weaver, among others, demonstrates. At the same time, political scientists are paying more attention to pressure group activity within the Canadian political system.⁴ Based on a theoretical framework provided by David Truman,⁵ and Neil Smelser,⁶ the core of my analysis consisted of a detailed examination of the papers of the Lord's

²K. McNaught and D.J. Bercuson, The Winnipeg Strike: 1919 (Don Mills, Ontario: Longman Canada Ltd., 1974), p. 2.

³Brian Harrison, "State Intervention and Moral Reform in Nineteenth-Century England," in Pressure from Without in Early Victorian England, ed., P. Hollis (London: Edward Arnold Ltd., 1974), pp. 288-9.

⁴See Paul A. Pross, ed., Pressure Group Behaviour in Canadian Politics (Toronto: McGraw-Hill Ryerson, 1975), p. 3.

⁵D. Truman, The Governmental Process (New York: A.A. Knopf, 1950).

⁶N. Smelser, Theory of Collective Behaviour (New York: The Free Press, 1962).

Day Alliance of Canada, its allies, and the key politicians involved; the legislation passed at all levels of government; and the numerous judicial decisions concerning Sabbath observance.

It is hoped that the study of the sabbatarian lobby, its transformation from a single issue group to a more institutionalized group, its shift from traditional nineteenth century techniques to more sophisticated methods of lobbying, its political success in 1906 and subsequent failures, will contribute an historical dimension to the debate concerning the relationship between pressure groups and the policy-making process in Canada.

Chapter I: Sabbath Observance in British North America, 1800-1850.

When Norman McLeod founded his settlement at St. Ann's on Cape Breton Island in the early 1800s, he supervised every detail of the Sabbath with careful concern, permitting only works of necessity to be done. In the maple sugar season, for example, the settlers had to make the rounds of their trees on Saturday evening "and upset the sap troughs so that they would not even use the Sunday run of sap." Even necessity was not an acceptable excuse if pleasure accompanied the deed. One Sunday when two boys skated to church, "they were ordered to cut a hole in the ice and throw in their skates." McLeod allowed only theological topics as Sunday conversation. After the morning service, the adults discussed the minister's sermon while the children studied the catechism.¹

In contrast to this model of holy living, disrespect or indifference to the Sabbath characterized colonial life in both the Maritime and Canadian colonies. After preaching his first sermon as the new Presbyterian minister in Pictou, Nova Scotia in 1784, James MacGregor learned that, immediately after the blessing, "the local doctor invited the men to the nearest grog

¹Flora McPherson, Watchman Against the World: The Story of Norman McLeod and His People (Toronto: The Ryerson Press, 1962), pp. 100-102, cited by J.S. Moir, ed., The Cross in Canada: Vignettes of the Churches Across Four Centuries (Toronto: The Ryerson Press, 1966), pp. 131-133.

shop." At his next station, he had to warn his audience "against the sinfulness of their 'singing and whistling, and laughing and bawling' as they approached the service."² In Halifax, the highlight of the Sunday afternoon was the garrison parade at 3 p.m., adding to the bustle already generated by the Sunday market and the open taverns.³ On Prince Edward Island, Bishop Plessis of the Catholic church viewed the conduct of the Scottish settlers as "extraordinarily indecorous." His greatest complaint concerned the "immodesty of the women, who came to the Sacraments with their throats exposed to a degree that should not allow them even to enter the church." But he was also disturbed by the settlers' habits of "talking freely," and of permitting "their dogs to enter the church and run around, as if they were in their masters' houses, without anyone checking them."⁴ In Lower Canada, the justices of the peace and grand juries, both in Quebec and Montreal, complained of the unnecessary proliferation of taverns which, they claimed, caused "continual scenes of riot and debauchery, particularly on Sun-

²G. Patterson, Life of James MacGregor, D.D. (Edinburgh, 1859), p. 96, cited by J. Moir, Enduring Witness: A History of the Presbyterian Church in Canada (Toronto: Bryant Press, 1975), p. 55.

³Michael Cross, "The 1820s," in Colonists and Canadiens, ed., J.M.S. Careless (Toronto: Macmillan of Canada, 1971), p. 156.

⁴A.A. Johnston, A History of the Catholic Church in Eastern Nova Scotia (Antigonish: St. Francis Xavier University Press, 1960), vol. I, pp. 230-233, cited by Moir, ed., The Cross in Canada, p. 94.

days, to the great scandal of society, and the ruin of lower classes of every age and sex."⁵

In both Lower and Upper Canada, Sunday labour was the rule not the exception. Arriving in Montreal in 1820, one immigrant, John Crichton, observed:

The first thing that struck our attention, being the Sabbath, was the whole shore covered with people fishing, and the market place covered with stands of different kinds of goods, just the same as [if] it had been a fair day, and in the neighbourhood of the town numerous parties going about with guns, or amusing themselves with playing at ball. (6)

Proceeding to York and discovering that it was not unusual to find settlers "in fields on the Sabbath day, or going out a-shooting," Crichton concluded that the law did "not appear to interfere with them, and therefore they do what they please on

⁵Cited by J.-P. Wallot, "Religion and French-Canadian Mores," Canadian Historical Review LII (March 1971), p. 83. For descriptions of Sabbath observance in the days of the French regime, see W.J. Eccles, The Canadian Frontier, 1534-1760 (New York: Holt, Rinehart and Winston, 1969), p. 98; W.J. Eccles, France in America (Toronto: Fitzhenry and Whiteside, 1972), p. 136; and C.J. Jaenen, The Role of the Church in New France (Toronto: McGraw-Hill Ryerson, 1976). From Eccles' comments, it would seem that the problem of the Catholic church lay not so much in persuading the people to attend religious services on the Sabbath, but rather in maintaining proper standards of conduct at the services. Unable to secure proper behaviour themselves, the clergy were forced to appeal to the Intendant who issued frequent ordinances "ordering the habitants of this or that parish to behave with more respect toward the cloth; to cease their practice of walking out of church as soon as the curé began his sermon; of standing in the lobby arguing, even brawling, during the service; of slipping out to a nearby tavern, of bringing their dogs into church and expostulating with the beadle who tried to chase them out." (Eccles, The Canadian Frontier, p. 98).

⁶R.F. Burns, Life and Times of Rev. Dr. Burns (Toronto, 1871), p. 350.

that day."⁷ Others made similar observations. In the 1810s, William Case, an evangelical preacher, declared the western settlements along the Thames River and Lake St. Clair to be "the most wicked and dissipated of any part of America"; Sunday was but "a day of wicked amusements, visiting parties, often dancing, hunting, fishing, etc."⁸ In the 1820s, John Howison watched people spending "the day in idleness and amusement, either strolling among the woods, or shooting game, or wandering between their neighbours' houses."⁹

Legal protection for the Sabbath did exist. Two British statutes, the Sunday Observance Acts of 1677 and 1780, theoretically guaranteed protection of the Lord's Day throughout the colonies. Neither statute compelled religious observance of the day through attendance at public worship, but both strove to secure this end by prohibiting labour and the pursuit of pleasure.¹⁰ The Legislatures of the three Maritime colonies, Nova Scotia, New Brunswick, and Prince Edward Island, had all passed

⁷ Ibid.

⁸ S.D. Clark, Church and Sect in Canada (Toronto: University of Toronto Press, 1948), p. 95.

⁹ John Howison, Sketches of Upper Canada (Edinburgh, 1821), pp. 157-8.

¹⁰ The 1677 Act (29 Car. II, c.7) prohibited "any worldly labour or business or work" by tradesmen, artificers, workmen, labourers, or other persons and forbade such activities as "the showing or holding out for sale of any goods," travelling or frequenting inns or lodges. Exceptions to this Act allowed "works of necessity and charity," the preparation of meat in homes, the dressing or selling of meat in inns and restaurants, and the crying and selling of milk before 9 a.m. or after 4 p.m.

Sabbath Observance Acts as one of their first colonial laws.¹¹ The New Brunswick law prohibited "Shooting, Gaming, Sporting, Playing, Hawking, frequenting Tippling Houses, or Servile Labour or Drunkenness on Sunday." The Nova Scotia Act empowered church wardens to act as clerical policemen to walk through the town once in the forenoon and once in the afternoon during divine worship "to observe and suppress all disorders, and apprehend all offenders whatsoever."¹² The Act also authorized them to enter public houses of entertainment to search for and seize any offenders. In the 1820s, Nova Scotia's Lieutenant-Governor, Sir Peregrine Maitland, "a moralist of a puritanical sort not seen in Halifax since the days of the Yankee pioneers," took advantage of this statute to arrest the declining moral tone of Halifax. By walking to church, he put a blight on the once popular Sunday carriage procession. He also forbade the time-honoured

The 1780 Act (21 Geo. III, c.49) made it an offence for keepers of public houses to operate their establishments at any time on Sunday either for public entertainment or public debate. A fine of five shillings punished offences against the 1677 Act, while fines of up to two hundred pounds were levied against offenders of the 1780 statute. The main purpose of the 1780 Act was to suppress working class "disputing societies" which the government viewed as politically undesirable. See Ontario Law Reform Commission, Report on Sunday Observance Legislation (Toronto: Department of Justice, 1970), pp. 25-9, for information on this legal background.

¹¹ 1 Geo. III (1761), c.1 (N.S.); also 31 Geo. III (1791), c.3 (N.S.); 26 Geo. III (1786), c.5 (N.B.); 20 Geo. III (1779), c.3 (P.E.I.).

¹² In 1851 the Nova Scotia Act for the Better Observance of the Lord's Day was consolidated and revised into an Act concerning "Of Offences against Religion." R.S.N.S. (1851), c.156. This consolidation omitted the clause empowering the church wardens to act as clerical policemen.

pageantry of the Sunday garrison parade, and in person fell upon the Sunday market "like a wrathful prophet."¹³ The House of Assembly in Lower Canada also passed laws to protect the Sabbath: one in 1805 to halt Sunday sales of goods or liquor ("Wine, Spirits and other Strong Liquors"); another in 1808 to preserve order during religious services on Sundays; and a third in 1827 to prevent "tippling in public houses during divine services."¹⁴ In the absence of adequate police forces to enforce these statutes, "some parishes even selected muscular strongmen to impose order in their churches and throw out the interruptors."¹⁵

By the 1830s, only the youngest colony of Upper Canada remained without its own Sabbath observance laws. Indifference to the day offended the religious convictions of many evangelical Protestants who, believing in the literal interpretation of scriptural passages regarding proper Sabbath observance,¹⁶ felt it should be a day devoted entirely to religious exercises, public worship morning and evening, and private devotions. But the absence of religious institutions made these

¹³T. Raddall, Halifax, Warden of the North (Toronto: McClelland and Stewart, 1948), p. 182.

¹⁴45 Geo. III (1805), c.3 (L.C.); 7 Geo. IV (1827), c.3, s.6 (L.C.).

¹⁵Wallot, "Religion and French-Canadian Mores," p. 80.

¹⁶Genesis 2: 2,3; Exodus 20: 8-11; Isaiah 58: 13; Exeikel 20: 12-20, were the passages most often cited by sabbatarians. See also Luke 12: 10-16; Mathew 12: 1-14, for discussions between Christ and the Pharisees concerning proper conduct on the Sabbath. Christ argued, for example, that it was proper

rituals impossible. In some communities it was not uncommon for a year to pass without a visit from a minister. Visiting Upper Canada in the early 1820s, John Howison established that within one three hundred mile area in the west of the province, only four villages enjoyed regular public worship. Appalled, Howison concluded that:

the deficiency in the number of religious establishments must have a fatal effect upon the principles of the people, the majority of whom are truly in a state of most pitiable moral degradation, grossly conceiving that they never do anything profligate, vicious or dishonest, except when they infringe the laws of their country. The Sabbath, presenting no routine of duties to their recollection, gradually approximates a week day. They, when it occurs, abstain from labour, more from habit, than from principles. (17)

At the end of the decade, immigrant John Crichton was still lamenting the lack of church services, noting that in the past year he had heard only five or six sermons.¹⁸

Under such circumstances, conscientious sabbatarians could do little. Before 1830, no one attempted to enforce the British statutes, relying instead on personal example to remind

for him to heal on the Sabbath, as well as for his disciples to pluck ears of corn (that is, work) to feed themselves. In arguing with the Pharisees, Christ maintained that "the Sabbath was made for man and not man for the Sabbath." (Mark 2: 27). For discussions of the origins and theology of the Sabbath, see William Hodgkins, Sunday: Christian and Social Significance (London: Independent Press, 1960); Winton U. Solberg, Redeem the Time: the Puritan Sabbath in Early America (Cambridge: Harvard University Press, 1977); Ontario Law Reform Commission, Report on Sunday Observance Legislation, pp. 69-74.

¹⁷Howison, Sketches of Upper Canada, pp. 142-3.

¹⁸Burns, Life and Times of Rev. Dr. Burns, p. 352.

neighbours "of the weekly return of the Sabbath." Some might refuse to desecrate the day by participating in community functions such as barn raisings or quilting bees; others might insist that their employees receive their Sabbath rest, as long as they observed it properly. Farmer Joseph Abbott, for example, told his loggers that he would "much rather see them getting ready to go to church" than engaging in other activities. When they asked him "with some astonishment and in a deprecatory manner" if Abbott wished them to go to church every Sunday, he replied that he would consider a neglect of this duty "without sufficient cause" tantamount to a notice to quit his service. Needless to say, the men obeyed his wishes.¹⁹

Such individual effort did little, however, and Sabbath-breaking continued unabated. The town of York observed Sunday quite inadequately, according to the Reverend William Proudfoot, a staunch Scottish sabbatarian. Although there was, he recorded in his diary on October 7, 1832, "a great deal of church-going at York," there was also a great deal of carelessness and Sabbath desecration: "Things are done openly here which I never

¹⁹E. Guillet, The Pioneer Farmer and Backwoodsman (Toronto: The Ontario Publishing Co. Ltd., 1963), pp. 191, 340. Abbott continued in his diary: "They submitted to my wishes, but one of them thought me a hard and cruel task-master; that one, however, is now a serious, orderly, and regular attendant at church and a communicant, and attributes all his subsequent success in life, as well as his reformation of conduct, to such trifling instruction as I was led to give him on such occasions." Thus, Abbott concluded smugly, "a word in season is sometimes like bread cast upon the waters, which may appear after many days."

saw done in Scotland." While few dared outrage public feeling by working or shooting in the woods, they lounged about the streets; being idle, they became "disorderly."²⁰ The Church of Scotland Synod worried about Sabbath violations by persons engaging "in worldly conversation, 'idle visiting and receiving of visitors', travelling, failure to do chores before Sunday and neglect of public and private means of grace."²¹ Both the Church of Scotland and the Methodist church felt that increasing Sabbath labour connected with the mails and steamship traffic interfered seriously with Christianity. Not only did such labour deprive hundreds of their opportunity to attend divine worship, but parties assembling at wharfside taverns and crowds gathering at the docks gave the whole province "an air of secularity and dissipation."²² The Methodist Christian Guardian, as part of its campaign against amusement in general and liquor in particular, focussed on steamship excursions, the first pleasure travel available in Upper Canada, and their effect in lessening reverence for the Sabbath. Not only did excursion

²⁰Cited by Jean Burnet, "The Urban Community and Changing Moral Standards," in Urbanism and the Changing Canadian Society, ed., S.D. Clark (Toronto: University of Toronto Press, 1961), p. 73.

²¹Church of Scotland Synod Papers, Report of Toronto Presbytery on Sabbath Violation, 1837, cited by Moir, Enduring Witness, p. 85.

²²Christian Guardian, 21 April 1841; also Presbyterian Church, Acts and Proceedings of the Synod of the Presbyterian Church of Canada in Connection with the Church of Scotland, 1841, Appendix No. IV, p. 35.

patrons, presumably those of the labouring class, return "highly intoxicated with liquor" but those still at home were needlessly affected. The noise and bustle, occurring all too often during divine worship, greatly annoyed ministers and "every well regulated mind engaged in public worship." Excursions presented "to the eye and ear a scene of confusion altogether at variance with that peaceful and orderly state of things designed to be secured on that day by the laws of God and of country." Especially harmful was the effect upon the young: being confined to business during the rest of the week, the attractive novelty of the Sunday wharfside scene enticed them from church attendance; as a result, they grew up "ignorant of great truths."²³

Demands for either the enforcement of British law or the passing of new legislation increased. The Church of Scotland petitioned the Lieutenant-Governor for the appointment of responsible magistrates to suppress vices such as Sabbath-breaking through the prohibition of Sunday mail and Sunday labour on the canals.²⁴ The Methodist church, through the Guardian, urged magistrates and city authorities to take the necessary steps "to preserve as far as possible the religious

²³Christian Guardian, 25 September 1833; Ibid., 18 May 1836. See also C.B. Sissons, Egerton Ryerson: His Life and Letters (Toronto: Oxford University Press, 1937), vol. I, p. 261, n.2.

²⁴Presbyterian Church, Acts and Proceedings, 1839, p. 198; Ibid., 1841, Appendix No. IV, p. 35; Ibid., 1843, p. 31; Ibid., 1844, p. 29.

rights of the inhabitants," and to enforce British law against the landing and shipping of goods on the Sabbath, and "the pursuit of their secular occupations by carters and other labouring classes." When local authorities failed to take action, the Guardian pressed upon the Union government its duty to pass legislation "for the accomplishment of so religious an object."²⁵

In 1844, Colonel John Prince, independent member for Essex, introduced a comprehensive Sabbath observance bill to the Legislature.²⁶ Since the bill aimed to enshrine in legislation a British ideal, the "Act to Prevent the Profanation of the Lord's Day, commonly called Sunday," was to be a virtual reenactment of the 1677 British statute in a form more suited to Canadian conditions and activities.²⁷ Its first clause forbade Sunday sales and labour by "any merchant, tradesman, artificer, mechanic, workman, labourer or other person whatsoever, on the Lord's Day." Subsequent clauses attempted to extirpate all Sabbath recreational temptations of colonial life: gambling, horse-racing, hunting, fishing were all forbidden; even bathing "in any exposed situation in any water within the limits of any incorporated city or town, or within view of any place of Public

²⁵ Christian Guardian, 18 May 1836; Ibid., 21 April 1841.

²⁶ Re Prince, see Dictionary of Canadian Biography, vol. IX, ed., F.G. Halpenny (Toronto: University of Toronto Press, 1976), pp. 642-6.

²⁷ Ontario Law Reform Commission, Report on Sunday Observance Legislation, p. 30.

Worship, or private residence," was included in an amendment by the Legislative Council. By implication the prohibition of Sabbath labour controlled pleasure steamship excursions. Reflecting the Methodists' intense concern with the consumption of alcohol as a leisure time pursuit, the second clause of the bill directly forbade persons "to tipple, or to allow or permit tippling in any inn, tavern, grocery or house of public entertainment." Indirectly it attempted to control the flow of liquor by forbidding Sunday political meetings, public displays of intoxication and brawling, or the use of profane language "in the public streets or open air, so as to create any riot, or disturbance, or annoyance to Her Majesty's peaceable subjects."²⁸

When opposition from Lower Canadian members forced him to withdraw the measure, Prince amended it to apply to Upper Canada alone, reintroduced the bill in the following session, and saw it through the Legislature in 1845.²⁹ The fact that the law would not apply to Lower Canada irked its supporters, particularly the Christian Guardian. "Did members of the Assembly think," it queried:

²⁸ Debates of the Legislative Assembly of United Canada, March 1845, p. 2305.

²⁹ 8 Vict. c.45 (U.C.), see Appendix V; also Debates of the Legislative Assembly of United Canada, March 1845, pp. 2025-28, 2305. The Legislature added the category "merchant" to those whose labour was prohibited by the 1677 statute. The Act did not apply to Indians. Any person convicted under the Act was to be fined a sum "not exceeding forty dollars, nor less than one dollar, together with the costs and charges attending the proceedings and conviction."

that the God of the Catholics was more indulgent than the God of the Protestants, and that less would be exacted from the former than from the latter? And did they think that the great ruler of all required of them to allow a breach of the holy day in one class of the community and to punish it in another? If not, why the difference in legislation? . . . This may be expediency; but it is not consistency, nor Christianity. Nor in fact is it true expediency; for suiting only present difficulties, and not resting on the immutable principles of right, it is only preparing greater difficulties to come when other legislators may resume the unfinished work. (30)

The debate on Prince's bill raised the problem that would prove insoluble to all future sabbatarians: how to reconcile religious conviction with the desire for economic gain. On what basis were decisions to be made to exempt activities, particularly economic, from the restrictive clauses of the bill? An exempting clause allowed 'works of necessity and charity', defining these to be the conveying of travellers or mail by land or by water, and the selling of drugs and medicines. But given the interdependent and seasonal nature of Canada's resource-based economy, should other activities enjoy temporary exemption? In 1845 the discussion concerned hunting and fishing. On one hand, many felt that fishing along the Detroit River was an activity of economic necessity and therefore should be exempt; on the other hand, the same people felt that hunting "was generally an amusement." In the end, the bill included both in its prohibitions, but the debate was a portent of the future.³¹

³⁰Christian Guardian, 25 September 1844.

³¹Debates of the Legislative Assembly of United Canada, March 1845, pp. 2027-8. Another member thought the bill should also exempt maple sugar making, but the House voted down this suggestion.

Five years after the passage of the Lord's Day Act of Upper Canada, the first sabbatarian interest groups appeared in Kingston, Toronto, and Brantford to lobby for further legislative protection of the Sabbath. Their first target was Sabbath labour in the Post Office. In 1849 the Imperial government transferred jurisdiction over the Royal Mail to the colonial governments. The simultaneous introduction of a cheap postage system promised an increase in the amount of correspondence throughout the country with the certain result of a "material increase in the labourers required and the labour exacted." It seemed an appropriate occasion to effect changes in procedures, at least those affecting the Sunday opening of post offices and delivery of mail. Experience had amply shown, argued the Kingston Society in 1851, that it was much easier to put a regulation on the Statute books before a situation developed into common practice than later. The Society therefore believed it should "strain every nerve to prevail on the public authorities to begin well." The new postal system should "not be stained with the sin of legalized Sabbath desecration, but signalized by its entire abolition."³²

The formal structure of the groups consisted of an executive board and a general membership. Laymen accepted the presidencies of both the Toronto and Kingston societies. James Hervey Price, Commissioner of Lands in Upper Canada, in Toronto,

³²Kingston Chronicle and News Supplement, 17 January 1851.

and a Lieutenant-Colonel Lawrence in Kingston were the first presidents of their respective associations. On average, twenty members, the majority laymen, formed the executive boards (clerical representation was to be only ex-officio). Consultations between the most active members of the executive, the President, Secretary, and Treasurer, were to take place at least once every three months, while each society was to meet once a year for the formal presentation of the board's annual report and the election of new officers. The groups intended to correspond with British and American sabbatarian associations to collect information on methods used in those countries.³³ They also projected the formation of a larger association, a Canada Sabbath Alliance. The groups planned to finance operations from membership dues of 2s6d a year. Membership was based on the religious conviction that:

the Sabbath is of Divine origin and perpetual obligation; that it is an institution fraught with unspeakable blessings to mankind, temporal, spiritual and eternal; that its violation in any form, by rulers or subjects, must be highly displeasing to Almighty God; and that it is the duty of all to pray for, and use their best exertions to secure, the due observance of the Lord's Day. (34)

Though members might come from any church, it was expected that the congregations of the evangelical Methodist and Presbyterian churches would provide the main body of members; although the

³³Kingston Sabbath Reformation Society, "11th Annual Report," 17 January 1861, McGill University Library.

³⁴Christian Guardian, 16 January 1850.

groups spoke of securing the aid of "all classes of the community," no thought was given to recruiting membership outside the churches.³⁵

To achieve the ends of their "pious and patriotic agitations," the groups intended to employ only "lawful means."³⁶ They relied solely on the circulation and presentation of petitions, the traditional technique of the nineteenth century, to demonstrate to the government the strength of public support.³⁷ Such petitions, stressing the religious basis of sabbatarianism's aim, addressed the government both as a legislative body and as the employer of Sabbath labour in the Post Office. The groups relied on the evangelical churches to circulate the petitions and made no plans to influence public opinion through non-religious means such as a secular press campaign. Instead they restricted themselves to urging ministers to "bring the important subject directly under the notice of those committed to their spiritual oversight," to recruiting clergy to act as spokesmen on lecture tours throughout the neighbourhoods, and to circulating tract literature to publicize the cause. In its first year of operation, the Kingston Society sent 5,000 tracts to "a variety of central ports throughout the Province, whence,

³⁵ Kingston Chronicle and News Supplement, 17 January 1851.

³⁶ Ibid.

³⁷ See Colin Leys, "Petitioning in the Nineteenth and Twentieth Century," Political Studies III/1 (1955), pp. 45-64.

through means of local agents, their further distribution might be conducted."³⁸

The groups remained active throughout the 1850s and early 1860s, adding opposition to Sunday labour on the canals to their concern about Sunday mail. Support for their cause came from a variety of sources. The Free Church of Scotland, formed in 1843, was the most ardent advocate: voluntarist in most other respects, it insisted that it was the government's duty to legislate in favour of Sabbath observance.³⁹ Members of the Free Church, in particular the Reverend Dr. Robert Burns, a minister sent by the Free Church of Scotland to defend its break with the Church of Scotland, were instrumental in the initiation of the groups. Free Church Reform politicians backed the lobby in the Legislature.⁴⁰ In 1851, Honourable Adam Fergusson presented the petitions to the Legislative Council while James Hervey Price took them to the Assembly. From 1853 to 1857, George Brown acted as the groups' political champion, both through his introduction of three Sabbath observance bills and through his frequent editorials in the Toronto Globe. As

³⁸ Kingston Chronicle and News Supplement, 17 January 1851.

³⁹ See Moir, Enduring Witness, p. 130: "George Brown was a self-proclaimed voluntarist in all things -- except sabbath observance."

⁴⁰ See S.D. Clark, Movements of Political Protest, 1640-1840 (Toronto: University of Toronto Press, 1959), p. 418. In discussing the nature of the 1837 Rebellion, Clark makes the point that support of the reform cause came not from Scottish people as such but from Scottish Presbyterians who were not attached to the Church of Scotland. Scotsmen attached to the

a politician, Brown had discovered that support of sabbatarianism, like temperance, strengthened him in the rural, "righteous West" where the Free Church was strongest.⁴¹ "Do shoal down petitions," he urged Alexander Mackenzie, Secretary of the Sarnia Reform Committee, "about the Reserves, Rectories, Sectarian Schools, Maine Law, and Sabbath desecration. . . . The more the merrier."⁴² Although, in Brown's opinion, the easy-going nature of earlier Upper Canadian business life had not encroached on Sabbath rest, new business energies and the "dense population" flooding the country threatened the creation of "a growing worldliness in the public mind on this point, which would be easier controlled now than at a later moment."⁴³ He welcomed the formation of Sabbath observance associations, arguing that "whether regarded as a religious, social, physical or mere mercantile question, the strict observance of one day of rest in seven is mercifully a necessity." But religious

Church of Scotland, on the other hand, clearly identified themselves with the Tory cause. This identification of religion and politics continued after the 1837 troubles, as Scottish Free Church Presbyterians continued to support the Reform, later the Liberal, party. As P.B. Waite comments, "the great promoters of temperance and sabbatarian laws seem mainly to have been on the Liberal side in Parliament." (Waite, "Reflections on an Un-Victorian Society," in Oliver Mowat's Ontario, ed., D. Swainson (Toronto: Macmillan of Canada, 1972), p. 22.

⁴¹J.M.S. Careless, Brown of the Globe (Toronto: Macmillan of Canada, 1959), vol. I, p. 160; Moir, Enduring Witness, p. 106.

⁴²Cited by J. Moir, Church and State in Canada West: Three Studies in the Relation of Denominationalism and Nationalism (Toronto: University of Toronto Press, 1959), p. 67.

⁴³Toronto Globe, 16 May 1850.

conviction alone motivated Brown, as it did all Free Church sabbatarians, and concern for the workers' right to a weekly day of rest played no part in his support of the sabbatarian cause. Called by Toronto workers "the prince of Reformers, the paragon of anti-Labour employers," Brown had shown himself to be anti-labour in the printers' strikes that had bedevilled his own paper.⁴⁴ His own employees worked on Sunday evenings after dinner; in his 1850s campaign against the Roman Catholics, during which he claimed, among other charges, that Catholics "were bad Christians who did not observe Sunday properly," he carefully covered the Globe's office windows with heavy blankets "so that the good people going to religious meetings would not see the employees of the 'Globe' were working on Sunday evenings in defence of Sabbath observance."⁴⁵ Brown had even less sympathy for the workers' need for recreation on what might be their only day of leisure: opposed to shorter work days on the grounds that if men had more time to spend at home they would make a nuisance of themselves, he did not view Sunday as a day of leisure and recreation.⁴⁶ He rejected out of hand suggestions that a military band might play on Sunday afternoon,

⁴⁴ Charles Lipton, The Trade Union Movement of Canada, 1827-1959 (Montreal: Canadian Social Publications Ltd., 1966), pp. 17-19; also Sally Zerker, "George Brown and the Printers' Union," Journal of Canadian Studies X (February 1975), pp. 42-7.

⁴⁵ Henri Bourassa related this practice of Brown in the 1906 debate on the Lord's Day bill. Canada, House of Commons, Debates, 1906, c. 5653.

⁴⁶ Lipton, op. cit., p. 30.

or that people might engage in "snug dinner parties, or cozy picnics, or inspiriting drives," a ball game or a hand of whist.⁴⁷ The Sabbath must be spent in religious practices, attendance at public worship, morning and evening, Sunday-school teaching, private Biblical reading, and family prayers.

In addition to Free Church Presbyterians, the Methodists supplied additional support to the Sabbath observance campaign. Together, Methodists and Free Church Presbyterians delivered 20,000 signatures to petitions accompanying Brown's 1853 bill.⁴⁸ Other welcome aid came from the courts: in his 1854 decision in Regina v. Tinning, Judge John Beverley Robinson concluded that the clause of the 1845 Act that exempted the conveying of travellers did not apply to steamship excursions. In his opinion, such people were not travellers; rather, they were "persons notoriously seeking mere recreation."⁴⁹

On the other hand, the Church of Scotland, less enthusiastic than the evangelical Free Church to lobby for legislation concerning a subject it considered a matter of church discipline, made only passing reference in its annual reports to the campaign for legislation.⁵⁰ The Anglican Church expressed

⁴⁷Toronto Globe, 26 June 1856.

⁴⁸Moir, Enduring Witness, p. 125.

⁴⁹11 U.C.Q.B. 636.

⁵⁰Presbyterian Church, Acts and Proceedings of the Presbyterian Church in Canada, in connection with the Church of Scotland, 1853, p. 30: "The Synod, having had their attention called to the subject of Sabbath Observance, agreed to express their regret of the failure in Parliament, of the measure for

little or no interest in legalizing the severe Sunday required by sabbatarians. Although he pronounced himself in favour of a five-and-a-half day work week, John Strachan publicly stated in 1856 that Sundays should be happy, not "blue".⁵¹ The Anglican journal, The Church, supported Strachan's view, maintaining that nowhere did the Bible forbid the pursuit of innocent amusements. God in fact delighted to see his people "in the enjoyment of every blessing. . . which His bountiful land has provided for them." This was particularly so, the editorial concluded, when one considered "how entirely large masses of those upon whom the curse of excessive labour presses most heavily are prevented on all other days from enjoying many of the purest natural pleasures of this present life."⁵² Seconding this sentiment, the Roman Catholic church, especially the French Canadian hierarchy, rejected the emotional and literal interpretation of the Fourth Commandment as a hobbyhorse inherited from the Scottish Reformation.⁵³ Of the 20,000 petitions delivered in 1853, only 3,000 came from Lower Canada, all from Protest-

relieving the servants of the Public, from Sabbath labour, agree to declare anew their determination to use every effort to promote the better observance of the Sabbath . . ." Ibid., 1858, pp. 63-4.

⁵¹J. Strachan, "Charge delivered at the visitation of the clergy," 1856 (Toronto, 1856), cited by Moir, Church and State in Canada West, p. 25.

⁵²Cited by Toronto Globe, 16 June 1856.

⁵³J.S. Moir, The Church in the British Era: From the British Conquest to Confederation (Toronto: McGraw-Hill Ryerson, 1972), p. 189.

ants.⁵⁴

The press was divided in its attitudes. Both Toronto Conservative papers opposed Brown's campaign. The Colonist objected to sabbatarian legislation on the grounds that it would "contravene the principle of separation of church and state,"⁵⁵ while The Leader, Brown's chief competitor, strenuously objected to the invasion of personal rights:

We do not pretend to decide the question whether it be an offence against heaven for the artisan whose pursuit confines him within doors six days a week, to walk or ride out in the country on the seventh day to view and admire the works and beauties of nature; and to imbibe those poetical feelings and that amiable temper of mind which such a scene is calculated to produce; we do not say whether this be a sin against the Author of nature.

But, the editorial concluded, it was a case in which man had no authority. In a matter solely between the individual and his Maker, man's bigotry had no right to "usurp a jurisdiction to which no earthly power is equal."⁵⁶ For his part, Brown used the Globe to expound his views, most often attacking other churches and newspapers for not supporting his bills. In 1856, he attacked The Church's views as being those of the "degenerate Lutherans of Germany." At the same time he attacked The Church and The Leader for "lovingly working in the same cause." Both abhorred, he continued:

⁵⁴Moir, Enduring Witness, p. 125.

⁵⁵Moir, Church and State, p. 25.

⁵⁶The Leader, 17 September 1852, cited by Christian Guardian, 22 September 1852.

what they term a Jewish, or Puritanic, or Pharisaical observance of the first day of the week, and both are desirous to introduce improvements and modifications, fitted in their respective opinions, to correct the unhappy or abominable mistakes into which so many of us have fallen on this momentous subject. 'The Leader' thought we would be all right if a military band would but play on Sunday afternoon; 'The Church' thinks that matters would mend, if, for the present "Jewish severity," we would only substitute the "holy hilarity of the holy day." (57)

On a final vote in 1857, the House defeated Brown's bill (by one vote); however, in 1860 the Post Office permitted Upper Canadian post offices to close on Sunday if they wished. Since Upper Canadian canals remained closed on Sundays, that issue was of minor concern. In the absence of issues, the sabbatarian groups disappeared. Moreover, the associations themselves had not developed a strong, independent identity. They had relied too much on Brown's presence in the House of Assembly and his position as editor of the Globe. But his advocacy meant that they could not secure political support from all parties. Difficulties of communication and transportation denied them a broad basis of community support, and they did not organize on a province-wide basis. Although the Kingston Society engaged a "duly qualified Agent" to circulate its petitions, neither it nor the other societies considered the hiring of permanent staff to replace voluntary help.⁵⁸ The clergy publicized the cause only erratically; Sabbath observance was but one of a multitude

⁵⁷ Toronto Globe, 26 June 1856.

⁵⁸ Kingston Chronicle and News Supplement, 17 January 1851.

of concerns, and the prevention of individual profanity was of greater concern than the political lobbying. So the situation remained until the growing industrialization and urbanization of Canadian society provoked a stronger and more determined response.

Chapter II: Sabbath Observance in an Industrializing and
Trafficking Age, 1850-1890.

Between 1850 and the late 1870s, Canada enjoyed a period of Sabbath quiet serene enough to rival any other country. Sunday steamship excursions were common in but a few of the urban centres. Sabbath labour existed in isolated pockets only. The major canals, the Lachine, Cornwall, and Welland canals, were closed altogether on Sundays. With the decline of railway construction in the 1860s, only those few who worked on mail trains were active on Sunday. In the commercial life of the urban centres, Sabbath rest was an assumed part of factory or shop employment. Although retail establishments remained open until midnight Saturday nights, most closed the following day. Employment in industries whose processes were of a continuous nature was virtually unknown. Only in lumbering and mining and in domestic service was there any significant Sabbath labour; but such labour, not highly visible to churchgoers, did not cause concern. Only the Sunday work of some 2,000 postal employees in the Quebec post offices, which remained open for one hour after morning mass, aroused comment.¹

¹In 1868, the Postmaster-General promulgated by departmental order: "Postmasters in Canada, except in the Province of Quebec, are at liberty to close their offices to the public on Sunday; and in the Province of Quebec postmasters should keep their offices open for at least one hour either before or after divine service, as may be most convenient to the public gener-

The bulk of the population was rural and, with the passing of harsh pioneer conditions and the growth of church institutions providing regular services, Sabbath rest became the rule not the exception. Attitudes and practices were calculated to fit in with the agricultural economy. Eleven o'clock became the standard hour for morning worship to permit early morning farm chores as weather conditions and season dictated.² Church-going became the rule and in most districts those not associated with a church would have been regarded as "queer."³ For a man like Newton Rowell, future leader of the Ontario Liberal party and a prominent member of both the sabbatarian and temperance movements in the 1890s, "attendance at church and class meeting occupied much of every Sunday for all ages."⁴

In their approach to such Sabbath desecration as did occur, however, sabbatarians became as rigid and legalistic as earlier Norman McLeod had been at St. Ann's. Committed to a literal interpretation of the scriptures, Sabbath observance supporters, both lay and clerical, were constantly "aware of

ally." The only city in the English-speaking provinces to remain open on Sundays was Charlottetown, which opened for one hour. Canada, House of Commons, Debates, 1876, c. 843.

²Ontario Law Reform Commission, Report on Sunday Observance Legislation (Toronto: Department of Justice, 1970), p. 79.

³A.R.M. Lower, Canadians in the Making (Toronto: Macmillan of Canada, 1958), p. 330.

⁴Margaret Prang, N.W. Rowell: Ontario Nationalist (Toronto: University of Toronto Press, 1975), p. 7.

the presence of God in human affairs," rewarding and protecting His supporters, admonishing and punishing those who deviated from His path.⁵ Believers in the idea of original sin, they felt that desecration of the Sabbath would bring retribution -- Divine wrath in this life and eternal punishment in the next. Certain that most men and women, if left to their own devices, would not or could not resist temptation, they appropriated to themselves the responsibility for the actions of others. When one man, as A.R.M. Lower relates, attempted to take in his grain one fine Sunday, the neighbours soon put a stop to his labours.⁶ George Brown demanded enforcement of the 1845 Upper Canada Act. Boys caught playing shinty or hurly games in Toronto's streets should be punished as a warning to others, he editorialized: "Twenty-four hours in the cells would be a good means of stopping boys from practices of this kind on the Sabbath."⁷ He and others, particularly the clergy, unanimously opposed Sunday reading of newspapers, skating, and other pleasures, and frowned upon the making of calls on neighbours. Even visiting the sick was questioned -- only definite spiritual edification could elevate it above a "weak apology for the crime of Sabbath-breaking."⁸

⁵Goldwin French, "The Evangelical Creed in Canada," in The Shield of Achilles, ed., W.L. Morton (Toronto: McClelland and Stewart, 1968), pp. 18-21.

⁶Lower, Canadians in the Making, p. 330.

⁷Toronto Globe, 2 November 1863.

⁸W.H. Elgee, The Social Teachings of the Canadian

But after this brief respite, there arose the twin threats of expanding industrialization and urbanization. With the integration of the railroad into Canada's economic structure, Canada truly entered the industrial age. Renewed railway construction in the 1870s led to expansion of rolling mills in the cities of Toronto and Montreal and engine works in Hamilton. Railway needs promoted the new steam and steel technology and the effective start of heavy industry, some of whose continuous processes demanded Sunday work. By the late 1880s a more complicated manufacturing pattern was emerging in major eastern centres, especially in Montreal, Toronto, and Hamilton. The focussing effect of the railways had much to do with it, leading industries to concentrate at places with the best transport and supply facilities, where labour could collect and the advantages of large-scale production could best be secured.⁹ "Between 1871 and 1891, the number of employees in industrial establishments in Ontario alone more than doubled, increasing from 87,000 to 166,000."¹⁰ Agriculture also experienced a technological revolution as field and crop rotation, the use of fertilizers, and employment of better and more sophisticated farm machinery became common.

Churches, Protestant, The Early Period, before 1850 (Toronto: The Ryerson Press, 1964), p. 211.

⁹J.M.S. Careless, The Rise of Cities in Canada Before 1914, Canadian Historical Association, Historical Booklet No. 32, 1978, p. 24.

¹⁰O.J. Firestone, "Industrial Development," in The Canadians, ed., J.M.S. Careless and R. Craig Brown (Toronto: Macmillan of Canada, 1967), p. 458.

Of significance to the sabbatarians was the trend to more diversified farming, since it increased the demand for Sabbath labour in the agricultural as well as the industrial sector of the economy. The growing urban market for food increased the herds of pigs and cows in Ontario by 50 percent, established the modern dairy and cheese industries, and promoted the cultivation of vegetable crops and the planting of fruit orchards.¹¹ All of these activities, the cheese factories all year round, and the fruit crops in season, required Sunday attention.

A vigorous growth of urban settlement accompanied this economic growth.¹² Industry attracted population to cities from farms where new machines such as the reaper-binder reduced the farmer's need for manpower. Although emigration greatly off-set the quantitative impact of immigration during this period,¹³ those immigrants who did stay were most often highly trained workers or professional men who, bringing their skills and capital with them, wanted to remain in the cities. By 1881, Ontario's urban population had risen to 375,848 (23.1

¹¹R. Cole Harris and John Warkentin, Canada Before Confederation (Toronto: Oxford University Press, 1974), pp. 138-42.

¹²Despite economic recessions, economic growth proceeded through the 1870s and 1880s at a steady annual rate of 4.6 percent. See G.W. Bertram, "Economic Growth in Canadian Industry, 1870-1915," Canadian Journal of Economics and Political Science XXIX/2 (May 1963), reprinted in Approaches to Canadian Economic History, ed., W.T. Easterbrook and M.H. Watkins (Toronto: McClelland and Stewart, 1967), p. 83.

¹³See W. Kalbach and W. McVey, The Demographic Bases of Canadian Society (Toronto: McGraw-Hill Ryerson, 1971), p. 41, Table 2:4.

percent of its total population) from 133,463 in 1851 (14.0 percent).¹⁴ In addition, the number of urban centres in the various provinces increased. While manufacturing was concentrated in the larger cities such as Montreal, Toronto, and Hamilton, other centres grew as trading and service centres either at crossroads or along the new railway system. By 1881 south-central Ontario had a dense pattern of seventy-seven places with 500 or more inhabitants, whereas in 1851 there had only been twenty-four such places. In Quebec, the number of villages with 500 to 1000 residents increased from thirteen to eighty-one. Only the Maritime cities did not "experience the thrusting growth brought on by large-scale manufacturing and metropolitan functions."¹⁵

Improvements in urban living attracted increasing attention. In the 1860s and 1870s horse-drawn street railway systems inaugurated service in Halifax, Montreal, Toronto, and Hamilton. In 1861, the Montreal City Passenger Company started operations with eight cars and six miles of track running east-west and four miles north-south, while the Toronto Street Railway Company began with six miles of single track running north-

¹⁴Jacob Spelt, Urban Development in South-Central Ontario (Toronto: McClelland and Stewart, 1972), p. 144.

¹⁵Harris and Warkentin, Canada Before Confederation, p. 212.

south along Yonge Street, four cars, and seventy horses.¹⁶ Charging a maximum fare of five cents, the systems ran six days a week, sixteen hours per day in the summer months, fourteen in the winter. The citizens welcomed the new convenience: enthusiastic crowds thronged Toronto's flag-decked streets to welcome the first car on September 10, 1861.¹⁷ In Halifax, the cars "were a tremendous success; everybody wanted a ride."¹⁸ As a contemporary, H.Y. Hind, commented, public transportation would be a "great relief to commercial cities, where the business centre is ever extending and pushing the population into the suburbs."¹⁹ Moreover, the companies were soon providing urban communities with increased opportunities for recreation. In Toronto, horse-boats crossed the shallow waters of Lake Ontario to the Island, where all the amusements characteristic

¹⁶J.I. Cooper, Montreal, A Brief History (Montreal: McGill-Queen's University Press, 1969), p. 104; T.H. Raddall, Halifax: Warden of the North (Toronto: McClelland and Stewart, 1948), p. 219; Toronto Transit Commission, Wheels of Progress: A Story of the Development of Toronto and Its Public Transportation Services (Toronto: Toronto Transit Commission, 1946); see also John McKay, Tramways and Trolleys: The Rise of Urban Transport in Europe (Princeton, N.J.: Princeton University Press, 1976) for descriptions of this early era in Europe. Toronto and Montreal began services only four years after the major American cities. An Englishman, A. Easton, who had brought the horsecars to Milwaukee and other American cities, introduced the idea to Toronto. C. Armstrong and H.V. Nelles, The Revenge of the Methodist Bicycle Company: Sunday Street-cars and Municipal Reform in Toronto, 1888-1897 (Toronto: Peter Martin and Associates, 1977), p. 28.

¹⁷Toronto Globe, 11 September 1861.

¹⁸Raddall, Halifax, p. 219.

¹⁹H.Y. Hind, et al., Eighty Years' Progress in British North America (Toronto, 1863), in Let Us Be Honest and Modest:

of beaches and other public playgrounds were available.²⁰

Various city councils developed parks to meet the needs of citizens for open spaces. In Montreal, for instance, Sohmer Park became the destination of picnickers and walkers.

This burgeoning industrialization and urbanization of Canadian society posed threats to the Sabbath unknown in a pioneer society. In an agricultural community, the farmer was responsible for his decision whether or not to work on the Sabbath; in such a situation the church, once established, could hope to affect behavioural patterns. In the emerging "bustling and trafficking age,"²¹ however, the choice might not lie with the individual if, as an employee, he worked for an employer who demanded Sunday work. Soulless corporations were simply impervious to threats of spiritual damnation. Sabbatharians thus began to associate Sabbath desecration with an industrial and urban way of life and, forgetting that the Sabbath quiet of the rural countryside was a value only recently and painfully acquired, praised Sabbath observance as a cherished and traditional rural value. Moreover, Sabbath observance supporters feared that the demand for Sabbath pleasure would rapidly increase with the growth of cities. Most merchants, artisans, and labourers worked ten to twelve hours a

Technology and Society in Canadian History, ed., B. Sinclair, N.R. Ball and J.O. Petersen (Toronto: Oxford University Press, 1974), p. 257.

²⁰E. Guillet, The Pioneer Farmer and Backwoodsman (Toronto: The Ontario Publishing Co. Ltd., 1963), vol. I, p. 196.

²¹PC, APGA, 1877, p. cxxiv.

day, six days a week. Such a routine left no time for recreation on weekdays and, for most people, Sunday was the one day of leisure. Already by the 1870s a vigorous Sunday entertainment sub-culture had emerged in the working class areas of Montreal and just outside the city limits. On one May Sunday in 1870, for example, nearly five thousand spectators gathered to watch a velocipede race. During the same year, weekly crowds of up to 4,000 attended acrobats, prize fights, cock-fighting, and clog dancing events. Additional crowds watched the Sunday horse races on the Lachine canal.²² Editorial complaints by the Montreal Star had no effect upon this activity.²³

The railway most distressed the sabbatarians as it directly increased the need for Sabbath labour. Moreover, railway companies overcame objections to Sunday labour by guaranteeing employees who worked Sunday a day off during the week and paying any fines levied against workers for working on that day.²⁴ Employees who refused to work on Sundays the companies fired. Railway demands had a multiplier effect on the economy, increasing Sabbath labour in other sectors, especially in processes involving continuous operation such as the production of iron and steel. The number of people working in the Post

²²Alan Metcalfe, "The Evolution of Organized Physical Recreation in Montreal, 1840-1895," Social History XI (May 1978), pp. 163-4.

²³Metcalfe states that the Star complained 35 times between 1870 and 1894.

²⁴Canada, House of Commons, Debates, 1876, c. 855.

Office also increased (to 3,000 from 2,000),²⁵ as special mail trains were established to provide more efficient service through linking with the trans-Atlantic ships out of Halifax. This did not take into account the numerous others who, employed in domestic service,²⁶ police forces, or on newspaper staffs, regularly worked on Sunday.

The railway's potential recreational value posed a further threat to the Sabbath. By the late 1870s, railway companies were joining the potentially lucrative excursion business.²⁷ Excursions, whether by steamship or railway, could only be "drunken saturnalia," scenes of riot and disorder.²⁸ In addition to converting the Sabbath into a mere holiday for amusement, these indulgences familiarized one's mind to the idea of Sabbath labour.²⁹ In short, by "rushing and rumbling" from place to place, the railway train became "a mighty engine for the dishonour of the Lord, the demoralization of the land, and the spiritual ruin of those employed in connection with

²⁵PC, APGA, 1876, p. 229.

²⁶The Census of 1871 (Table XIII) listed 60,104 people employed in the Domestic Class. By 1881 (Table XIV) this number had risen to 74,830. This class included barbers and hair dressers, bar-keepers, hospital attendants, hotel keepers, laundresses, midwives, as well as household servants. Not all may have worked on Sunday.

²⁷PC, APGA, 1878, p. cxxvii; Ibid., 1882, p. cxlvii; Ibid., 1883, p. clxii.

²⁸Canada, House of Commons, Debates, 1885, c. 263; Ibid., 1891, c. 1483.

²⁹Ibid., 1878, c. 727.

it."³⁰

The Presbyterian church reacted with alarm to the threat of increased Sabbath labour and pleasure. At the time of the union of the various Presbyterian bodies into the new Presbyterian Church of Canada in 1875, a Standing Committee on Sabbath Observance was established to resume the agitation for legislative enactments. The Committee organized deputations to protest government offences, ranging from the members' use of the Commons' library on Sundays to continued labour in the Post Office.³¹

Coincident with these developments, three Liberal Scottish Presbyterian Members of Parliament, Adam Gordon, Thomas Christie, and John Charlton, introduced bills to prevent Sabbath labour on the canals and to prohibit Sunday excursions by steamship or railway.³² These bills provoked an unexpected response in the House. The Presbyterian church had never questioned the constitutional ability of the federal government to pass Sabbath observance legislation, since Section 91 of the British North America Act empowered the federal government to regulate all crimes against religion.³³ But the Macdonald government, with-

³⁰PC, APGA, 1888, Appendix No. 14; Church of Scotland, Acts and Proceedings, 1863, p. 74.

³¹PC, APGA, 1879, p. cxliv.

³²Canada, House of Commons, Debates, 1876, c. 851; Ibid., 1878, c. 726; Ibid., 1879, c. 75; Ibid., 1885, c.46, cc. 256-66.

³³The Confederation Debates dealt only indirectly with the question of Sabbath observance legislation. The British North America Act continued all previous legislation in force

out testing the matter in the courts, decided to declare Sabbath observance a matter of provincial rather than federal jurisdiction and so avoid a potentially troublesome ethno-religious issue.³⁴ The Presbyterian church greeted this interpretation with equanimity and even a certain degree of enthusiasm. In the belief that all levels of government could legislate on the question, the church urged its provincial Synods to agitate at the provincial as well as at the municipal level.³⁵ As a result, individual Members of Parliament such as A.F. Wood of the Ontario Legislative Assembly, or small groups of sabbatarians, presumably members of provincial Presbyterian Synods, brought the matter before provincial legislatures.

The provinces proved responsive to this lobbying. In its 1883 Street Railway Act, the Ontario Legislature forbade Sunday operations by street railway companies chartered under

at the time of Confederation. With regard to future legislation, two sections of the B.N.A. Act could be interpreted as applying to Sabbath observance: Section 92, which gave the provinces the right to legislate upon property and civil rights; and Section 91, which empowered the federal government to regulate all crimes against religion.

³⁴Canada, House of Commons, Debates, 1885, c. 266. It is interesting to note that Macdonald expressed this opinion notwithstanding the contrary opinion expressed by the Judicial Committee of the Privy Council in 1882 regarding the Canada Temperance Act. See Russell v. the Queen (1882), 7 A.C. 829.

³⁵The municipal codes of most provinces allowed municipalities to pass by-laws regulating Sabbath observance: C.S. N.B. (1877), c.99, s.96(35); R.S.N.S. (1873), c.57, s.65(15); M.C.S. (1880), c.10, s.10; 22 Vict. (1859), c.54, s.282 (Ont.); C.S.B.C. (1877), c.127, s.36(30). In Ontario, for example, York County had enacted a by-law that prohibited inhabitants from

the Act;³⁶ in 1885, it amended the 1845 Act to prohibit Sunday steamboat or railway passenger excursions undertaken for amusement or pleasure only.³⁷ In 1891, the Nova Scotia Legislature attempted to control the employment of Sabbath labour by amending the 1851 Act, "Of Offences Against Religion," to make it illegal for a corporation to employ or direct a person "to perform servile labour on Sunday."³⁸ Manitoba passed legislation prohibiting Sunday operations of any street railways,³⁹ while British Columbia passed a Sunday Observance Act to apply to the portion of the province "comprised in the former separate colony of British Columbia."⁴⁰ An ordinance dealt with the Northwest Territories.⁴¹ Only Quebec's stand on the issue seemed ambivalent: on one hand, Montreal's City Council could pass by-laws for the proper observance of the Sabbath, and thus prevent amusement places from opening and forbid the sale of liquor or the playing of games such as "billiards, pool, mississippi, pigeon-hole, ten pins, bagatelle" in taverns on

hunting, fishing, or swearing at cows on the Sabbath. J.M.S. Careless, Brown of the Globe (Toronto: Macmillan of Canada, 1959), vol. I, p. 160.

³⁶45 Vict. (1883), c.16, s.4 (Ont.).

³⁷48 Vict. (1885), c.44 (Ont.). This bill was a duplicate of the bill introduced into the House of Commons in 1885 and rejected.

³⁸54 Vict. (1891), c.32 (N.S.).

³⁹R.S.M. (1891), c.90, s.143.

⁴⁰C.S.B.C. (1888), c.108; Ibid., c.88, s.87(65).

⁴¹R.O.N.W.T. (1888), c.39.

Sundays;⁴² on the other hand, the Quebec Legislature allowed some expansion of Sabbath activity by legalizing the sale of candies, fruits, refreshments, cigars, and other sundries both in Montreal and on St. Helen's Island.⁴³

Yet, though it seemed apparent by the late 1880s that the legislative responsibility for Sabbath observance enactments was passing to the provinces, the Presbyterian church continued to lobby for federal legislation. It still believed that concurrent legislation by the federal and provincial governments was both necessary and possible. Although the Ontario government had dealt with the problem of railway excursions, the provinces could not deal with through traffic on the railways and the problems of Sabbath labour on these inter-provincial routes.⁴⁴ The church believed that the two levels of government had the ability to pass necessary legislation without infringing on one another's jurisdictional rights.⁴⁵ The Presbyterian church therefore pressed for the formation of an association "of a wider character, either for executive pur-

⁴²52 Vict. (1889), c.79, ss.8-11 (Que.).

⁴³Ibid., s.9.

⁴⁴PC, APGA, 1888, Appendix No. 14.

⁴⁵In 1886 the federal government enacted the first revision of the Statutes of Canada. "Apparently the law officers of Canada took the view. . . that it was doubtful whether the 1845 Upper Canadian statute fell within the federal or provincial jurisdiction. They did not sever the statute in any way as they did with some other pre-Confederation statutes. Instead, they listed the whole of the Upper Canadian statute on profanation of the Lord's Day as doubtful, and omitted it entirely from the first federal revision." Ontario Law Reform

poses or to combine the influence of all interested parties." The church perceived the lobby as a focal point for the influence of "Christian people of this land," which, by serving as a channel for "inter-denominational and international co-operation," would bring ultimate success.⁴⁶

By the late 1880s it was entirely possible that the Presbyterian church might enjoy a wide measure of support from other groups, both religious and secular. While it expected support from the Methodist church, it might also attract support from the Evangelical Movement within the Church of England that was increasingly willing to cooperate with other churches in their social and moral reform campaigns.⁴⁷ Moreover, the evangelical Protestants could well look forward to support from the Roman Catholic hierarchy. The Catholic church was generally favouring stricter religious observance of the Sabbath.⁴⁸ American Catholic bishops were advocating campaigns for stricter controls on Sabbath activities and forbidding excursions and picnics. In 1880, in response to an American request, Pope Leo XIII had delivered "an earnest address" to the Roman Catholic

Commission, Report on Sunday Observance Legislation, p. 31.

⁴⁶PC, APGA, 1888, Appendix No. 14.

⁴⁷J.W. Grant, The Church in the Canadian Era (Toronto: McGraw-Hill Ryerson, 1972), p. 76.

⁴⁸See Aaron I. Abell, American Catholicism and Social Action: A Search for Social Justice (Garden City, New York: Hanover House, 1960).

church opposing Sunday and festival profanation.⁴⁹ In Quebec, the French Catholic hierarchy was also finding that early morning departures kept "people away from churches and made them lose all spirit of meditation."⁵⁰ Thus, in 1880, Cardinal Taschereau of Quebec City had banned "under pain of grievous sin" the faithful of his diocese to take part on Sundays or feasts in pleasure excursions on railways, on steamers, or in vehicles. Taschereau agreed with the Protestant churches that experience had shown that such excursions gave rise "to such disorders as intemperance and immorality."⁵¹

The Presbyterian church might also expect close cooperation from the temperance movement. Although the Presbyterians were not opposed to the consumption of liquor seven days a week as were the Methodists, the Sunday sale of liquor distressed both groups. They had already worked together to secure the passage of an Ontario Liquor Act, albeit much earlier, and it seemed plausible that executive membership of the two groups might be overlapping.

Besides the churches and the temperance movement, the Presbyterian church might receive support from both organized

⁴⁹Cited by John Charlton, "How To Provide for the Better Observance of the Lord's Day," Speech delivered to the House of Commons, 26 February 1885, p. 2, LDACP.

⁵⁰Cited by John Charlton, Canada, House of Commons, Debates, 1891, c. 751.

⁵¹Mandement No. 91, 26 April 1880, cited by Charlton, *Ibid.*, c. 750; see also Grant, The Church in the Canadian Era, p. 85.

labour and business.⁵² It was entirely possible that increasing competition among manufacturers, particularly in the textile industry, might force owners to consider Sunday production.⁵³ Labour would thus be ready to support⁵⁴ a campaign that would prevent the extension of the work week to seven days, presumably for only six days' pay. Cooperation between religious deputations and canal workmen had already averted the

⁵² Changes in the labour movement's attitude towards economic development indicated "an acceptance of very large-scale industrialism, agitation for shorter hours, the occasional use of strikes and boycotts, demands for welfare legislation -- in short, recognition of the existence of a permanent urban working class with interests peculiar to itself. . . ." S.E.D. Shortt, "Social Change and Political Crisis in Rural Ontario: The Patrons of Industry, 1889-1896," in Oliver Mowat's Ontario, p. 229; see also B. Ostry, "Conservatives, Liberals and Labour in the 1880's," Canadian Journal of Economics and Political Science XXVII (May 1961); also Steven Langdon, The Emergence of the Canadian Working Class Movement (Toronto: New Hogtown Press, 1975).

⁵³ See G. Kealey, ed., Canada Investigates Industrialism (Toronto: University of Toronto Press, 1973), pp. 198, 367.

⁵⁴ There is nothing to support the notion that labour initiated the formation of the Alliance, an idea suggested both by Jean Burnet, "The Urban Community and Changing Moral Standards," in Urbanism and the Changing Canadian Society, ed., S.D. Clark (Toronto: University of Toronto Press, 1961), p. 82, and John Gray, "They're Fighting to Save What's Left of Sunday," Maclean's Magazine, 15 February 1955. The LDAC contained only one piece of evidence to support this view, a pamphlet, "The Why and How of the Lord's Day Alliance of Canada," (n.d., circa 1950), but its statement to this effect seems erroneous. In his statement to the LDAC organizing meeting on April 20, 1888, W.D. Armstrong, the Convenor of the Presbyterian church's Sabbath Observance Committee, asserted that "in seeking to bring about this conference he had acted in obedience to instructions of the General Assembly of the Presbyterian Church." LDAC, Minutes, 20 April 1888, LDAC, MB 1888-1901. The Presbyterian church's general wariness in seeking the cooperation of labour bodies, and the failure of the LDAC to do so casts doubts on the validity of Burnet's and Gray's statements. See also E.A.

opening of the Welland Canal on Sunday in the early 1870s.⁵⁵ For its part, the churches would probably support labour's petitions for a reduced work day, at least on Saturdays. As the Presbyterian church was fully aware, factory employees who received their wages at 7 o'clock Saturday night were forced to do their shopping that evening. Retail businesses thus remained open until midnight for this trade, incapacitating many from attendance at Sunday morning worship.⁵⁶ For their part, small retail merchants would support the Early Saturday closing movement as part of their collective "flight from competition." Early closing movements, which had appeared in the 1860s, became a "regular feature of municipal business life in the 1880s and 1890s";⁵⁷ supporting such a movement, merchants reinforced their tacit support of a quiet Sunday.

With all this potential support, the 1887 General Assembly of the Presbyterian Church authorized the Convenor of

Christie, "The Official Attitudes and Opinions of the Presbyterian Church in Canada with Respect to Public Affairs and Social Problems, 1875-1925" (M.A. thesis, University of Toronto, 1955); see also Graeme Decarie, "Something Old, Something New. . .: Aspects of Prohibitionism in Ontario in the 1890s," in Oliver Mowat's Ontario, p. 167.

⁵⁵D.J. O'Donoghue to A.G. Blair, 11 June 1898, PAC, LP, C757, p. 24278.

⁵⁶PC, APGA, 1886, Appendix No. 32.

⁵⁷M. Bliss, "The Protective Impulse: An Approach to the Social History of Oliver Mowat's Ontario," in Oliver Mowat's Ontario, p. 174; see also, Ian F. Jobling, "Urbanization and Sport in Canada, 1867-1900," in Canadian Sport: Sociological Perspectives, eds., R. Gruneau and J. Albinson (Don Mills, Ontario: Addison-Wesley (Canada) Ltd., 1976), p. 71.

its Sabbath Observance Committee to bring together a group of influential laymen and clergy from other Protestant denominations to discuss the formation of a lobby.⁵⁸ After considerable negotiations with the Methodist and Anglican churches, Reverend W.D. Armstrong brought together twelve clergy and eight laymen at Ottawa's City Hall on the evening of April 20, 1888. In addition to ten Presbyterians and four Methodists present, there were also three evangelical Anglicans. Together these men planned the formation of the Lord's Day Alliance of Canada (LDAC).

The first priority was the establishment of a committee to examine the legal aspect of the Sabbath question. Proposed legislation would "bring employers of labour, whether individual or corporations, within reach of the law." Such legislation, by applying to Dominion corporations, general railway traffic, and canals belonging to the Dominion, and the management of the postal service, would be "in the highest sense, necessary for promoting peace, order and good government in the Dominion of Canada." Offences would be punished as misdemeanours under criminal law.⁵⁹

The proposed operations of the Alliance showed that the

⁵⁸PC, APGA, 1887, Appendix No. 15.

⁵⁹LDAC, Circular, 1889, in LDAC, SB 1858-1928; LDAC, meeting of 20 April 1888, LDAC, MB 1888-1901; PC, APGA, 1888, Appendix No. 14; Canada, House of Commons, Debates, 1890, c. 1478. For a comment on the attitude of social and moral reform pressure groups towards the Criminal Code, see R.C. Macleod, "The Shaping of Canadian Criminal Law, 1892 to 1902," Canadian Historical Association, Historical Papers, 1978, p. 71.

founders had some awareness of the requisites of successful lobbying. They proposed to form the Alliance along the lines of the Dominion Alliance for the Total Suppression of the Liquor Traffic, which had lobbied successfully for the passage of the Canada Temperance Act ten years earlier.⁶⁰ The Alliance was to be a national lobby and any existing provincial sabbatarian associations would appoint delegates to the national executive as corresponding members. The Executive would assume responsibility for creating provincial associations in Quebec and British Columbia where none existed.⁶¹ The Board also arranged for delegate representation from the British Protestant denominations: forty-three from the Presbyterian church, thirty-three from the Anglican, ten from the Methodist, seven from the Baptist, five from the Congregational, and two from the Reformed Episcopalian.⁶² These members alone had voting privileges. In addition to these representative members, the Alliance provided for other categories of membership. Honorary members would be "eminent workers for the promotion of Sabbath observance." General members would be all those "who accept the basis of the Alliance and contribute to its funds."⁶³

⁶⁰LDAC, Minutes of Executive Committee, 2 April 1889, LDAC, MB 1888-1901.

⁶¹Ibid.

⁶²LDAC, Minutes of Executive Committee, 21 March 1889, Ibid. LDAC Minutes do not indicate the reasoning behind this allocation of denominational representation.

⁶³LDAC, Circular, April 1889, LDACP.

Although the religious basis of membership restricted the constituency from which the Alliance might draw a general membership, it did plan to broaden its base by establishing contact with "interested parties,"⁶⁴ both religious and secular. The Board hoped to benefit from the change in the French Roman Catholic hierarchy's attitude towards Sabbath observance. Aware of the statements made by the Quebec bishops, the Alliance agreed to seek the cooperation of the hierarchy.⁶⁵ Although Alliance instincts favoured a close association with members of the Liberal party,⁶⁶ it also tried to establish contact with the Conservative party and generally broaden its lobbying techniques. In 1888 it appointed a Conservative, the Honourable G.W. Allan, Speaker of the Senate and Chancellor of Trinity College, as President. In addition to making arrangements to meet during the Parliamentary session "in order to bring influence to bear," it appointed a committee to consider

⁶⁴PC, APGA, 1888, Appendix No. 14; see also Allen Potter, Organized Groups in British National Politics (London: Faber & Faber, 1961), p. 134. This basis of membership differed slightly from that used by the 1850s groups: "The basis of this Alliance is the Divine authority and the universal and perpetual obligation of the Sabbath, as ordained by God at the creation of the world, enjoined in the Fourth Commandment of the Moral Law, and continued and maintained by the Church of God to the present day, and as essential to the best physical, intellectual, moral and social welfare of mankind." LDAC, Circular, April 1889.

⁶⁵LDAC, Minutes of Executive Committee, 21 March 1889.

⁶⁶Biographical information (Appendix II) concerning the LDAC executive members in 1888 led to the identification of five Liberal Members of Parliament, one Liberal President of the Ottawa Reform Association, one other Liberal, and only one Conservative. See also Chapter I, pp. 17-18, re the

ways of persuading influential men in individual ridings to interview their Members of Parliament on the Alliance's behalf.⁶⁷ And, although the Alliance intended to rely heavily on the petition, it spoke of mounting both a press campaign and an enforcement campaign to rally support and publicize the Alliance's existence and purpose.⁶⁸

Yet, like its predecessors in the 1850s, the Lord's Day Alliance proved ephemeral. To most ministers and to the church hierarchies, Sabbath observance continued to be but one of a multitude of concerns. Within the movement itself, there was a singular lack of focus on one decisive issue that could serve as a catalyst to stimulate the movement into aggressive action. Isolated labour on the canals or in the post offices did not bother the majority of Canadians or really interfere with the work of religious leaders. Despite sabbatarian rhetoric, a Sunday of the early 1890s was exactly the kind of

sabbatarian affiliation with the Liberal party. See also Brian Harrison, "State Intervention and Moral Reform in Nineteenth-Century England," in Pressure from Without in Early Victorian England, ed., Patricia Hollis (London: Edward Arnold Ltd., 1974), p. 296: "It is in fact the Liberal party which is the most closely associated with Victorian interventionism in the moral sphere. . . . Liberal non-conformists were often impressed by the chapel's need for protection against recreational competition, and by the need to introduce into national legislation the 'religious socialism' of the local chapel and its strict supervision of moral conduct."

⁶⁷ PC, APGA, 1888, Appendix No. 14; LDAC, Minutes of Executive Committee, 5 May 1890, LDAC, MB 1888-1901; also Minutes, 23 June 1892, Ibid.

⁶⁸ LDAC, Circular, April 1889.

day most Sabbath observance supporters could desire. In 1889, for example, the Sabbath Observance Committee of the Presbyterian church sent out questionnaires to the provincial synods enquiring about the extent of Sabbath desecration throughout the land. On the basis of the replies, the Committee concluded that "as a whole this is a Sabbath-keeping land."⁶⁹ The majority of complaints concerned individual moral violations such as visiting, hunting, fishing, pleasure driving, the reading of secular literature, and "the undue indulgence in sleep on Sabbath morning." Although about 18 percent of the labour force did work on Sunday, few complaints in fact dealt with the employment of labour or Sunday trade.⁷⁰

Contemporary sources confirm this impression of Sabbath quiet. In her weekly column in Saturday Night, Lady Gay wondered, on September 1st, 1894, if those in their homes up town realized the:

grimness which Toronto shows to her Sunday guests. ... On Sunday, the wide bare streets are still, a few men, fewer girls loaf or lounge; the hotel guest drives through a wilderness of grim silence and if I were the hotel guest, I think I'd stay in bed all day. (71)

British guests to the city agreed with her and complained bitterly of the "melancholy and suicidal" nature of the Canadian

⁶⁹PC, APGA, 1890, Appendix No. 35.

⁷⁰See Appendix I to this thesis.

⁷¹Saturday Night, 1 September 1894.

Sunday.⁷² Writing in 1895, one such visitor, Douglas Sladen, complained that Toronto was "one of the most unpleasantly righteous cities I was ever caught in on a Sunday."⁷³

The only exceptions to this general pattern were British Columbia and Quebec. In 1889, the Synod of Columbia had the darkest report of all for the General Assembly: freight trains worked on Sundays as on other days, excursion trains ran between Vancouver and New Westminster, and steamboats plied the gulf waters. Both Vancouver and Victoria had Sunday papers. The post offices were open as were saloons everywhere in the province, except Vancouver city; people hunted and fished and played all sorts of open air games. Teamsters, miners, and dockmen generally made no distinction between Sabbath days and other days.⁷⁴ In Montreal, "the customs of the French Roman Catholics" were general on Sunday afternoon. As the Montreal Star described it, "Montreal has Sunday cars; it has the Sunday concert garden, and has seen an attempt at the Sunday theatre and at the Sunday paper. The Sunday saloon also thrives."⁷⁵ In the summer, Sohmner Park drew thousands of picnickers, while in winter ice-skating rinks were the main

⁷²W.T. Crossweller, Our Visit to Toronto, the Niagara Falls, and the United States of America (privately printed, 1898), pp. 69-70, cited by Burnet, "The Urban Community," p. 83.

⁷³D. Sladen, On the Cars and Off (London, 1895), p. 154, cited by Burnet, p. 85.

⁷⁴PC, APGA, 1889, Appendix No. 14.

⁷⁵Cited by Christian Guardian, 16 December 1891; PC, APGA, 1891, Appendix No. 32.

attraction.

Despite its seeming awareness of the techniques of successful lobbying, the Alliance failed to establish itself as an interdenominational group with a broad base of secular and religious support. For one thing, it continued its close identification with the Presbyterian church. Although the Alliance established a national executive and apportioned delegate representation to the various denominations, the Presbyterian church continued to be the effective agency for the circulation of petitions and the dissemination of information. The possibilities of cooperation among the various denominations proved limited. The Methodist church demonstrated the most willingness to cooperate and expressed its warm support of the endeavour, announcing the formation of a Standing Committee on Sabbath Observance to supplement its effort.⁷⁶ The Church of England at first responded cordially to Presbyterian initiatives. Archdeacon Lauder of Ottawa participated in the organization of the Alliance and presented to the meeting of April 20, 1888 a letter from the Anglican bishops "stating their readiness to co-operate in this movement."⁷⁷ The Dominion Synod also passed a resolution lauding Alliance activities.⁷⁸ But,

⁷⁶Methodist General Conference, "Report of Sabbath Observance Committee," Journal of Proceedings, 1890, pp. 298-299; LDAC, Minutes, 22 May 1891, LDAC, MB 1888-1901.

⁷⁷LDAC, Minutes, 20 April 1888, Ibid.

⁷⁸Canada, House of Commons, Debates, 1890, c. 1478.

unable to sustain its enthusiasm for what seemed a purely Presbyterian concern, Anglican participation faded by the mid 1890s. Although G.W. Allan continued as President, no official representative of the Anglican church attended board meetings. The Alliance was even less successful in its attempts to gain the approval of the Roman Catholic hierarchy. Although the Alliance Secretary interviewed Cardinal Taschereau in 1890 to request official Catholic assent to the lobbying, the Bishops of Montreal, Quebec, and Ottawa refused to express their views, without volunteering an explanation, on a Sabbath observance bill.⁷⁹ The Roman Catholic emphasis remained on church discipline rather than on civil laws.

Like the 1850 groups, the Alliance did not establish an office nor did it hire any permanent staff to oversee and coordinate activities. It did not secure legal assistance or the services of a solicitor. It neither attempted to enforce existing laws nor did it take any cases to court to test the law's enforceability. It made no effort to finance its activities other than to ask the churches for contributions when necessary.⁸⁰ As before, the Alliance relied solely on the circulation of petitions among British Protestant church congregations to demonstrate support for its cause and did not effectively

⁷⁹LDAC, Minutes of Executive Committee, 20 March 1890, LDAC, MB 1888-1901.

⁸⁰LDAC, Minutes of Annual Meeting, 20 March 1889, Ibid. In 1893, for example, the Alliance operated on a \$50.00 budget, collecting \$15.00 from the Church of England, \$15.00 from the Methodist church, and \$20.00 from the Presbyterian church; LDAC, Minutes of Executive Committee, 28 March 1893, Ibid.

pursue other methods of influencing the government.⁸¹ The Alliance took no steps towards the establishment of a general membership, nor did it endeavour to mount a campaign aimed at the secular press.

In addition, the Alliance made no attempt to follow up its resolution to seek contact with other groups that might support it. Reflecting the Presbyterian church's continuing hostility to the organization of labour, the Alliance made no effort to forge a bond with the national Trades and Labor Congress. Although it pledged itself to the secular aim of securing "to the toiling man his rightful claim to one day's rest in seven" and resolved to invite the cooperation of labour associations,⁸² any commitment by Alliance members to this social aim was purely rhetorical. It deliberately turned its back on a whole class of potential supporters, neglecting to lobby the Congress at its annual meetings or opening discussion in any other manner. Nor did it pursue the interest expressed by the Presbyterian church in a reduction of the work week to five and a half days in the hope that this might encourage a better attendance at church the following day. For its part, the Congress did not initiate any contact with the Alliance. Although it did

⁸¹LDAC, Minutes of Executive Committee, 14 April 1891, Ibid. Distribution of petitions: 3,200 each to Presbyterian and Methodist churches; 400 each to Anglican, Baptist, and Congregational churches; 100 to the Reformed Episcopalian church. The LDACP do not indicate the response received by the Alliance to the circulation of these petitions.

⁸²LDAC, Minutes of Executive Committee, 22 May 1891, Ibid.

raise the Sunday work issue at its annual congresses,⁸³ this issue was not the most urgent matter facing the Congress, whose focus lay on the reduced work day. The Alliance also made no contact with the temperance groups and thus failed to benefit from their lobbying experience. The Dominion Temperance Alliance, for example, already lobbying the Trades and Labor Congress, had opened an office and employed a paid staff officer. Although the LDAC deliberately patterned its organization on the Dominion Alliance, it established no direct contact with this group, nor did it recruit a delegate representative to its board.⁸⁴ Such reluctance reflected religious hostility to the promotion by temperance societies of secular Sunday afternoon activities such as temperance meetings, picnics, and processions.⁸⁵

In short, despite its name, the LDAC did not become an alliance and it was a national organization only in so far as it sought federal legislation. Not only did it not pursue its own plans for a national organization, but it proved unreceptive to the approaches of provincial groups. When, for example, a Toronto-based group asked for cooperation in 1895, the LDAC

⁸³Trades and Labor Congress of Canada, Proceedings, 1888 p. 26; Ibid., 1890, p. 31.

⁸⁴LDAC, Minutes, 20 April 1888, LDAC, MB 1888-1901. The one prominent temperance worker on the LDAC board was John Macmillan of Toronto, associated with the Sons of Temperance.

⁸⁵See Burnet, "The Urban Community," pp. 86-7.

hesitated and then refused.⁸⁶

As a consequence of its failure to obtain a wide network of support, the Alliance became identified, on a national level, solely with the parliamentary activities of John Charlton, Liberal Member for North Norfolk, Ontario. In later years, one Alliance organizer would remember its efforts as being "restricted almost altogether to assisting John Charlton, M.P. in bringing his proposed Lord's Day Acts before the Parliaments of Canada."⁸⁷ Born of Scottish immigrant farmers, Charlton remembered his childhood Sabbaths as a succession of glum, humourless days. Unable to find local religious services to his liking, Charlton's father, a member of the strict Calvinist Associate Reformed church, conducted church services in his home. After morning worship and chores, the family assembled to hear the elder Charlton read a sermon. After a plain, easily prepared noon dinner, family worship recommenced with the reading of another long sermon. The shorter catechism and evening worship followed a frugal supper. Although the "bill of theological fare was always sound and wholesome,"

⁸⁶G. McRitchie to A.E. O'Meara, 25 January 1895, in LDAC, MB 1888-1901: "It was suggested (by the LDAC Board) that while a Provincial Association for a specific purpose. . . would work in the same line as that of the LDA it would be the wiser course to maintain our own Alliance and accept any co-operation in the good work you could give to us. If, however, you saw proper to work through the existing Alliance and thus strengthen it, any modifications you might suggest would be duly considered."

⁸⁷Anon., letter of 31 March 1906, LDACP.

Charlton recalled it as a "trifle heavy for the children." He never "looked forward to the coming of the Sabbath with any special anticipation of pleasure," nor did he have "a very keen relish for the exercises of the day." Often his father chose him to read the afternoon sermon to restore him to a "condition of wakefulness." Resisting his father's efforts to persuade him to become a minister, Charlton entered mercantile life instead. Only at the age of twenty, after moving with his family to the town of Ayr, Ontario, did he begin to "derive some enjoyment from religious services and the company of religious persons." But a fondness for humour and fun and "the idea that religion was gloomy and gave no pleasure" prevented him from joining a church for another ten years. At that time, experiencing an awakening at a Methodist revival meeting and deciding that it was his "duty, as well as a great privilege" to profess faith, he joined the Presbyterian church.⁸⁸

As the "courage and vim of youth" vanished and a sense of duty supplied "to a great extent the place of hope," Charlton placed greater stress in his private and public life on evangelical religious values.⁸⁹ Throughout his adult life as a lumber merchant and politician, Charlton always managed to

⁸⁸John Charlton, "Autobiography," (n.d., circa 1905), Charlton Papers, University of Toronto, Thomas Fisher Rare Book Room, pp. 27, 110.

⁸⁹Ibid., p. 412.

be at home on the Sabbath. His usual routine consisted of attendance at morning worship, afternoon Sunday school class and the reading of sermons, and public worship once again in the evening. As his one "safeguard against breaking down" in a life of "incessant activity," Charlton found these Sabbath activities "restful and invigorating." The only non-religious activity he might occasionally allow himself was an afternoon visit with his ailing father.⁹⁰ Becoming active on the committees of the Presbyterian General Assembly at the same time as he entered Parliament, Charlton strove to translate his religious and moral ideas into political legislation. He made himself champion of such moral reform causes as the prevention of cruelty to animals and the protection of young females against seduction under promise of marriage.⁹¹ Upon the death of Adam Gordon, he became responsible with Dr. Thomas Christie for introducing Sabbath observance bills into the House. His introduction of a bill in 1884 and again in 1885 to prohibit steamship and railway excursions prompted Macdonald's decision to declare Sabbath observance legislation ultra vires the

⁹⁰ Ibid., p. 533; also John Charlton, "Diaries," John Charlton Papers, University of Toronto, Thomas Fisher Rare Book Room, vol. III, entries of 1 April 1888, 15 April 1888, 29 April 1888.

⁹¹ Both a bill to prevent cattle from being confined to railway cars longer than twenty-eight hours and another to protect young girls under age 16 from seduction under promise of marriage or mock marriage passed the House; for some discussion of Charlton's promotion of these bills, see R.R. Hett, "John Charlton: Liberal Politician and Free Trade Advocate" (Ph.D. thesis, University of Rochester, 1969).

federal jurisdiction. Believing firmly that federal legislation was essential to control Sabbath labour on Dominion works (railways, canals, and the Post Office), Charlton influenced the Presbyterian church's determination to continue lobbying the federal government. As a Vice President of the newly-formed Lord's Day Alliance, he agreed to introduce a general Sabbath observance bill in 1890. The bill incorporated the core of the 1845 Upper Canada Act as well as two new clauses -- one that made the employer of Sabbath labour guilty of a misdemeanour and one that made both the publisher and vendor of a Sunday newspaper liable to prosecution.⁹² Although this bill failed to gain approval of the House, Charlton continued to introduce Sabbath observance bills. His 1891 version was a modification of the previous year's bill, and his 1892 bill, a yet more "watered-down version,"⁹³ dealt principally with the closing of canals, railways, and newspaper sales. Debate on this bill dragged on until it was defeated in 1898. Charlton also introduced a motion, in 1893, to close the Canadian portion of the Columbia Exposition in Chicago on Sunday, but the House rejected it after a lengthy debate.⁹⁴

Charlton's views on Sabbath observance were neither original nor innovative, but rather repetitions of American

⁹²Canada, House of Commons, Debates, 1890, c. 1479.

⁹³Ontario Law Reform Commission, Report, p. 37.

⁹⁴Canada, House of Commons, Debates, 1893, cc. 2217-44.

arguments already in use for thirty or forty years.⁹⁵ But, although he borrowed heavily from these sources to structure his arguments concerning the needs and benefits of a religious Sabbath, Charlton's arguments and attitudes reflected those of most Canadian sabbatarians. In a world of rapid social and economic change, many clung to traditional religious values in an effort to comprehend and control these changes. Charlton's rhetoric established the vision of an ideal Sabbath-observing nation. Sabbath observance legislation was the conservative panacea for all social ills. It would secure social stability and eradicate nihilism, anarchism, and socialism by keeping the labourer in his proper place within a paternalistic society.⁹⁶ Not only would such legislation preserve the best of Canada's British inheritance by asserting the dominance of Protestant

⁹⁵In 1893, Charlton represented Canada at a Congress on Sunday rest held in Chicago as part of the Columbia Exposition. There he listened to papers that covered virtually the whole spectrum of Sunday observance: the physiological basis of Sunday rest; the economic and ethical value of Sunday rest; the effects of Sunday rest on character, habits, women, children, home and family life, and so forth. His speeches to the House of Commons reflect his adoption of the ideas presented there and his constant use of American rather than Canadian examples to illustrate his points. Ontario Law Reform Commission, Report, p. 39. Charlton also corresponded frequently with Wilbur Crafts, President of the large New York Sabbath Association, and received and used much American literature from Crafts. See also H.G. Gutman, "Work, Culture, and Society in Industrializing America, 1815-1919," in his Work, Culture and Society in Industrializing America (New York: Vintage Books, 1977), pp. 38-9.

⁹⁶Canada, House of Commons, Debates, 1890, c. 1478.

ideals over rival French Catholic ones,⁹⁷ but it would guarantee national and individual prosperity. In Charlton's view it was in the national interest "to have a virtuous, industrious, intelligent and sober people," and in the employer's interest to have a "clean, intelligent, healthful man to work for him." Charlton therefore promised that Sabbath observance laws would secure these ends and that it would be in the employee's interest to be the kind of man desired by employers. Other fruits of Sunday observance would be better sanitary conditions, better public health, a greater degree of cleanliness, temperance, self-respect, and obedience to the law. Charlton insisted that his bill's religious aim was subordinate to its secular goal. The bill did not intend "to force the people to be religious and to observe the sanctity of the Lord's Day"; rather it left each citizen "a voluntary agent to exercise that right or not as he may choose."⁹⁸ He claimed that govern-

⁹⁷ Having adopted Canada as his homeland, Charlton became an ardent British Canadian nationalist, believing that Canada's destiny "must be blended with that of the Great Empire to which we belong" through sympathy with, devotion to, and loyalty for, the common interest of all the Commonwealths under the British flag. He found Canada's own ethnic conditions "peculiar" and felt that any success it might enjoy in creating a nation would depend upon the success in assimilating the different races. To Charlton, it "was desirable to secure the greatest possible degree of homogeneity." The "perpetuation of race cleavage," he believed, would be "calamitous." He opposed French Canadian claims, speaking out against the Jesuit Estates bill, becoming a member of the Equal Rights Association, and opposing the election of Laurier as Liberal party leader. (Charlton, "Autobiography," pp. 568-9, 578, 1012.)

⁹⁸ Canada, House of Commons, Debates, 1892, c. 3380.

ment employees resented their inability to attend divine worship and receive religious instruction. They knew "by sad experience" that the ceaseless round of toil and drudgery was not only disastrous to their physical well-being, impairing their health and shortening their lives, but was demoralizing in all its tendencies, depriving them of many comforts and blessings, "which would otherwise brighten their lives and make them better and purer." Sabbath rest spent in public worship would produce healthy citizens and happy families and foster the influence of the mightiest educational agencies in the land, the Church and the Sabbath School.⁹⁹

In contrast to this vision of social harmony which he felt distinguished British Protestant countries, Charlton painted the blackest picture to depict the practices of the Sabbathless society. In Catholic European countries, he claimed, only one hour was devoted to morning mass while the rest of the day was "dedicated to the world, the flesh and the devil." Horse-racing, parades, reviews, picnics, excursions, drinking, and dissipation made the day a holiday for the rich and a day of toil for the poor. Citing elaborate statistics and quoting eminent authorities, Charlton equated Sabbath desecration with increased rates of crime and social impurity: not only were 90 percent of all the men incarcerated in New England jails Sabbath-breakers, but in European countries Sun-

⁹⁹ Ibid., 1897, c. 678.

day was "the prolific day for suicides among women and Monday for suicides among men." He compared the 4 percent illegitimacy rate of Sabbath-observing Britain with the 34 and 72 percent rates of heathen Paris and Rome.¹⁰⁰ The inevitable result of such debauchery was physical deterioration. Travellers reported that in visiting European countries, one scarcely saw an old man and found "the labourers wan and worn and lacking that stamina and vivacity which characterizes the labourers in other countries who have their Sunday rest."¹⁰¹

To Charlton, the appearance of the American Sunday newspaper unfortunately heralded the Continental Sabbath's invasion of "one of the most truly Sabbatarian nations of the world." Bearing the "most disastrous fruits," it debased the people, making them frivolous, immoral and sensational, superficial in their tastes and pursuits. Day after day, the Sunday newspaper was "sapping the foundations of national prosperity and strength in that country, sapping public virtue, and rendering the outlook as to the future of that country most dubious and pessimistic." To avoid following the American example and to establish instead in Canada a "healthy, sound, progressive nationality," to create and foster sentiments, habits of thought, and moral action that would make Canada a

¹⁰⁰ Charlton, "How To Provide for the Better Observance of the Lord's Day," 26 February 1885.

¹⁰¹ Canada, House of Commons, Debates, 1897, c. 678.

great, vigorous, and flourishing people, Charlton pleaded with his Parliamentary colleagues to support his bill for the benefit of future generations.¹⁰² Waving in front of the Members of Parliament a copy of the Toronto Sunday World, the one Ontario paper with a Sunday edition, Charlton denounced it as "the harbinger of an evil swarm of foul birds."¹⁰³

Unconvinced by his arguments, Charlton's colleagues were quick to point out the basic inconsistency of his reasoning; that is, if he wanted "to stop labour and to preserve the Sabbath for the working man, he must enact a law that will prevent these men from working on Sunday to get out a Monday newspaper."¹⁰⁴ The production of the Monday paper, not the Sunday edition, involved Sabbath labour. In British Columbia, for example, where three Sunday papers were available, the publishers had deliberately adopted the policy of preparing a Sunday edition late Saturday night in order that their employees might enjoy Sunday as a day of rest. Otherwise, they argued, "if they had to publish on Monday, they would be compelled to work the greater part of Sunday," as was indeed the case with all other papers.

These arguments had no effect on Charlton and he refused to acknowledge the illogical nature of his position. He

¹⁰²Ibid., 1898, c. 1956; Ibid., 1897, c. 681; Ibid., 1898, cc. 1976, 2414.

¹⁰³Ibid., 1892, c. 2303.

¹⁰⁴Ibid., 1898, c. 2418; Ibid., 1894, c. 3423.

also refused to forego his Monday paper. Instead he maintained that "the question of the amount of labour involved in the publication of a Sunday newspaper is a question of very small moment" in comparison with its influence upon society, "the deleterious and disastrous influence that is exerted upon society by the circulation, by [the] reading and by the sale of that newspaper on the Lord's Day, whether it is published on the Lord's Day morning or upon the evening previous."¹⁰⁵

Charlton's stand on the Sunday newspaper issue illustrates how tenuous was his commitment to the social aim of Sabbath observance legislation, the guarantee to working men of a weekly day of rest. The prohibition of Sabbath labour was Charlton's key to achieving the underlying religious and moral aim of the legislation. He realized that if labour in the field of newspaper sales and commercial recreation could be prohibited, opportunities for Sabbath pleasure could be severely limited. In order to prevent commercial operations from evading restrictions by granting another day in the week as a rest day, Charlton refused to countenance the guarantee of any day but Sunday. Thus, although he insisted that working men might enjoy "whatever privileges they may consider proper to exercise on that day," his stress lay on the provision of "the leisure necessary for attending divine worship . . . [and] for attending Sunday Schools." Only if the work-

¹⁰⁵Ibid.

ingman observed Sunday as a day of religious observance, attending "both morning and evening service," would be a "sober, alert, clean, respectable, efficient labourer, prepared to take hold of his work," instead of a labourer who, having spent a dissolute Sabbath, was "unfitted to labour upon Monday and often unfitted upon Tuesday."¹⁰⁶

Although Charlton characterized opponents of his bills as "loafers, hoodlums, prostitutes, and drunkards," opposition to Sabbath observance legislation centred around two respectable groups, one ethnic, the other economic. Their combined opposition prevented Charlton's bills from becoming law.¹⁰⁷ Most often "talked out," only once did a bill pass third reading, then to be rejected by the Senate.¹⁰⁸

French Canadian members of the House resisted the attempt to impose a Protestant religious sentiment on them by law. The essence of Charlton's bill, they argued, was contrary to the teachings of the Catholic church which allowed its members to pursue innocent amusements such as walking, talking, or singing songs after morning mass.¹⁰⁹ In addition, Charlton's bill was unconstitutional. Both the provinces and the municipalities had the jurisdiction to pass adequate

¹⁰⁶ Ibid., 1892, c. 3377; Ibid., 1891, cc. 763, 2947.

¹⁰⁷ Ibid., 1892, c. 1076.

¹⁰⁸ Ontario Law Reform Commission, Report, p. 38.

¹⁰⁹ Canada, House of Commons, Debates, 1895, cc. 764-5.

Sabbath observance legislation. Legislation such as Charlton proposed would be an invasion of civil rights and would disregard provincial autonomy. French Canada, Georges Amyot, Liberal Member for Bellechasse, tartly reminded the House, had joined Confederation "as a commercial partnership, and not as a salvation army. We do not believe in this Parliament turning itself into a salvation army, and with drums and fifes trying to force us into heaven."¹¹⁰

Economic hostility was not as cohesive as ethnic. Wholesale and retail merchants had little desire to expand their work week to seven days and thereby run the risk of increasing costs by spreading the same volume of sales over a longer period of time. To these men, the guarantee of Sunday as a weekly rest day reduced the threat of competition for the consumer's dollar.¹¹¹ Of course they did not object to Sunday being spent preparing the articles that would then be sold in these shops: it seems clear that Timothy Eaton, upright sabbatarian who covered his store windows so that their tempting wares would not offend the righteous, tolerated a considerable amount of Sabbath sweatshop labour to prepare his goods for sale the next day.¹¹² Other sabbatarians, factory owners such as the

¹¹⁰ Ibid., 1894, c. 3404.

¹¹¹ See Michael Bliss, A Living Profit: Studies in the Social History of Canadian Business, 1883-1911 (Toronto: McClelland and Stewart, 1974), pp. 33-54.

¹¹² Cf. G. Kealey, Hogtown: Working Class Toronto at the Turn of the Century (Toronto: New Hogtown Press, 1974), p. 13.

Massey family's agricultural implements concern, could also recognize the value of a pause day in the disciplined lives of their industrial workers, in that productivity on the other six days of the week would correspondingly increase. But owners of companies that required continuous production such as the emerging iron and steel industries would resist a Sunday stoppage of operations and might prefer to follow the railways' example of guaranteeing their workers another day off in the week if they worked Sundays. Above all, the transportation concerns were implacable in their hostility to any suggestion that all operations stop for a twenty-four hour period from midnight Saturday to midnight Sunday. Both the railway and the steamship companies argued that the close relationship of Canada's transportation system, both water and rail, to the American system made Sunday operations imperative.¹¹³ W. van Horne, President of the Canadian Pacific Railway Company, defined the railways' position in a letter he wrote to the Lord's Day Alliance Secretary in 1888:

Our train arrangements, to the extent that trains are required to entrench more or less on Sundays, whether on the main line or elsewhere, are forced upon us by the action of the American lines with which we are competing for traffic, and I can see no way to overcome this difficulty without destroying our through business, upon which the railway largely depends. (114)

¹¹³ J. Hickson to W.D. Armstrong, 25 March 1889, quoted in Canada, House of Commons, Debates, 1890, c. 1481.

¹¹⁴ W. van Horne to W.D. Armstrong, 11 June 1888, in *Ibid.*, c. 1482.

Other factors made the cessation of traffic impractical: the short navigation season made it imperative to keep the canals continuously open at the end of the navigation season in order to get the grain harvest down to the Montreal Exchange. Perishable loads of livestock and produce made it impossible to stop trains in the middle of nowhere for a period of twenty-four hours, not to mention the inconvenience to passengers travelling long distances. Furthermore, cessation of service on Sundays would cause such congestion of traffic, both at the ends of the canals and on railway sidings, that Monday would elapse before operations could resume their natural rhythm. As their trump card, the railways argued that they already offered their employees a day off in lieu of Sundays if conditions necessitated Sunday work.¹¹⁵

Citing such reasons, the railway and steamship companies vigorously lobbied the government. As the railway interests enjoyed direct access to the government at the cabinet and prime ministerial level, they were able to lobby by representations to committees and did not need to rely on petitions. Ship owners, Boards of Trade, and the Montreal Grain Exchange, lobbied at the same level to have the Welland Canal re-opened on Sunday.¹¹⁶ American interests, both vessel owners and Boards of Trade, supported the Canadian protests.¹¹⁷

¹¹⁵Hickson to Armstrong, 25 March 1889, Ibid.

¹¹⁶PC, APGA, 1889, Appendix No. 14.

¹¹⁷Ibid.

The fate of Charlton's bills revealed the strength of both the economic and ethno-religious arguments against such legislation. To avoid direct confrontation over the issue, both the Conservative and Liberal governments exploited the ambiguity surrounding constitutional jurisdiction in such legislation. The Macdonald government and its Minister of Justice, John Thompson, continued to insist that Sabbath observance was:

a subject of which the Provincial Legislatures have fully possessed themselves, and it is, no doubt, within the competence of the Provincial Legislatures, and within their practice, to say how far the enactments of this subject are sufficiently severe or how much the severity should be increased from time to time. (118)

On assuming office in 1896, Laurier refused to support fellow Liberal Charlton, adopting the Conservative method of dealing with the issue. When asked in 1898 what policy he proposed to adopt towards Sabbath legislation, Laurier replied that he intended "to leave the Sabbath to the laws of the province."¹¹⁹

Charlton himself finally wearied of the task of being a voice crying in the wilderness, "arising to advocate this measure . . . under discouraging and depressing circumstances . . . to an unsympathetic House."¹²⁰ In an unusually frank statement to the Commons in 1897, Charlton acknowledged that

¹¹⁸Canada, House of Commons, Debates, 1891, c. 764.

¹¹⁹Ibid., 1898, c. 2429.

¹²⁰Ibid., c. 1951.

little support, even religious, for his bills existed. "It seems," he admitted:

to be to a large extent a matter of indifference to professing Christian people in Canada whether or not a law is enacted for the purpose of securing to labourers their right to the Sunday rest. We do occasionally have resolutions passed by synods, conferences, assemblies and presbyteries bearing upon this matter; but we have no indication of any great degree of popular feeling on the subject. . . . so far as I am aware, no delegation of professing Christian people has ever visited this capital to urge upon this government or upon any other Government in power, the propriety of enacting a Sunday rest law. (121)

At least at the national level, the sabbatarian movement seemed to lack a broad consensus in public opinion. If any did exist, it was either quiescent, owing to the serene (and some said boring) calm of the Canadian Sabbath, or concerned with local aspects of the Sabbath question. The latter aspect would seem to provide the answer. "To create the sense of urgency and hasten mobilization of action" necessary for an effective lobby, a social movement needs a catalyst or "precipitating factor" as political sociologist Neil Smelser terms it.¹²² Owing to its relative absence in Canadian life, the Sunday newspaper issue that Charlton tried to promote as his burning issue did not have the ability to act as this catalyst. But, at the same time as Charlton was abandoning his fight at

¹²¹Ibid., 1897, c. 675. The first interdenominational deputation organized by the LDAC took place in May 1897. LDAC, Minutes of Executive Committee, 6 May 1897, LDAC, MB 1888-1901.

¹²²N. Smelser, The Theory of Collective Behavior (New York: The Free Press, 1962), p. 194.

the federal level, the Sunday car was exciting tempers in the eastern Canadian provinces. It would thus be the Sunday car issue that would precipitate the formation of the aggressive Ontario Lord's Day Alliance and other provincial sabbatarian lobbies.

Chapter III: The 'Giddy Trolley' and Sundays -- The Question of Jurisdiction

The relative calm of the Canadian Sunday, so disparaged by British visitors, owed much to the lack of an alternative to church-going. Once other opportunities became available, Canadians, like the British and the Americans, quickly availed themselves of new delights. The introduction of urban transportation, first the bicycle, then the giddy trolley,¹ began the transformation. Both innovations, but particularly the electric street car, goaded latent sabbatarian sentiment into militant activity.² Although the Methodist and Presbyterian churches had already complained about steamboat and rail excursions, they had convinced themselves that only the lower classes and new immigrants actually patronized them. The Sunday operation of street railways or its proposed introduction, however, threatened to attract from church attendance the very class that provided the financial backbone of the churches' social and economic position. As such, they could not allow the challenge to go unmet. For a decade (from 1895 until 1905), sab-

¹Saturday Night, 1 September 1894.

²For another treatment of the material presented in this and the following chapter, see Christopher Armstrong's and H.V. Nelles' "kind of non-fiction entertainment," The Revenge of the Methodist Bicycle Company: Sunday Streetcars and Municipal Reform in Toronto, 1888-1897 (Toronto: Peter Martin & Associates Limited, 1977).

batarians tried to defeat the Sunday car in the courts; by so doing they raised important constitutional questions concerning the respective jurisdictions of the federal and provincial (and even municipal) governments. Most importantly the story of the legal tangle of those years explains why Macdonald and Laurier were wrong in assigning jurisdiction over Sabbath observance legislation to the provinces and why the Lord's Day Act of 1906 was a federal statute.

* * * * *

The appearance of the bicycle symbolized Canada's optimistic spirit as it emerged from the relative stagnation of the 1870s and 1880s. As P.B. Waite describes the Canadian scene of 1896, "thousands of cyclists were to be seen daily, 'gliding along the streets and out in the suburbs of the city,' pleased with the speed, the ease, and the grace with which they cover distance."³ Although expensive -- bicycles cost at least \$50 each⁴ -- many were able to buy them and quickly demonstrated their intent to use them, even on Sundays. One Torontonians estimated that one thousand bicycles passed him on College Street in the course of one hour on a Sunday morning.⁵ Accord-

³P.B. Waite, Canada 1874-1896: Arduous Destiny (Toronto: McClelland and Stewart, 1971), p. 279.

⁴Toronto World, 16 March 1897; Ibid., 3 April 1897.

⁵Saturday Night, 1 May 1897.

ing to the Toronto World, as many as ten thousand bicyclists made their way through city streets on a hot summer Sunday.⁶ There seemed indeed much truth to Saturday Night's assertion that "quite a large percentage, if truth were known, bought bicycles to free themselves from our stay-at-home Sunday."⁷ The bicycle compensated for the lack of other forms of public transport on Sundays, facilitating outings to parks and less crowded areas of the cities. To bicycle enthusiasts in urban and industrial communities the "wheel" enlarged "views on the need of reasonable recreation."⁸ It offered freedom of opportunity, especially to the young, "to get out somewhere on Sunday and shake off the odours and cares of indoor life."⁹

But, in the eyes and ears of Sabbath observance supporters, the bicycle disrupted "the sweetness and holy calm of the Day of God."¹⁰ Although sabbatarians agreed that when properly used on weekdays, the bicycle was as "harmless as a wheelbarrow" and in some cases "even helpful and healthy," they attacked its role in "the matter of Sunday recreation" as

⁶Toronto World, 8 April 1897.

⁷Saturday Night, 1 May 1897.

⁸Toronto World, 8 April 1897.

⁹Saturday Night, 9 May 1896.

¹⁰Methodist Church, Toronto Conference, Minutes, 1896, p. 55-6, cited by George Emery, "Methodism on the Canadian Prairies, 1895-1914: The Dynamics of an Institution in a New Environment" (Ph.D. thesis, University of British Columbia, 1970), p. 98.

"vicious."¹¹ The Christian Guardian complained that large numbers were:

breaking away from the quiet refining pleasures of good homes, and . . . are spending the hours of the Sabbath amid the excitements of the road, of the park, and of the crowd . . . For all of this the alleged benefit to health is but a poor compensation. (12)

Yet the furor caused by the bicycle was but a prelude to the storm that arose over the Sunday street car. The urban transport systems introduced in the 1860s and 1870s in major urban centres had proved completely inadequate to meet the demand. Slow and erratic service, limited by the horses' physical capabilities, characterized the early operations. In Montreal, for example, the north-south lines climbed grades as steep as 11 percent -- "at what cost to the horse must be left to the imagination."¹³ Even at the best of times, movement was extremely slow, "scarcely better than a foot's pace." Companies followed no fixed time schedule and frequent stops to accommodate favoured patrons made the operations even less dependable. Moreover, although the Toronto Globe described the Toronto Street Railway Company cars as having a "neat and comfortable appearance" and as "well lighted and ventilated," this was true only during the summer months when the right-hand side

¹¹Christian Guardian, 12 May 1897; W. Anderson to W. Laurier, 3 February 1897, PAC, LP, C754, p. 2035.

¹²Christian Guardian, 12 May 1897.

¹³J.I. Cooper, Montreal, A Brief History (Montreal: McGill-Queen's University Press, 1969), p. 104.

of the car was removed, leaving it completely open.¹⁴ In the winter, the cars were in fact extremely cold, and only "a liberal sprinkling of pea straw on the floor served to help keep the passengers' feet warm."¹⁵

Sunday service was rare, although most provinces (excepting Ontario) did not forbid it. The charters of most companies permitted (by not prohibiting) Sunday operations.¹⁶ Even in Ontario, a dozen or more companies had been chartered before the 1883 Street Railway Act; of these, only two charters, those of the Toronto and Ottawa companies, contained a clause forbidding Sunday operations.¹⁷ But the Hamilton Street Railway Company, which introduced a service in 1874 at the hours of public worship, was the only company to sustain a Sunday opera-

¹⁴Toronto Globe, 11 September 1861.

¹⁵L.H. Pursley, Street Railways of Toronto, 1861-1921, Interurbans Special 25 (Los Angeles: Electric Railway Publications, 1958), p. 7; M.F. Campbell, A Mountain and a City: The Story of Hamilton (Toronto: McClelland and Stewart, 1966), p. 163; W.D. Middleton, The Time of the Trolley (Milwaukee: Kalmbach Publishing Co., 1967), p. 290.

¹⁶See, for example, charters of the St. John People's Street Railway Company, 30 Vict. (1866), c.35 (N.B.); of the Halifax Street Railway Company, 47 Vict. (1884), c.62 (N.S.); and of the Winnipeg Street Railway Company, 55 Vict. (1892), c.56 (Man.).

¹⁷City of Toronto, Minutes of Council, 1861, Appendix, By-Law No. 353, cited by Armstrong and Nelles, The Revenge of the Methodist Bicycle Company, p. 187, n. 17; re Ottawa City Passenger Railway, see 29-30 Vict. (1866), c.106. For charters of companies chartered between 1867 and 1883 in Ontario, see Ontario, Legislative Assembly, Statutes, 1867-1883.

tion until the late 1880s.¹⁸ Few companies in fact realized the potential impact of public urban transportation on the mobility habits of central city populations.¹⁹ Instead, company owners felt that service should facilitate flow into the city to places of employment on workdays and showed little interest in Sunday service to recreational areas.

Active promotion of Sunday service began with the growth and improvements of street railway systems in the late 1880s. Although slow, expansion of track laid had already advanced the development of suburban residential areas to which the more affluent citizens were moving. The rapid increase in urban population prompted a similar extension of the systems. In Toronto, for example, where the population increased from 86,415 in 1880 to 144,023 in 1890, the horse-drawn system expanded from 19 to 68.5 miles, placing every part of the city within reasonably easy access of the railway.²⁰ The Montreal system underwent similar expansion as did those in

¹⁸J. Mills, Cataract Traction: The Railways of Hamilton (Toronto: Canadian Traction Series, 1971), vol. II, p. 73. An effort by the Kingston Street Railway Company to introduce Sunday service in the late 1870s failed; see PC, APGA, 1879, p. cxliv.

¹⁹Peter Goheen, Victorian Toronto, 1850-1900: Patterns and Growth (University of Chicago: Department of Geography, Research Paper No. 127, 1970), p. 73.

²⁰Ibid., p. 72. Between 1861 and 1880 the Toronto system had expanded from 4 to 19 miles. Pursley, Street Railways, p. 144.

Hamilton and Winnipeg.²¹ Profits increased accordingly: by 1890, those of the Toronto Street Railway Company, which carried 55,000 passengers daily, totalled \$165,562 on earnings of about \$730,000, in comparison with its 1873 profits of \$25,000.²²

Although electrification of the systems took place after these major expansions, it still played an important part in the growth of service. The introduction of the "giddy trolley" permitted a thorough rationalization of operations. Electrification markedly cut the per unit operating costs while at the same time the improved service drew more patrons and thereby enlarged total revenues. Electrification increased the systems' capacity to carry passengers; and, since greater speed meant a longer trip in the same length of time, it further encouraged suburban development and the dispersal of urban populations. The quality of the journey now improved as well, for the trolley ride was smoother and the cars generally more comfortable.²³ Gradually companies in the larger cities, assured of sufficient profit margins, went so far as to offer lower fares to the working class. The normal fare was five cents, but the Winnipeg

²¹Cooper, Montreal, p. 104; Mills, Cataract Traction, p. 75; A.S. Thompson, Spadina: A History of Old Toronto (Toronto: Pagurian Press, 1975), p. 162.

²²Armstrong and Nelles, The Revenge of the Methodist Bicycle Company, p. 29.

²³J. McKay, Trams and Trolleys: The Rise of Urban Transport in Europe (Princeton, N.J.: Princeton University Press, 1976), pp. 51-58; for descriptions of the introduction of electric cars, see Pursley, Street Railways, p. 144; Mills, Cataract Traction, p. 76.

Street Railway Company and others sold tickets to workmen at the rate of eight for a quarter between 5.00 and 8.00 a.m. and 5.30 and 6.30 p.m.²⁴

A change in the transit companies' attitude towards the nature of their operations accompanied these technological changes. Companies now realized that a large potential market lay in the suburbanization that followed expansion and improvements in quality. Such developments would allow the movement of people out from the core of the city not only on workdays, but on holidays as well. Commenting on a proposed extension of the Toronto system to the north and east of the city in 1891, the Globe described the potential effects on the city's development as revolutionary: not only would it be a "boon to the wealthy and the well-to-do," who worked in the city but lived in the suburbs, but it would also "be a blessing to the poor, who inhabit the lowly places, the slums and shanties of 'the ward,' for they will be given opportunities they do not possess of breathing the fresh, pure air and of seeing the beauties of nature."²⁵

In order to cultivate this market, some companies developed recreational areas at the end of their lines while

²⁴City of Winnipeg, By-Law No. 543, s.5 in 55 Vict. (1892), c.56, Schedule "A". The Toronto Railway Company offered the same fare; see Pursley, Street Railways, p. 16. See also charter of Ottawa Electric Railway Company, 57 Vict. (1894), c.76, s.39.

²⁵Toronto Globe, 15 May 1891.

others extended lines to link up with existing facilities. In Winnipeg, James Austin, owner of the Winnipeg Street Railway Company, created a 5.5 acre park at the southern end of his line, complete with refreshment booths, pavilions for electrical exhibits and concerts, and ball grounds.²⁶ In Toronto, in response to the building of a new race track in Glen Grove Park, the Metropolitan railway company, which connected with the city railway, extended its lines to the park entrance. During this period as well, interurban companies obtained charters to begin operations. Although the construction of such lines had as its primary purpose the transportation of the farmer and his produce to market and not the reverse,²⁷ the potential holiday business quickly appeared attractive. In British Columbia, for example, interurban trains ran from Vancouver to Queen's Park in New Westminster with multiple trains required on September days when provincial or national lacrosse finals were played.²⁸

It was obvious that Sunday customers existed both within the cities and between cities. On one hand, a market existed in conveying people to church. As urban expansion continued and

²⁶Thompson, Spadina, pp. 162, 186. See also H.J. Selwood, "Urban Development and the Streetcar: The Case of Winnipeg, 1881-1914," Urban History Review, No. 3-77 (February 1978), p. 37.

²⁷Mills, Cataract Traction, p. 24; re the development of Canadian interurban systems, see John Due, The Intercity Electric Railway Industry (Toronto: University of Toronto Press, 1966).

²⁸Ian F. Jobling, "Urbanization and Sport in Canada, 1867-1900," in Canadian Sport: Sociological Perspectives, ed., Richard S. Gruneau and John G. Albinson (Don Mills, Ontario: Addison-Wesley (Canada) Ltd., 1976), p. 68.

people moved away from the central core, the operation of a Sunday service would allow them to continue their church affiliations.²⁹ On the other hand, a large potential market existed among those who did not attend church. In the early 1880s the Toronto Globe conducted a survey to determine attendance at that city's churches on a winter Sunday: although church attendance was certainly respectable, over half (55 percent) the city's population did not attend church.³⁰ If the same number of people rode the cars on a Sunday as on a normal working day -- and there were already indications in Europe and the United States that in fact more people patronized the cars on Sundays than on normal working days³¹ -- a company such as the Toronto Street Railway Company could hope to realize an increased yearly revenue of \$105,000 without substantial increases in cost.³² The overwhelming success of the bicycle as a means of getting around

²⁹Saturday Night, 2 March 1895.

³⁰Toronto Globe, 7 February 1882, cited by D.C. Masters, The Rise of Toronto, 1850-1890 (Toronto: University of Toronto Press, 1947), p. 193. Masters interprets this figure to indicate a strong attendance at church. For a revision of Master's interpretation, see M.G. Decarie, "Something Old, Something New: Aspects of the Prohibition Movement in Canada," in Oliver Mowat's Ontario, ed., D. Swainson (Toronto: Macmillan of Canada, 1972), pp. 166-7.

³¹McKay, Tramways and Trolleys, p. 226. See also T.G. Barker and M. Robbins, A History of London Transport (London: George Allen and Unwin Ltd., 1975), vol. I, pp. 204-7; also George M. Smerk, "The Streetcar: Shaper of American Cities," Traffic Quarterly XXI (December 1967), p. 578.

³²Goheen, Victorian Toronto, p. 72. This estimate was calculated on the basis of daily passengers figures multiplied by \$0.04 (adult fare -- 5¢, children's -- 3¢) x 52.

cities on Sundays provided even more convincing evidence that companies could well hope to realize significant profits on Sundays.

As companies recognized the potential of Sunday service, they began to introduce it. By the late 1880s, Sunday cars were running in the cities of St. John, Halifax, and Montreal. In Ontario, the Hamilton Street Railway Company increased its service, initiated twenty years earlier, to a full twelve hour operation.³³ Appeals to the city council to halt the service were to no avail.³⁴ Cars also ran on interurban lines radiating out from Hamilton and in the Niagara Falls area. Only in Toronto did repeated efforts to commence Sunday service fail. The company could neither obtain an amendment to its charter permitting Sunday operations nor did it succeed in operating illegally. When one well-known liveryman, 'Citizen' William Kelly, secured four disused horse-drawn buses from the company and operated them on a voluntary basis, prompting others to adopt this method, city by-laws were enforced. Inspector Archibald, Toronto's Public Morality Officer, "swooped down and arrested Kelly driving his family to church in one of the buses."³⁵

³³ Mills, Cataract Traction, p. 80; The Week, 16 June 1887.

³⁴ OLDA, "Memorandum concerning the formation of a Provincial Alliance for the better observance of the Lord's Day," 15 February 1895, in LDACP, OLDA, SB (hereafter OLDA, SB) 1892-1900.

³⁵ Armstrong and Nelles, The Revenge of the Methodist Bicycle Company, pp. 202-3, n.1; PC, APGA, 1886, p. clix; Canada, House of Commons, Debates, 1894, c. 3437; Pursley, Street Railways, p. 142.

The Sunday car presented an elusive target to Sabbath observance supporters, one difficult to challenge successfully. In Nova Scotia, sabbatarians assumed that the 1891 Act, which made it illegal for a corporation to employ or direct a person to "perform servile labour on Sunday," would prevent street railway companies from operating.³⁶ In Ontario, sabbatarians assumed that several acts made Sunday service illegal. As part of its 1883 Street Railway Act, the Ontario Legislature had forbidden the Sunday running of cars.³⁷ For several reasons, it assumed (as did the sabbatarians) that the 1845 Upper Canada Act would apply to companies chartered before 1883: British legal precedent defined the phrase "or person whatsoever" in the Act's first clause to include business corporations such as street railway companies;³⁸ moreover, in 1854 Judge John Beverley Robinson of the Upper Canadian bench had ruled that the Act prohibited all local traffic and allowed only through traffic.³⁹

More recent court decisions, however, were raising doubts as to the efficacy of the Act. The decision by the Ontario Appeal Court in Regina v. Somers (1893) implied that the

³⁶54 Vict. c.32 (N.S.).

³⁷R.S.O. (1887), c.171, s.34.

³⁸OLDA, "Memorandum of Facts and Reasons regarding Desired Legislation amending the Lord's Day Act," December 1897, in OLDA, SB 1892-1900.

³⁹11 U.C.Q.B. 636.

Act applied only to those people specifically cited in the first clause.⁴⁰ Judge J.H. Hagarty's ruling in Regina v. Daggett (1882) made it possible that all passengers, whether they travelled "wholly for pleasure, fresh air, relaxation from work, with or without luggage, or actually on important business," were exempt from the Act. To Hagarty, any attempt to draw a distinction between persons, "according to the purpose which induced them to travel," was in vain, "leading to impossible and irritating enquiries, and tending to bring a useful and salutary enactment into contempt."⁴¹ Several years later, Hagarty upheld the right of the Niagara Falls, Wesley Park and Clifton Tramway Company, chartered under the 1883 Street Railway Act, to operate on Sundays, arguing that the company had inflicted no punishable injury upon public property. G.W. Burton, Hagarty's colleague on the Appeal Court bench, made an even stronger statement in support of the Sunday car during these same proceedings, commenting that:

Human nature may have changed much in the last 1800 years, but it is really painful to find in this nineteenth century anyone, and especially a person assuming to be a teacher of religion, grudging the enjoyment of a number of poor people and their families who avail themselves of, perhaps, the only day open to them to visit and enjoy one of nature's grandest works, because in order to do so they have

⁴⁰₂₄ O.R. 244. The court decided that a cab driver was not included in any of the classes enumerated in section 1 of the Act and therefore could not be lawfully convicted for driving a cab on Sunday.

⁴¹₁ O.R. 527.

to travel a few miles by train or other vehicle. It would seem almost incredible had we not the witnesses' admission in evidence. (42)

Given the uncertain nature of the law, opponents of the Sunday car decided to obtain legal clarification. Two important cases entered the courts: first, the Hamilton Street Railway Company, whose charter did not forbid Sunday operations,⁴³ was charged with violating Section 1 of the 1845 Upper Canada Lord's Day Act. The second case charged the Halifax Electric Tramway Company (whose charter likewise did not forbid Sunday operations⁴⁴) with violating the 1891 Act. In Ontario, the case proceeded through the lower courts to the Ontario Appeal Court which handed down a decision in favour of the street railway company in March 1897.⁴⁵ As a result, the Ontario Legislature amended, a few months later, the 1845 Act to forbid the Sunday operation of street railways and radial electric railways.⁴⁶ In January 1898, however,

⁴²18 O.A.R. 459.

⁴³33 Vict. (1873), c.100.(Ont.).

⁴⁴58 Vict. (1895), c.107 (N.S.)

⁴⁵A.G. v. Hamilton Street Railway Company, 27 O.R. 49; also Toronto Globe, 1 January 1896; A.G. v. Hamilton Street Railway Company, 24 O.A.R. 170; also Toronto Mail and Empire, 3 March 1897. The Ontario Appeal Court decided that the phrase 'or person whatsoever', as defined by British precedent did not apply. The phrase did not apply to street railway companies, or indeed to any industrial corporation. Chief Justice Burton reasoned that if the 1845 Legislature had wished to prohibit the labour of corporations in the Act, it would have specifically named them since it had been so specific in its list of persons whose Sabbath labour was prohibited.

⁴⁶60 Vict. (1897), c.14, s.95 (Ont.); R.S.O.(1897), c.246.

the Nova Scotia Supreme Court ruled that the 1891 statute was ultra vires the provincial jurisdiction. The court decided that the clause forbidding the employment of servile labour had been an amendment to an 1869 Act, which was itself an amendment to the pre-Confederation statute, "Of Offences Against Religion."⁴⁷ Since this statute was part of the criminal law of Nova Scotia, only the federal government had the power to repeal or amend it.⁴⁸

The Nova Scotian decision cast doubt on the validity of all existing provincial (including municipal) legislation dealing with Sabbath observance. As a consequence, the Ontario government resubmitted the Hamilton Street Railway case to its Appeal Court for a decision on the Ontario Legislature's ability to pass the 1897 Act. In 1902, the Ontario Appeal Court upheld the Ontario Legislature's right to pass the Act, although Chief Justice Armour dissented: in his opinion, the profanation of the Lord's Day was an offence against religion; since such offences were properly classed as crimes, the enactment of appropriate laws and the imposition of punishment by fines or imprisonment properly belonged to the Parliament of Canada.⁴⁹

⁴⁷R.S.N.S. (1851), c.157; R.S.N.S. (1869), c.159.

⁴⁸30 N.S.R. 469; 1 C.C.C.424 (C.A.). Robert L. Borden was counsel for the prosecution.

⁴⁹O.W.R. 312; 54 C.C.C. 344, quoted in PC, APGA, 1902, p. 271.

Owing to the conflicting opinions of the Canadian high courts,⁵⁰ the Sunday car issue proceeded to the Judicial Committee of the Privy Council for a final and authoritative interpretation. In July 1903, in its judgement on the Hamilton Street Railway case, the Privy Council reversed the decision of the Ontario Appeal Court. In its opinion, the 1845 Act had been a statute of criminal law at the time of its enactment and was thus a matter of federal jurisdiction. Any amendments to this Act, such as that of 1897, were therefore "beyond the competency of the Ontario Legislature to enact," and the 1897 Act "as a whole was invalid."⁵¹ It seemed clear that, as Chief Justice Armour had argued, only the federal government could pass Sabbath observance legislation.

The Privy Council decision surprised governments and Sabbath observance supporters alike. They had assumed that the provinces had jurisdiction over this matter, and both the Macdonald and Laurier governments had declared Sabbath observance a matter of provincial legislation. Since 1867 the provinces had asserted their supposed competence by passing various statutes and amendments. By 1898, New Brunswick, Quebec, Manitoba, British Columbia, and the Northwest Territories, in addition to Nova Scotia and Ontario, had statutes dealing with

⁵⁰In 1899, in a case unrelated to the Sunday car (Ex Parte re Green, 4 C.C.C. 182; 35 N.B.R. 137), the New Brunswick Supreme Court ruled New Brunswick's Sabbath observance legislation intra vires the provincial jurisdiction.

⁵¹(1903) A.C. 524.

Sabbath offences.⁵²

But the provinces and the Prime Ministers were wrong: according to legal interpretation of Canadian law, only the federal government could pass laws regulating Sabbath observance. Yet, Chief Justice Armour had been entirely correct in describing the peculiarities of the Canadian situation that not only made provincial legislation preferable but would also be-devil the problem from that day to the present. "The Lord's Day Act," Armour stated, was "not a subject matter irrespective of origin or religion." The Quebec Act of 1774 had allowed Lower Canadians to preserve their customs, property, and civil rights. Consequently, Quebecers had a different Lord's Day Act than did the rest of the country. To "force a Lord's Day Act on them would be the very opposite of what they contracted for. The different Provinces," he concluded, "have different ideas on this subject and it would be contrary to constitutional rights to enforce the average idea of the whole Dōminion upon each Province."⁵³ Thwarted in its bid to obtain comprehensive Sabbath observance legislation at the provincial level, however, this was exactly what a new and more aggressive sabbatarian lobby would attempt to do.

⁵²Prince Edward Island continued, without amendment, its pre-Confederation statute, 20 Geo. III (1779), c.3 (P.E.I.).

⁵³Quoted in PC, APGA, 1902, p. 271.

Chapter IV: The Sunday Car as Catalyst: The Formation of
The Ontario Lord's Day Alliance, 1895-1899.

The Sunday car was but one manifestation of the growing complexity of Canadian society. By the late 1890s, wheat and immigration were having dynamic impacts upon Canada's economic growth.¹ Felt across Canada, their multiplier effects upon the economy stimulated further technological change. The expanding use of electricity, for example, was rapid. Electric lighting, electric railways, and the telephone all came into common use. "Chains of banks, department stores, and mail order houses, steel rails and telephone wires" tied the country together from coast to coast.² Increasingly sophisticated urban architecture, institutions of higher learning, and complex municipal governments became the hallmarks of an abundant urban life. So too, however, were the concentrated social ills of wretched housing, crime, and alcoholism. For, despite the obvious prosperity of the times, life was bleak for the working class in the large cities of Toronto, Hamilton, Montreal, and Halifax.³ Unable to

¹See G.W. Bertram, "Economic Growth in Canadian Industry, 1870-1915," Canadian Journal of Economics and Political Science XXXIX/2 (May 1963), reprinted in Approaches to Canadian Economic History, ed., W.T. Easterbrook and M.H. Watkins (Toronto: McClelland and Stewart, 1967), p. 92.

²J.M.S. Careless, The Rise of Cities in Canada Before 1914, Canadian Historical Association, Historical Booklet No. 32, 1978, p. 25.

³See G. Kealey, Hogtown: Working Class Toronto at the Turn of the Century (Toronto: New Hogtown Press, 1974); J.T. Copp,

afford a house, most lived in tenements with several other families. Cold in winter, stifling in summer, such tenements offered few amenities, an outdoor privy possibly, bathing facilities never. Returning home from a ten or twelve hour day, the working family had little time or inclination for recreational activity. The one day of leisure continued to be the Sabbath.

The sabbatarian response to the vast and rapid social and economic change was but one of the many progressive reform movements that proliferated at the end of the nineteenth century. Canadians began to feel that the collectivist, rather than the individualist, approach might solve some of prosperity's attendant evils. Some groups attempted the purification of municipal governments; others saw alcohol or prostitution as the root of all social evil. Some focussed on the child as the human being most needy of help; others determined that the extension of suffrage to women would cure problems that would otherwise go unsolved. All groups shared a desire to ameliorate conditions if possible for the working class, but to maintain above all the social and economic superiority of the middle class. Per capita productivity would not rise if absent-

The Anatomy of Poverty: The Condition of the Working Class in Montreal, 1897-1929 (Toronto: McClelland and Stewart, 1974). Life in the new cities of the Prairies may not have been much better for the working class. See Paul Voisey, "In Search of Wealth and Status: An Economic and Social Study of Entrepreneurs in Early Calgary," in Frontier Calgary: Town, City, and Region, 1885-1914, ed., A.W. Rasporich and H. Klassen (Calgary: University of Calgary, McClelland and Stewart West, 1975), p. 233.

eeism owing to alcoholism prevented the worker from contributing to economic growth. Prosperity would not continue if men, women, or children were absent from work on Monday (and even Tuesday) owing to the debauchery of a Sunday ride on a street car.

In raising questions about the nature of social and moral reform,⁴ the Sunday car contributed to the debate about the quality of life in an urban and industrial society. The central issue was the weekly day of rest and its use. Should it be a day devoted solely to the health of the soul, or should it be partly devoted to that end and partly to the rational recreation of the physical body? Car supporters argued that the Sunday car was a necessary convenience in an urban community. It did not rob the street railway employee of his day of rest, for companies were willing to guarantee their employees another day in the week as a rest day. Sunday service was entirely a matter of choice for both employees and patrons. The man who worked on the streetcars was at liberty to leave his job if he so chose. The patron, on the other hand, was also at liberty to refuse to ride the cars if his religious convictions directed him not to. The service, however, should be

⁴See Brian Harrison, "State Intervention and Moral Reform in Nineteenth-Century England," in Pressure from Without in Early Victorian England, ed., Patricia Hollis (London: Edward Arnold Ltd., 1974), p. 289: "The nineteenth century debate on State intervention cannot be fully understood unless the historian, like the Victorians themselves, discusses both moral and social reform together; for attitudes generated in the moral sphere carried over into the social."

available.

In addition, car supporters believed that the Sunday car would effect a true social reform. Since working class people, it was assumed, did not in any case attend church services,⁵ they should have the opportunity to receive some physical and spiritual solace in the open air. The Sunday car would allow those who lived in urban working class districts to escape the stultifying environment in which they both lived and worked on the one day of the week they could claim as leisure.⁶ Was it possible, queried Goldwin Smith, a car supporter, to serve the interests of either humanity or of Christianity by:

mewing men, women and children up in a small room or compelling them to sit on a doorstep in the close air of the city during a sultry afternoon when they might be enjoying the air and verdure of High Park with a thankful heart not alien to religion. (7)

The Sunday car would in fact "drive people out of the slums and saloons on Sunday into more wholesome and decent surroundings."⁸ Supporters felt, therefore, that the Protestant evangelical churches would demonstrate a real commitment to reform if they changed their fearful attitude towards the car and, instead, ab-

⁵Christian Guardian, 12 September 1888, cited by S.D. Clark, Church and Sect in Canada (Toronto: University of Toronto Press, 1948), p. 393: "We cannot get the rich and poor to mingle in our fine churches. . . . Churches are no sooner built than they have to be enlarged or rebuilt to accommodate the worshippers; and yet, outside of all this is a vast population of from forty to fifty thousand who go to no church."

⁶Toronto World, 14 June 1893.

⁷Ibid., 17 June 1893.

⁸Saturday Night, 24 April 1897.

sorbed this technological innovation. E.E. Sheppard, editor of Saturday Night, suggested that the churches place themselves in the forefront of the changes represented by the Sunday car.

"Is it not manifest," he postulated, "that it would be wiser to place guiding hands upon the car of progress than to get vainly crushed under its wheels and have it then run mad?" He recommended that the churches disarm the Sunday car "by acquiescence" by giving poorer parishioners free Sunday car tickets and by encouraging people to spend their afternoons (after public worship) in the parks.⁹

Sabbath observance supporters also projected their campaign as one of social reform: the Sunday car unnecessarily robbed one class of workers of their Sunday rest in order that others might have frivolous pleasure. Although they too agreed that the Sabbath should be a day of leisure, they wished it to be a day totally devoted to the cultivation of the religious spirit. Like their British counterparts, Canadian sabbatarians "saw Sunday as a Christian and rural interlude of class harmony amidst the hectic rush of a materialistic, competitive, and urban society."¹⁰

The Sunday car therefore infused new life into the sabbatarian movement, giving it a focus that the earlier Lord's Day Alliance had lacked. Long before the court actions were

⁹Ibid., 4 July 1896.

¹⁰Harrison, "State Intervention and Moral Reform," p. 295.

complete, the Sunday car acted as the precipitating factor in the formation of provincial lobbies in St. John, Halifax, and Toronto, whose goal it was to challenge the Sunday car's right to run. The two Maritime associations, unable to retain public interest when litigation concerning the Sunday car dragged on in the courts, had little or no vitality. Only in Toronto did an association become truly "aggressive," as John G. Shearer, initiator of the Ontario Lord's Day Alliance, was to write some years later.¹¹ Here the anti-Sunday car sentiment did not focus only on the courts but also on the municipal referendum in Toronto which would decide the issue of Sunday service.

* * * * *

The 1891 charter incorporating the Toronto Railway Company (formerly the Toronto Street Railway Company) allowed Sunday operations when approved by a majority of the city's ratepayers.¹² The signatures of 5,000 ratepayers on a petition could occasion a vote on Sunday service, and the first such vote took place on January 4, 1892. Over 24,000 people voted and the anti-car faction won handily with a majority of 3,936. The announcement of a second vote for the end of August 1893 led to

¹¹Rev. J.G. Shearer to Rev. Dr. Waddell, 1 November 1901, LB 1899-1902, p. 883.

¹²55 Vict., c.99, ss. 1, 4(1), 19(1), 21.

the formation of a Citizens' Central Anti-Sunday Car Committee to organize public meetings, circulate literature and petitions, and mobilize the vote in each ward of the city. Although the Committee was victorious, the anti-car majority slipped to 1,003.¹³ Fearing an adverse decision in the next vote,¹⁴ the Committee contemplated two courses of action: petitioning the government to pass general legislation to supersede municipal legislation; or challenging in the courts Toronto's right to hold a vote, on the grounds that the 1845 Upper Canada Lord's Day Act forbade street railway operations. Either course of action would "render a vote upon the question of no use whatsoever."¹⁵

In Hamilton, appeals by car opponents to the city authorities to stop Sunday operations proved "fruitless."¹⁶ In the fall of 1894, therefore, a Hamilton Presbyterian minister, John G. Shearer, approached J.K. Macdonald, his Toronto friend and colleague on committees of the provincial Presbyterian Synod, with the suggestion of creating a provincial lobby. As a result of this meeting, the Ontario Lord's Day Alliance was

¹³Toronto Mail, 28 August 1893.

¹⁴In 1894 the Ontario government imposed a three-year interval between plebiscites on the Sunday car issue. C. Armstrong and H.V. Nelles, The Revenge of the Methodist Bicycle Company: Sunday Streetcars and Municipal Reform in Toronto, 1888-1897 (Toronto: Peter Martin & Associates, 1977), p. 146.

¹⁵OLDA, "Memorandum concerning the formation of a Provincial Alliance for the better observance of the Lord's Day," 15 February 1895, in OLDA, SB 1892-1900.

¹⁶Ibid.

formed in January 1895. Its primary aim was to secure a specific amendment to the 1845 Upper Canada Act prohibiting the Sunday operation of industrial and business corporations. At the same time, it petitioned for general legislation similar to the 1883 Street Railway Act to ban Sunday operations on the new interurban, radial electric railway systems rapidly appearing on the Ontario landscape.¹⁷

The Alliance centred in Toronto in order to capitalize on support already given to its cause in previous fights against the Sunday car. To a large extent, as Armstrong and Nelles explain, the anti-Sunday car faction depended upon a host of existing agencies, the Protestant churches, the Ministerial Association, the quasi-religious societies of Orangemen, Templars, Masons, and the like, to provide "ready-made networks of association, lines of communication and systems of authority."¹⁸ The Christian Guardian, for example, "left no stone unturned to prevent the innovation."¹⁹ The Evangelical Movement of the Anglican Church also campaigned actively against the Sunday car; members of the local Trades and Labor Councils lent their

¹⁷Ibid. Whereas in 1894 only two such lines running out from Hamilton operated, in 1895 alone eleven companies applied to build.

¹⁸Armstrong and Nelles, The Revenge of the Methodist Bicycle Company, p. 177.

¹⁹Marian Royce, "The Contribution of the Methodist Church to Social Welfare in Canada" (M.A. Thesis, University of Toronto, 1940), p. 249; Christian Guardian, 28 June 1893, 12 July 1893, 19 July 1893, 26 July 1893, 2 August 1893, 9 August 1893, 15 August 1893, 23 August 1893, 30 August 1893.

support as did several temperance leaders.²⁰

In comparison to the LDAC, therefore, the Ontario Alliance proceeded most energetically about its task. Either clerical or lay representatives of the Presbyterian Church formed the core of the executive; they in turn quickly recruited prominent members of the Methodist and Anglican churches. All men who joined the Alliance executive lived in cities directly threatened by the Sunday car, since the street railway companies of these cities had all been chartered before the 1883 Street Railway Act.²¹ In addition, the Alliance executive secured extensive legal expertise among its recruits. Ten of Toronto's lawyers, among them Sam Blake²² and Newton W. Hoyles, both active in the affairs of Wycliffe College, the centre of evangelical Anglicanism, and Dr. J.J. Maclaren, an equally prominent Methodist layman, volunteered their services to the Alliance. A.E. O'Meara, a Toronto solicitor, became the Alliance's paid Solicitor and Secretary. The Alliance did not intend to rely solely on the efforts of one sympathetic member of the Legislature to introduce legislation, but to lobby the Premier and his Attorney-General directly by deputation.

²⁰Toronto Mail, 25 July 1893; Ibid., 22 July 1893; Toronto World, 22 August 1893.

²¹Toronto, Brantford, Hamilton, London, Kingston, St. Catharines, Guelph, and Niagara Falls. For charters, see Ontario, Legislative Assembly, Statutes, 1867-1883.

²²Blake had been responsible, as City Counsel, for the negotiation of the 1891 charter of the Toronto Railway Company, securing the clause restricting Sunday operations. Toronto World, 3 March 1897.

The Alliance also made plans to recruit a general membership to satisfy the government that sabbatarianism was indeed the sentiment of the majority. The membership campaign was to concentrate on urban centres, establishing branches first in every city and then "so far as possible in every town and village of the Province."²³ After some discussion as to the feasibility of a membership fee of one or two dollars, the Executive decided on fifty cents in order to attract greater numbers thereby.

The Ontario Alliance attempted to promote contact with the Lord's Day Alliance in Ottawa, but the LDAC was unprepared to cooperate with the Ontario Alliance in any concrete fashion.²⁴ Nor did the Ontario Alliance establish any direct links with American sabbatarian associations, although it was certainly aware of, and made constant reference to, the frivolous observance of the Sabbath in American cities. The Alliance perceived the American Sabbath as the Globe described it, a day of turmoil and abominations, open shows and open theatres.²⁵ It was much better, the Alliance believed, to enact legislation in advance of such a situation than to try and regain it, once lost.²⁶

²³OLDA, "Memo concerning formation," 15 February 1895.

²⁴G. McRitchie to A.E. O'Meara, 26 January 1895, LDAC, MB 1888-1901.

²⁵Toronto Globe, 24 December 1890.

²⁶OLDA, Memorandum, February 1896, in OLDA, SB 1892-1900.

Yet, despite its organization and expertise, the first lobbying of the Alliance was only partially successful. On one hand, in 1895 the Ontario Legislature passed an Electric Railway Act that, among its provisions, forbade all Sunday traffic on radial electric railways, except for the transportation of milk. The Act also included a clause stipulating that parks or pleasure grounds owned by a company chartered under the Act "should not be open on the Lord's Day to be used for games, picnics, concerts, excursions, or other public entertainments."²⁷ The eleven electric railway companies chartered by the government in that year thus fell under these prohibitions.²⁸ In addition, the government amended the 1883 Street Railway Act to include the Electric Railway Act restriction on parks or entertainment areas.²⁹ On the other hand, Premier Oliver Mowat, believing himself that Sabbath observance was really a matter of municipal regulation,³⁰ refused to amend the 1845 Act until the Alliance could prove that it was insufficient. As a result, the Alliance instituted proceedings against the Hamilton Street Railway Company. When the courts indicated that the Act was insufficient because the phrase 'or person whatsoever' did not include business corporations, the Alliance again lobbied the

²⁷ 58 Vict., c.38, ss.9(2), 136.

²⁸ See Ontario, Legislative Assembly, Statutes, 1895.

²⁹ 59 Vict. (1896), c.50, s.5.

³⁰ Toronto Mail and Empire, 24 January 1896.

provincial government to amend the Act.³¹ It hoped that this would prevent the Toronto ratepayers' vote on the Sunday car set for May 1897, as well as forestalling Sunday operations by the Hamilton company.

Again, the provincial government only partially acceded to the Alliance's request: in April 1897, the Legislature passed an amending clause to the 1845 Act that specifically forbade the operation of street railways and radial electric railways on Sundays.³² Exemptions to the clause, however, permitted companies that had been operating on Sundays prior to the enactment of this clause to continue, and it also allowed the vote on the issue to go forward in Toronto. Although the Alliance challenged the validity of these exemptions, there was no time to take the matter to court before the Toronto vote of May 1897.³³

The Alliance suffered public humiliation in the final Toronto "Sunday Car Agitation," one of the most exciting and bitter municipal contests to take place in late Victorian Toronto. The Globe reported that the Sunday car by-law was "for weeks, the chief, if not the sole topic of conversation upon the streets, in the clubs and churches and even in the household."³⁴

³¹A.G. (Ont.) v. Hamilton Street Railway Company, 27 O.R. 49; A.G. (Ont.) v. Hamilton Street Railway Company, 24 O.A.R. 170.

³²60 Vict. (1897), c.14, s.95 (Ont.); R.S.O. (1897), c.246.

³³Mayor Fleming of Toronto had announced in January 1897 that a vote would take place in May as long as the Ontario Appeal Court did not declare it a violation of the 1845 Act. Toronto World, 28 January 1897.

³⁴Toronto Globe, 17 May 1897.

Anti- and pro-car associations clamoured for the public's attention, circulating petitions, hurling invective, and employing questionable tactics to win support. Of an evening, three or four boisterous meetings filled to capacity the city's largest public halls, often leaving many more outside unable to gain entrance. On the eve of the vote, the agitation had indeed taken on the air of a life-and-death struggle between Christianity and the Toronto Railway Company.³⁵

As already noted, the debate centred on the moral and social implications surrounding the introduction of pleasure transportation in an industrial city at a time when Sunday was the only day of leisure for most people. Both sides claimed to be reformers. Those in support of the cars argued that the changed circumstances of modern urban life, the dispersion of population to the suburbs and the crowded quarters in the city core, demanded a cheap transportation system as an "important social and moral condition" of city life.³⁶ As a social benefit, the Sunday car would place the poor in a position of equality with the rich man and his carriage. Moreover, it would occasion proportionally less labour than already existed among coachmen and cabmen. As a moral reform, Sunday cars would strengthen the spiritual tone of the community and directly aid

³⁵ Saturday Night, 5 August 1893: "It is not a fight between Christianity and the Toronto Street Railway Company."

³⁶ Citizens' Pro-Sunday Car Committee, "Manifesto," Toronto World, 29 April 1897.

the churches by enabling people who had moved to the new suburban areas to maintain an affiliation with their old church.

The Alliance, which led opposition to the Sunday car, rejected these arguments, attacking the "contagious character of this moral and industrial plague."³⁷ As the "forerunner of a great deal of Sunday business, Sunday concerts, spectacular exhibitions and desecration by open pleasuring," the Sunday car would open the doors to Sunday labour.³⁸ It would be but the first of a never-ending string of Sabbath secularizers; after it would come worse evils in the form of the ice-cream parlour, the shoe-shine and the barber shop, and worst of all, the Sunday newspaper. Not only would the Sunday car facilitate Sunday visits to the graves of the dead and the beds of the sick, but it would encourage social visitings to city parks and amusement centres. The experience of other cities had irrefutably shown that street railway companies, in search of increased profits, would take any steps necessary to "make the Sunday cars the means of Sunday recreations and pastimes and refreshments in parks controlled by them or others."³⁹ Thus, the Sunday car would bring no moral benefit to the community, and the Alliance denounced the argument that the Sunday car might add "to the

³⁷ OLDA, "Memo concerning formation," February 1895.

³⁸ Shearer to A. Scott, 27 June 1900, LB 1899-1902, p. 11.

³⁹ Citizens' Anti-Sunday Car Committee, "Manifesto," in The Toronto Book, ed., William Kilbourn (Toronto: Macmillan of Canada, 1976), pp. 71-2.

influence and usefulness of the churches and Sunday schools by conveying worshippers to distant sanctuaries" as a "delusion and a snare":

The individual churches throughout the city have all the better distribution of strength because of the absence of street cars, as it leads most people to attend churches near at hand and no doubt the street cars would lure more from the churches than they would lead to them. (40)

Finally, the Sunday car would not aid the workingman: in cities where the Sunday car was already running, the Alliance insisted, it did not provide "valuable relief to the crowded centres."⁴¹ Rather, by robbing the workingman of his Sabbath rest, the Sunday car shattered his home life and "his opportunity to worship on the first day of each week, together with his family, his friends, and the rest of the community."⁴² The Alliance claimed therefore that the workingman, recognizing this threat, had not agitated for the Sunday car and had in fact consistently voted against it.

The Alliance viewed the Toronto contest as one of supreme importance for the future of the lobby throughout the province. Oliver Mowat, while Premier of Ontario, had indicated that changes to the 1845 Act would "largely depend on what appeared to be public opinion on the subject."⁴³ The Toronto

⁴⁰Citizens' Anti-Sunday Car Committee, "Manifesto," Toronto Mail and Empire, 1 May 1897.

⁴¹Ibid.

⁴²Ibid.

⁴³Toronto Mail and Empire, 24 January 1896.

fight gave the public a chance to voice its opinion. A victory for the pro-car forces would cast serious doubt on the validity of the Alliance's claim to represent the majority of public opinion. If "Toronto the Good," as contemporaries dubbed the city,⁴⁴ should reject that image by welcoming the car, other cities would soon clamour for its introduction. Moreover, if the Toronto Railway Company proved victorious, street railway companies in other cities would claim exemption from the 1897 Act on the basis of public demand.

The Alliance thus poured all its reserves into the fight to defeat the Sunday car in Toronto. In an attempt to include citizens both in-and-outside the churches, the Alliance promoted the formation of another Citizens' Anti-Sunday Car Committee on the model of the successful 1893 committee.⁴⁵ The new committee circulated literature and petitions, organized huge public meetings, and systematically canvassed each ward of the city. It pressed its allies to do all in their power to aid the fight, asking ministers to bring the matter repeatedly to the attention of their flocks and urging all the city's churches to devote the Sunday before the vote to a discussion of the issue.⁴⁶ It also recruited Trades and Labor Council members to speak against the Sunday car in the public forums. And, if the

⁴⁴C.S. Clark, Of Toronto the Good (Montreal: The Toronto Publishing Co., 1898; Coles Canadiana Collection, 1970).

⁴⁵Toronto World, 19 April 1897.

⁴⁶Saturday Night, 1 May 1897.

opponents of the Alliance are to be believed, the Alliance went so far as to lobby the bicyclists to vote against the car in order to preserve the roads for themselves on Sundays.⁴⁷

On Saturday, May 15, in the heaviest and perhaps most corrupt poll in Toronto history,⁴⁸ thirty-two thousand people recorded their votes on the Sunday car issue. Crowds assembled in front of the newspaper offices after the polls closed at 5 p.m. It seemed that the organization of the anti-car forces might again bring triumph, but the pro-car faction achieved victory by a slim majority of 480 votes.⁴⁹ A last ditch effort by the Alliance to obtain a court injunction against the running of the Sunday car failed, and on Sunday, May 23, a wet and miserable day, "Toronto the Good" welcomed the Sunday car. Crowds of people -- approximately 45,000 -- rode the cars while others lined the streets to watch.⁵⁰

* * * * *

⁴⁷Toronto World, 8 May 1897. The Christian Guardian refuted this accusation, 21 April 1897.

⁴⁸Armstrong and Nelles describe grand-scale personation by ward workers hired by the street railway company, including the case of one unemployed Englishman personating no less than twenty-five voters. The Revenge of the Methodist Bicycle Company, p. 165.

⁴⁹Toronto Globe, 17 May 1897; also Clark, Of Toronto the Good, p. 64: "And now, horror for horrors! the populace of Toronto have decided by a good substantial vote that they desire street cars on Sunday and they have them."

⁵⁰This number is calculated on the basis of total receipts

Whereas a weaker-willed group might have retreated in the face of such defeat, the Alliance returned almost eagerly to the fray. "Defeated but not vanquished"⁵¹ by the Toronto vote, the Alliance refused to acknowledge that the public vote had granted the Toronto Railway Company a franchise to operate on Sundays. Insisting that provincial legislation alone could grant this right, it immediately lobbied the Ontario government to appeal the Hamilton Street Railway decision to the Privy Council for a "final and authoritative interpretation."⁵² In the meantime the Alliance petitioned the government to grant an injunction against the running of Sunday cars anywhere in the province until the Privy Council decided the issue. When the government refused this request, on the grounds that a reversal of the Ontario courts' decisions was improbable, the Alliance again demanded amendment of the 1845 Act to prohibit Sunday service. The Ontario government seemed ready to do this when in January 1898 the Nova Scotia Supreme Court ruling that Sabbath observance legislation was ultra vires the provincial jurisdiction forced reconsideration. As a result, the Ontario government decided to resubmit the Hamilton case to the Ontario Appeal Court. It did not, however, issue an injunction against the operation of Sunday cars in Toronto or elsewhere while the issue

for the day and the price of tickets, seven for a quarter. Total receipts according to Saturday Night were \$2,000 (29 May 1897). Cf. Armstrong and Nelles, The Revenge of the Methodist Bicycle Company, p. 167.

⁵¹Toronto Mail and Empire, 17 May 1897.

⁵²Christian Guardian, 22 September 1897.

was in litigation.

Believing itself only temporarily stalled in its legislative campaign, the Alliance proceeded to approach the Sunday car problem with other methods. First it appealed to the courts for injunctions against companies that, encouraged by the judicial support for the Hamilton company and the public support in Toronto, had started Sunday service in defiance of the 1897 legislation. When the courts refused to grant injunctions, the Alliance instituted proceedings against two companies that had started Sunday service, but whose charters specifically prohibited such operation (the Metropolitan Street Railway Company of Toronto and the Toronto and Mimico Electric Railway Company).⁵³ The Alliance also opposed attempts to modify or repeal the 1897 legislation. In 1899 alone, nine companies applied to the Ontario Legislature for permission to operate local passenger service on Sundays.⁵⁴ Although the Legislature rejected most of these applications, the appeal of the Ottawa Electric Railway Company received special consideration.

Since the Ottawa Electric Railway Company proposed ser-

⁵³ 40 Vict. (1877), c.84, s.8 (re Metropolitan Street Railway Company); 54 Vict. (1891), c.96 (re Toronto and Mimico Electric Railway and Light Company, chartered under the 1883 Street Railway Act). Another company, the St. Catherines, Meriton and Thorold Street Railway, which also commenced Sunday service, had been chartered prior to the 1883 Act [45 Vict. (1882), c.63 (Ont.)]. The Alliance did not challenge this company.

⁵⁴ OLDA, Minutes of Executive Committee, 12 January 1899, OLDA, MB 1897-1905, p. 30; Toronto Mail and Empire, 9 March 1899.

vice between Hull and Ottawa, the federal government had chartered the company in 1892 but had placed it under provincial jurisdiction for the parts of the line that ran in the respective provinces.⁵⁵ By 1899 the company was in an awkward situation: on the Quebec portion of the road, no legislation existed to prohibit Sunday operations; on the Ontario portion, the 1897 Act was presumably operative. In January 1899, the Ottawa City Council decided to appeal to the Ontario government for exemption from the 1897 Act. In order to strengthen its hand, it decided to submit the question to the city's ratepayers. After a lively public discussion similar to Toronto's, Ottawa citizens voted in favour of the cars by a convincing majority of 1,677.⁵⁶ The Alliance, arguing that the Ontario government should delay its decision until the courts settled the constitutional issue, manned and led deputations to the Legislature to make this point.⁵⁷ But the government, impressed by the majority of the pro-car vote and by the peculiar difficulties of the company's position, granted the company an exemption at the end of March 1899.⁵⁸ The final Sunday in July 1899 was a "red-letter day at Ottawa" as the street car company did a "record-breaking busi-

⁵⁵ 55-56 Vict., c.53, s.6.

⁵⁶ Toronto Mail and Empire, 9 March 1899.

⁵⁷ A.E. O'Meara to A.S. Hardy, 29 March 1899, LB 1899-1900, pp. 105-7; Toronto Globe, 9 March 1899.

⁵⁸ 62-63 Vict. (1899), c.82, s.5 (Ont.). 62 Vict. (1899), c.66 protected the street railway employee's right to a full Sunday off or another free twenty-four hour period elsewhere in the week.

ness."⁵⁹

By mid 1899 the Sunday car was poised to defeat the Ontario Alliance. Sunday street cars were trundling merrily through the streets of Toronto, Hamilton, Ottawa, St. Catharines, Windsor, Niagara Falls, and Berlin, as well as on inter-urban routes in the Hamilton and Niagara River districts.⁶⁰ By its ubiquity, the Sunday car had turned the Alliance into a one issue lobby. Although the Alliance challenged the Sunday operations of several industrial corporations by bringing court proceedings against some employees, and although it petitioned the government about sporadic Sunday labour on the Welland Canal, it devoted itself almost exclusively to the Sunday car issue.⁶¹ In doing so, it concentrated its activities in Toronto, focussing its attention on the Ontario Legislature and the courts of that city. It devoted little time to the planned development of membership, either in Toronto or in other parts of the province. In 1898 it had branches in twenty-nine centres. That year the Annual Convention established a Committee on Organization and Education under the energetic chairmanship of Reverend John Shearer, with the ambitious goal of establishing branches in every urban centre throughout the province. The following year, the Committee could report but limited progress:

⁵⁹"Flaneur," Toronto Mail and Empire, 29 July 1899.

⁶⁰O'Meara to H.S. Campbell, 4 February 1899, LB 1899-1900, p. 40.

⁶¹OLDA, "Annual Report, 1897," in OLDA, SB 1892-1900; also OLDA, "Annual Report, 1898, 1899," in Ibid.

of the 154 urban centres in the province, the Committee had managed to visit only thirty-eight new ones.⁶²

Although considerable numbers had supported the Alliance's cause by voting against the Sunday car, indifference to the Alliance's existence as a continuing organization was general. At the Annual Meeting in 1896, Alliance President J.K. Macdonald had lamented the fact that in Toronto, a "city usually keenly alive on all such questions," so few should have gathered to take steps to safeguard the Sabbath.⁶³ Two years later, the "very small" attendance at the Annual Convention elicited from him the same lament, and he again called attention to the "wonderful apparent lack of interest" in the Alliance's work.⁶⁴ What Macdonald failed to mention was Toronto's increasing acceptance of the Sunday car. Company records indicate that by 1898 people travelled on Sundays as much as on any other day of the week.⁶⁵ Apathy towards the Alliance was general outside

⁶²Ibid.

⁶³Toronto Mail and Empire, 13 April 1896.

⁶⁴Ibid., 22 October 1898.

⁶⁵Figures are based on population figures for Toronto, the revenue passengers of the Toronto Railway Company, and the number of operating days in the years 1896 (the last year before Sunday operations) and 1898 (the first full year of Sunday operations). Figures given in Pursley, Street Railways of Toronto, 1861-1921, p. 144.

1896	- population:	178,185
	revenue passengers:	25,537,000
	operating days:	313
	= .4220 revenue passengers per capita	
	per operating day.	

Toronto: of the twenty-nine branches that existed in 1898, thirteen had fewer than five members.⁶⁶ When he began his work as Chairman of the Organization Committee, Shearer found that it was often necessary "to plead for an opportunity to hold a meeting to organize."⁶⁷

The Toronto group that formed the core of the Alliance executive was unable to convince other members of the provincial scope of the problem and of the impossibility of fighting it town by town. The Ottawa branch, for example, wanted to base its opposition to the Sunday car on the smaller size of Ottawa relative to Toronto. Only after badgering by the Toronto group did it reluctantly agree to adopt the Alliance's argument that the Sunday car was illegal in every city, regardless of size. Executive members from outside Toronto simply ceased to attend meetings. A.E. O'Meara, Secretary of the Alliance, complained of their parochialism:

1898 - population:	186,527
revenue passengers:	28,710,000
operating days:	365
= .4217 revenue passengers per capita	
per operating day.	

Had the same number of people not used the cars on Sundays as on Weekdays, the 1898 figure would have been 15 to 20 percent lower than the 1896 figure.

⁶⁶ OLDA, "Financial Report, 21 October 1898," in OLDA, SB 1892-1900. Membership figures are estimates and are calculated on the basis of \$0.50 = one member, as established by the OLDA 1895 Constitution.

⁶⁷ Shearer to J.S. Williamson, 25 September 1900, LB 1899-1902, p. 295.

. . . Our past experience in connection with meetings of the Executive Committee has shown the extreme difficulty of securing such attendance of members even from the principal cities [Hamilton, London, and Kingston] outside of Toronto as is absolutely necessary to render the meeting in a true sense representative of the various sections of the Province. I do not think that members of the Committee outside of Toronto quite fully realize the importance of this point. . . . A very serious weakness has existed in the work in the past by reason of the fact that many meetings of the Provincial Executive Committee have been to such a large extent composed of Toronto members. (68)

In addition to these personnel problems, the cost of the Sunday car agitation -- the preparation of literature and the payment of O'Meara's legal fees -- exhausted the Alliance's meagre financial resources. At the 1898 Annual Convention, Treasurer J.C. Copp threatened to resign, since the constant lack of funds placed him so often "in a humiliating position."⁶⁹ Operating on a budget of \$2,158.50, the Alliance carried a debt of \$913.00.⁷⁰ The situation did not improve: during the following year, twenty-one of its sixty-seven branches contributed nothing to the funds and the debt rose to \$1,411.39.⁷¹ Copp made good his earlier threat and resigned.

The Alliance only made things worse for itself by taking to the courts. When the Ontario courts rejected the argument

⁶⁸O'Meara to G.M. Macdonnell, 17 April 1899, LB 1899-1900, p. 138; also O'Meara to Mrs. T.S. Johnson, Ibid., p. 136.

⁶⁹Toronto Mail and Empire, 22 October 1898, in OLDA, SB 1892-1900.

⁷⁰OLDA, "Annual Report, 1898," in OLDA, SB 1892-1900.

⁷¹OLDA, "Annual Report, 1899," in Ibid.

that the 1845 Act applied to street railway companies, they ruled, by extension, that the Act did not apply to any business corporations; hence, any business or industrial operation in the province could defy the law with impunity. Judges were overtly hostile to the Alliance and all its works: as mentioned earlier, Justice G.W. Burton of the Ontario Appeal court considered it "painful to find in this nineteenth century anyone, and especially a person assuming to be a teacher of religion," grudging the enjoyment by poor families of their only day of leisure.⁷²

The relationship between the Alliance and the Ontario government also altered for the worse. Before the formation of the Alliance, Mowat's Liberal government had been willing to pass legislation to deal with specific issues such as street railways (1883) and steamship excursions (1885). In 1895 and again in 1897 the government also responded to Alliance lobbying with the Sunday clauses of the Electric Railway Act and the 1897 amendment to the 1845 Act. But the government had no desire to interfere with the operations of Sunday cars in larger cities and, by its 1897 legislation, deliberately allowed Sunday operations to continue in Hamilton, St. Catherines, Windsor, Niagara Falls, and Berlin, permitting at the same time another vote in Toronto. It became clear that most members of the Ontario cabinet favoured Sunday cars in large urban centres but

⁷²₁₈ O.A.R. 459.

not on the rural interurbans until residents along the routes approved.⁷³

With regard to general legislation dealing with business corporations, the Ontario government proved more sensitive to the lobbying of economic interests than to that of the Alliance. When Premier A.S. Hardy seemed willing to introduce an amendment desired by the Alliance to curb Sunday industrial operations, a fierce outcry from "owners of blast furnaces, maltsters, brewers, bakers, certain lumber interests, the Grand Trunk, Canadian Pacific and Canadian Southern Railways, steamboat owners, foundries, and other iron works, gas companies, coal companies, manufacturers of calcium carbide and acetylene" forced him to withdraw the bill.⁷⁴

The Sunday car issue only marginally involved the federal government through the Ottawa Electric Railway case government members showed the Alliance scant sympathy. When the Ontario government granted the exemption from the 1897 legislation to the Ottawa company, the company also applied to the federal government for repeal of the clause in its charter forbidding Sunday operations in Ontario. On this occasion, the

⁷³Toronto Globe, 29 March 1899; also O'Meara to Rev. H.R. Horne, 1 May 1899, LDACP, LB 1899-1900, p. 519.

⁷⁴Toronto Globe, 15 January 1898. Moreover, in his statement to the House, Hardy admitted that "as the time [had been] short since the bill was distributed in the country and in which representations could be made to the Government, it is alleged that there are many other callings which would be quite seriously affected." See also Canada, House of Commons, Debates, 1898, c. 1963.

federal government, or more specifically its Railway Committee, reacted with hostility to the Alliance's deputations to oppose this move, and approved the Ontario government's action.⁷⁵ In fact, the Railway Committee refused to hear O'Meara present the Alliance's case and seemed "to resent the proposed interference of an outside body with a matter pertaining solely to the city of Ottawa."⁷⁶ Despite the 1898 Nova Scotia Supreme Court decision, the federal government considered Sabbath observance still a matter of provincial if not local regulation.

The bitter nature of the Sunday car agitation and the intense lobbying of the Ontario Alliance provoked strong positive and negative reactions in other sections of Ontario's urban community.⁷⁷ The Presbyterian and Methodist churches provided the Alliance's principal support, for the Sunday car was an issue on which these churches could easily unite since it did not involve theological doctrines. In 1897 the Alliance claimed the support of 172 of Toronto's 180 Protestant churches,⁷⁸ and as the Globe noted, "one of the most prominent

⁷⁵ 62-63 Vict. (1899), c.82, s.5.

⁷⁶ Toronto Mail and Empire, 26 April 1899, in OLDA, SB 1892-1900.

⁷⁷ David Truman, The Governmental Process (New York: A.A. Knopf, 1950), p. 59: "A disturbance produces an association whose effectiveness in achieving its goal (and thus stabilizing its equilibrium) so upsets other groups that they develop an association in compensation." At this stage, no counter-groups formed to combat sabbatarianism, except a very short-lived Canadian Rational Sunday League. Toronto Mail and Empire, 14 May 1898; Ibid., 19 May 1898.

⁷⁸ Toronto Globe, 14 May 1897.

features of the campaign was the active part taken by the ministers, a very great majority of whom went into the fight with the very greatest of vigor and enthusiasm, and in the majority of cases, carried the machinery of their church organization with them."⁷⁹ The Presbyterians and more particularly the Methodists emphasized the secular and humanitarian rationalization for proper Sabbath observance, especially its salutary effect upon family life, its medical benefits, and so forth. Preaching the cause of the workingman they asked: "Why should a number of men be deprived of their Sunday, the only day they can spend with their families, in order that some people may ride about the city in the street cars?" Sunday was the poor man's day, affording him "an opportunity for needed rest, mental culture, worship, and religious instruction."⁸⁰ Yet the churches insisted that the only day of rest could be Sunday and would not support the principle of the weekly day of rest. There was no merit to be found in "a day of idleness" during the week.⁸¹

Support for the Alliance's cause constituted both a religious and humanitarian concern, and a pragmatic response by these churches: humanitarian, in that they still clung to the evangelical belief that a reform of an individual's public be-

⁷⁹Ibid., 17 May 1897.

⁸⁰Christian Guardian, 16 December 1891.

⁸¹Toronto Mail and Empire, 1 May 1897; Christian Guardian, 16 August 1893.

haviour could remedy industrial society's ills; and pragmatic, in that the churches were aware of the Sunday car's potential impact on their social and economic position in the community. As Armstrong and Nelles comment, sabbatarians "were driven onward" by the knowledge that many city dwellers already lay beyond the pale of Christianity, for only one-third to one-quarter of those Torontonians who professed belief in Protestantism were active church members.⁸² Although the churches insisted that "socially and morally respectable people" would never vote for the Sunday car, the fear that they in fact would do so prompted church opposition to the innovation.⁸³ The Christian Guardian admitted that the "organized violation of the sanctity of the Lord's Day, in the way proposed will injuriously affect the attendance at religious worship and all Christian ordinances."⁸⁴ Reverend Dr. William Caven, Principal of Knox College, seconded this sentiment in 1899 when he wondered what

⁸²Armstrong and Nelles, The Revenge of the Methodist Bicycle Company, p. 179. According to their figures (Appendix B, p. 183), of a total 120,532 Torontonians who professed adherence to the Anglican, Methodist, Presbyterian, or Baptist churches, only 29,068 (24.1 percent) were actual members of these churches. In contrast, 74.5 percent of those who professed adherence to the Roman Catholic church were also members.

⁸³Christian Guardian, 16 August 1893. The Guardian maintained that only "the rowdies, the drinking loafers, the profane and ungodly, the agnostics and infidels" (providing they somehow passed voter qualifications) would vote for the car. After the defeat, the Guardian apportioned blame to the money forces, "the force of a foreign element to some extent, and to young men panting for faster life to some extent." Ibid., 19 May 1897.

⁸⁴Ibid., 18 June 1893.

the churches would do when they "suffered the losses of people."⁸⁵

Support from the other churches was more fragmented. The Church of England was divided in its attitudes towards the Sunday car. Members of the High Church publicly supported the innovation, although at least one of them, Bishop Sweatman of Toronto, refused to sign a public petition in support of the Sunday car.⁸⁶ To Hector Charlesworth, who was soliciting his signature, Sweatman explained that to give expression to his views in his official capacity would be "an embarrassment" to those of his flock, laymen as well as clergy, who did not share his views.⁸⁷ The "most splendid" Church of England supporter of the Sunday car, according to Charlesworth, was the Reverend William Clark, Professor of Philosophy at Trinity College, Toronto: "The opponents of the Sunday cars could not break down his imperturbable good humour, nor was the whole host of them a match for him in theological argument; for from the standpoint of Christian doctrine, sabbatarianism, like prohibition, has not a leg to stand on."⁸⁸ The Anglican journal, The Churchman, also favoured the Sunday car, asking pointedly if "every other city of the size of Toronto has Sunday cars, are

⁸⁵Toronto Globe, 11 November 1899.

⁸⁶Toronto World, 11 May 1897.

⁸⁷Hector Charlesworth, Candid Chronicles: Leaves from the Note Book of a Canadian Journalist (Toronto: Macmillan, 1925), pp. 52-3.

⁸⁸*Ibid.*, p. 145.

they not more apt to be all right than Toronto, which stands alone to be right and all the others wrong?"⁸⁹ Some support for the Alliance anti-Sunday car campaign did come from the Evangelical Movement. In response to the public announcement of the support of Anglican Bishops Du Moulin and Sullivan for the Sunday car, the Toronto diocese adopted a resolution moved by Newton Hoyles and seconded by John Langtry to support the Alliance. At the request of Hoyles and Langtry, the Globe made public this resolution.⁹⁰ Nonetheless, no Anglican clergy openly supported the Alliance. As O'Meara wrote to Reverend Dyson Hague in 1899, urging him to attend Executive meetings:

broadly speaking, it has been heretofore impossible to get any one minister of the Anglican church to join in any way in the Executive business of the Alliance. Anglican laymen are in evidence but so far Anglican pastors are conspicuous by their absence. This has been felt to be a weakness in the whole work and I trust that you will see the force of this point and will be willing to attend at least the more important meetings of the Executive Committee even if it means sacrifice on your part. (91)

With the high level of hostility between the Roman Catholics and Protestants in the city of Toronto, so recently aroused by the activities of the Equal Rights Association and the Protestant Protective Association, the Alliance made little effort to curry Roman Catholic votes.⁹² The presence on the

⁸⁹Quoted in Saturday Night, 15 May 1897.

⁹⁰Toronto Globe, 13 May 1897.

⁹¹O'Meara to Hague, 18 April 1899, LB 1899-1900, p. 148.

⁹²In 1893 an attempt was made to placate the large Roman Catholic vote in one Toronto ward by substituting the word

Alliance board of four members of the former executive of the Equal Rights Association, including its chairman, Principal William Caven of Knox College, reinforced the Alliance's anti-Catholic image.⁹³ In 1893 the Roman Catholic church openly supported Sunday cars, and the Catholic Register editorialized that "the cause of morality would be advanced by a limited car service on Sunday. There is much more tendency to drink and immorality when people are crowded together in miserable rooms in cities than when breathing the fresh air of suburban districts."⁹⁴ There is nothing to indicate that any members of the Catholic hierarchy or clergy supported the fight against the Sunday car, and the only Catholic prominently involved was Daniel O'Donoghue, the Irish labour leader.

Since the fight against Sunday cars coincided with a rapid growth in the strength and assertiveness of organized labour in Ontario, considerable potential for cooperation between the Alliance and the Trades and Labor Councils existed. Besides, the Sunday car was an ideal issue for a collaborative

"Christianity" for the word "Protestantism" in a resolution stating that Sunday cars were "contrary to the interests of Protestantism." Toronto Mail, 22 July 1893.

⁹³Toronto World, 11 May 1897: "Most of the clergymen who were prominent in the Equal Rights movement are strong against Sunday cars. They do not believe in equal rights in the matter of cars. They wish to dictate to their fellows how they shall get about on Sunday."

⁹⁴Cited by Armstrong and Nelles, The Revenge of the Methodist Bicycle Company, p. 112.

effort.⁹⁵ To the leadership of organized labour, the fight to retain Sunday as a day of rest was part of its overall strategy to achieve a shorter work week, first the guaranteed weekly rest day, then the Saturday half-holiday, and eventually the five-day week.⁹⁶ To the Alliance, the Sunday car represented the principle of Sabbath labour in the service of Sabbath pleasure. Recognizing the need for a secular rationale and a measure of support from outside the church, the Alliance moved away from its stress on the religious arguments against the Sunday car, and emphasized more and more the social and humanitarian arguments.⁹⁷ In addition, it joined labour deputations lobbying government for the Saturday half-holiday.⁹⁸ Labour leaders responded in turn. Members of the national Trades and Labor Congress executive, President John Tweed and four others, accepted positions on the 1895 Alliance executive board. D.J. O'Donoghue, representing the Hamilton Trades and Labor Council, was particularly active on the Alliance's behalf throughout the 1897 contest. In O'Donoghue's mind, the weekly

⁹⁵Organized labour and the Alliance could never have agreed on the bicycle, for instance, for workingmen considered the bicycle simply another form of walking. Toronto World, 27 April 1897.

⁹⁶Toronto Mail and Empire, 13 April 1896.

⁹⁷Cf. Brian Harrison, "The Sunday Trading Riots of 1855," Historical Journal VIII (1965), pp. 222, 240; Toronto World, 29 April 1897; Ibid., 11 May 1897.

⁹⁸Toronto Mail and Empire, 24 January 1896; OLDA, "Annual Report, 1896," in OLDA, SB 1892-1900.

rest day issue was "eminently a case where the church and labor, in their collective capacities, can make common cause," and he maintained that it was "a gross impertinence . . . to say that all opposed to the car are under the domination of the clergy."⁹⁹

As the Toronto contest well illustrated, support from organized labour's leadership guaranteed neither the support of the rank and file nor of unorganized labour. In 1893, the Toronto Trades and Labor Council passed a resolution in favour of the Sunday car as did the Knights of Labor. In 1897, the Toronto Council not only helped in preparing the company's agreement with its employees, but prominent members of its executive, among them G.T. Beales, George Dower, and John Armstrong, also took the platform to advocate the Sunday car.¹⁰⁰ The Toronto Railway Employees' Union actively opposed the Sunday car as long as the street railway company refused a written guarantee of a weekly rest day.¹⁰¹ But, when the company signed the written agreement in 1897, the railway employees immediately supported the Sunday car, denouncing O'Donoghue's activities. "Much annoyance," the union stated to the press, had been created among the members and officers of the union "by reason

⁹⁹London Advertiser, 14 November 1899, in OLDA, SB 1892-1900; see also Toronto Mail, 22 July 1893.

¹⁰⁰Christian Guardian, 16 August 1893; Toronto Mail, 22 July 1893; Toronto Mail and Empire, 12 May 1897; Toronto World, 29 April 1897; Ibid., 15 May 1897.

¹⁰¹Toronto World, 5 May 1897.

of Mr. O'Donoghue's misrepresentations."¹⁰²

The May 1897 vote confirmed working class support for the Sunday car. The Globe's analysis of the vote found that the central and eastern parts of the city where the population was "most dense and the area of breathing space per resident smallest" were solidly for the cars. In these districts, new male voters (non-ratepayers), voting for the first time on the issue, expressed themselves in favour of the Sunday car.¹⁰³ The Globe even suggested that had the polls stayed open past the 5 p.m. closing of factories and shops, the vote from these districts might have been even heavier.¹⁰⁴

After the Toronto defeat, cooperation between organized labour and the Alliance dwindled. The Trades and Labor Congress of Canada passed its annual resolutions protesting Sabbath labour without reference to the Alliance's existence.¹⁰⁵ The Alliance ceased circulating petitions on behalf of the Saturday half-holiday. When few workingmen were in attendance at the 1897 Convention to hear a Mr. Whyte present a paper on "The Lord's Day and the Workingmen," the Alliance concluded that they were "busy men, and have their own methods of approaching the

¹⁰²Ibid., 15 May 1897.

¹⁰³Armstrong and Nelles, The Revenge of the Methodist Bicycle Company, pp. 166, 185, Appendix D.

¹⁰⁴Toronto Globe, 17 May 1897.

¹⁰⁵Trades and Labor Congress of Canada, Proceedings, 1897, p. 28; Ibid., 1899, p. 19.

subject."¹⁰⁶ As the Sunday car issue illustrated, the Alliance, in fact, had not done its homework on the labour question. It had fought the Sunday car with arguments against six days' pay for seven days' work even though the company's agreement with its employees effectively negated the validity of this argument. The Alliance, in short, had not devised a successful means of securing sustained labour support.

With the temperance movement, the other major social and moral reform lobby of the period, the Alliance's relationship was similarly uneasy.¹⁰⁷ At an official level, few links existed with the Dominion Alliance for the Total Suppression of the Liquor Traffic. J.J. Maclaren, a member of the Dominion Alliance executive, was also a member of the Ontario Alliance's board, but was not an official representative. The Ontario Alliance did not recruit F.S. Spence, leading temperance advocate and Toronto alderman, to its board, although, at City Council meetings, Spence protested the introduction of cheaper Sunday fares and the extension of street railway service to Toronto Island on Sundays.¹⁰⁸ The Woman's Christian Temperance Union was the only temperance group active on the Alliance's behalf. In 1895 the W.C.T.U. formed a Sabbath Observance Com-

¹⁰⁶Christian Guardian, 22 September 1897.

¹⁰⁷The formal relationship between the sabbatarian and temperance movements does not seem to have been as close as Armstrong and Nelles (The Revenge of the Methodist Bicycle Company, p. 178) indicate.

¹⁰⁸Toronto World, 31 December 1896; Ibid., 2 January 1897.

mittee, and in 1897 the Toronto committee cooperated in the "disastrous" anti-car campaign by canvassing the wards for the women's vote.¹⁰⁹ In 1898, the Toronto committee again joined the Alliance in petitioning government for legislation, while its other provincial committees kept tabs on the extent of Sabbath desecration throughout the province. (The W.C.T.U. in fact seemed to have a better grasp of this aspect of the problem than did the Ontario Alliance executive.) Although the W.C.T.U. did not coordinate its local committees' approach to the Sabbath problem, it did advise members "to read up the law on this question, so as to be able to know when the law is being kept or broken in our towns and cities."¹¹⁰ W.C.T.U. enthusiasm for the sabbatarian cause, however, also faded. The Superintendent of the 1899 Sabbath Observance Committee received only one reply to the circular letter she had sent to all 250 unions. At the annual meeting, she found that over half the union meetings had not even bothered to consider the subject.¹¹¹

The lack of strong cooperation between the temperance and sabbatarian groups reflected the conflict between them

¹⁰⁹ Woman's Christian Temperance Union, "Annual Report, 1895," pp. 82-3; Ibid., 1897, p. 90. Widows and unmarried women who owned or rented property assessed at over \$400 or earned an income of at least \$400 held the municipal franchise, Armstrong and Nelles, The Revenge of the Methodist Bicycle Company, p. 14. There is no indication of how many women voted in the various plebescites on the Sunday car issue, or how they voted.

¹¹⁰ W.C.T.U., "Annual Report, 1898," p. 93.

¹¹¹ Ibid., 1899, pp. 101-3.

concerning the proper use of Sunday. Whereas sabbatarians insisted that only religious exercises might fill the day, temperance advocates were willing to promote other activities as distractions from drinking. The tension emerged into the open when Sam Blake blamed the Sunday car defeat partly on "temperance organizations which conduct lectures and public meetings on Sunday."¹¹²

The Alliance's press relations underwent considerable modifications throughout this period. In the early fights against the Sunday car, the Alliance enjoyed considerable press support. In Toronto, the established papers, the Conservative Mail and Empire and the Liberal Globe, opposed the Sunday car, as did the newer journals, the Star, the News, and the Telegram.¹¹³ The Mail and Empire in particular supported the moral objections to the Sunday car;¹¹⁴ in 1897 it went so far as to muzzle its weekly columnist "Flaneur" who until that time had maintained a relentless campaign against the sabbatarian

¹¹²Christian Guardian, 22 September 1897; see also Saturday Night, 9 May 1896.

¹¹³See Charlesworth, Candid Chronicles, p. 144.

¹¹⁴See, for example, its pre-1897 vote editorial, 14 May 1897: "Add to the breaking down of the Sunday observance and all the accessories which attach to it -- its fetes, its papers and its labor -- absolute contempt for the pulpit and where shall we land? We are engaged in the creation of a new land. The children of today will be the leaders and rulers of tomorrow. Let us not commit the error of supposing that we can weaken religion and yet have a sound and lasting morality behind us."

"enthusiasts."¹¹⁵

Nonetheless, vocal press opposition existed. In its early days, The Week had supported the Sunday car as part of its campaign for the introduction of the British "Rational Sunday" concept of open museums, art galleries, libraries, and so forth.¹¹⁶ When The Week faded in the 1890s, Billy Maclean's Toronto World assumed the leadership of the pro-car faction.¹¹⁷ In the 1897 campaign he wrote daily editorials.,.

¹¹⁵On April 17, 1897, "Flaneur" stated that, because of the pending vote, he would not "discuss the Sunday question in any form." Toronto Mail and Empire, 17 April 1897. For an example of "Flaneur" at his best, see *Ibid.*, 20 April 1895: "Who is Mr. Paterson? I have asked several people who this person is, and the general answer has been, with a laugh and shrug of the shoulders, "Oh, he is an enthusiast." If some words in the papers are correct, the general estimate is evidently a shrewd one. J.A.P. tells us that the people are not to be allowed to settle the question of Sabbatarianism, but that J.A.P. and his clique will do it for us. Well, as one of the people, I think not. Rightly or wrongly, we quite mean to run our own affairs, and we can do it without let or hindrance from persons of the J.A.P. genus. What discriminatory fellow was it who said that a fool was hatched about every minute? I wonder what there is in the air of Toronto that tends to encourage the breed? The people of this city are to be given a candy and trotted off to church with a pat on the head from J.A.P. and his congenors. Fancy, how nice. Six days' hard labour all week, and then -- special Sunday afternoon service in the Pavilion, John. Still it is scarcely a matter for joking. There will be an accident soon if these poor people are allowed to wander about without a keeper. The Lord's Day Alliance should gather in its garments and go home to bed; the hour is too late in the nineteenth century for old ladies to be out alone."

¹¹⁶The Week, 12 June 1884; *Ibid.*, 14 July 1887; Toronto World, 3 April 1897; *Ibid.*, 22 April 1897.

¹¹⁷Maclean published a Sunday edition of his paper. The paper was printed and distributed Saturday night, but was called the Sunday World. See Charlesworth, Candid Chronicles, p. 144.

urging car supporters to register to vote and not to be complacent about the outcome. By the 1897 vote, other papers supported the Sunday car. E.E. Sheppard of Saturday Night argued on behalf of the cars for reasons akin to those of Maclean: both men believed that the issue was civil, not religious. Since neither theological creed nor doctrine specifically prohibited Sunday cars, why should something that was eminently moral for six days of the week suddenly change on the Sabbath?¹¹⁸ Rather it was a municipal question concerning both the citizen's and the visitor's free will to avail themselves of the "most economical and convenient methods of transportation."¹¹⁹ As a friend of the working class, the Star reversed its opposition once the Toronto Railway Company signed an agreement with its employees. Most significantly, the Globe modified its rigid opposition to the Sunday car. In 1890, the Globe had believed that the Sunday car would bring "the American and French Sab-

¹¹⁸Toronto World, 28 August 1893: "For six days in the week this same means of getting about is considered the cheapest, the speediest. . . Unprotected females travel in them in perfect safety and even Sunday School teachers board them without fear of losing their virtue. But on Sunday the very devil gets into these cars and no young woman is safe, not to mention the ordinary young man. As for the working man and his family getting about in this way. . . there is every liability of his becoming a beer guzzler and a whiskey drinker, and once he leaves one of these cars on Sunday and gets into a park we have testimony unimpeachable that fifty policemen will not control him when on ordinary days one is more than sufficient."

¹¹⁹Ibid., 17 April 1897; Saturday Night, 24 April 1897. Sheppard became an enemy of sabbatarianism in 1885 when boys delivering a special Sunday issue of his paper, the News, containing the latest despatches from Batoche, were arrested.

bath, with all its turmoil and all its abominations, open shows, open theatres, and open or at least an enormous increase of secret business for the saloons."¹²⁰ By 1897 it realized that this development was not inevitable: every Sunday bicyclists, worthy young men and women, crowded Toronto parks. "Are we to suppose," the Globe wondered, that "disorder and vice will set in when the cars introduce the non-wheeling element, including older people and children?"¹²¹ Although it aided the sabbatarian cause during the 1897 plebiscite, its support lacked conviction.¹²² In a balanced analysis of the vote, the Globe acknowledged that the issue was a civil, not religious, one and it emphasized that the change had "not been forced upon the community by some alien power." Rather the "free vote of free citizens" had chosen the convenience of the Sunday car. Having "got into the habit of jumping on a car and travelling from one to five miles," people chafed when Sunday came and they either had to walk or forego the journey, whether its purpose was "health, pleasure, friendship, or duty."¹²³

¹²⁰Toronto Globe, 24 December 1890. Yet John Cameron, editor of the Globe and a Presbyterian church elder, opened the newspaper's offices every Sunday evening at seven o'clock, firing any employee who failed to turn up. See Armstrong and Nelles, The Revenge of the Methodist Bicycle Company, p. 58. Re the first editor of the Globe, George Brown and his Sunday night activities, see Chapter One, p. 19.

¹²¹Toronto Globe, 17 May 1897.

¹²²Ibid., 10 May 1897.

¹²³Ibid., 17 May 1897.

As with the press, the Sunday car issue provoked a varied response from the business community. Some members of the financial community -- for example, J.K. Macdonald, Managing Director of Confederation Life Insurance Company, and G.T. Ferguson, President of the Toronto Stock Exchange -- opposed the innovation; while others, Byron Walker, President of the Bank of Commerce, to choose one example, favoured the Sunday car. Important business groups supplied effective support for the car. E.C. Gurney, President of the Board of Trade, and B.B. Osler, a member of the Board, frequently spoke at pro-car rallies during 1897. They argued that introduction of service would materially aid the development of the city, not only benefitting its own citizens but also attracting tourists and outside investors. Without the car, Toronto ran the risk of economic stagnation.¹²⁴

The street railway companies themselves actively promoted acceptance of the Sunday car. For a company such as the Toronto Railway Company, estimated revenues from Sunday operations ran to at least \$105,000 per year. In 1893, therefore, C.L. Porteous, agent for the Toronto Railway Company, paid the costs of holding the vote.¹²⁵ The company further responded to public sympathy for the street railway employee by agreeing to a written guarantee of a six day work week. In order to

¹²⁴Saturday Night, 15 May 1897; see also Toronto Mail and Empire, 14 May 1897; Toronto World, 30 January 1897.

¹²⁵The Week, 25 August 1893.

secure Sunday patrons, the company also proposed a reduced fare of seven tickets for twenty-five cents, nearly two cents cheaper than on weekdays, and it agreed to extend service to the Island on a one-ticket fare.¹²⁶ Then in 1897 it bought the support of two popular newspapers, the News and the Star, to ensure victory.¹²⁷

In 1899, it seemed that many Ontarians were either hostile or indifferent to the sabbatarian aim. Yet, as in 1897, the Ontario Alliance did not succumb to apparent defeat as do many issue-oriented groups.¹²⁸ Instead, in the spring of 1899, the Alliance executive took the decision to organize systematically the constituency which it claimed to represent. To do this, it had to transform itself from a group attempting "to influence government policy on a single specific issue,"¹²⁹ to a more institutionalized group with broader goals and more organizational continuity and cohesion.¹³⁰ To effect this transition, the Alliance had to abandon the somewhat ad hoc and largely voluntary efforts of its Sunday car campaign,

¹²⁶Toronto World, 31 December 1896.

¹²⁷P.F.W. Rutherford, "The People's Press: The Emergence of the New Journalism in Canada, 1869-1899," Canadian Historical Review LIV (June 1975), p. 180.

¹²⁸Paul A. Pross, ed., Pressure Group Behaviour in Canadian Politics (Toronto: McGraw-Hill Ryerson, 1975), p. 11.

¹²⁹Donald Barry, "Interest Groups and the Foreign Policy Process: The Case of Biafra," in Pross, ed., op. cit., p. 133.

¹³⁰Pross, ed., op. cit., p. 11.

establish a permanent organization with a physical presence (i.e., "an office, a listed telephone number, and a permanent office staff"),¹³¹ and use new methods and techniques of political lobbying. By adopting these practices, the Ontario Alliance exhibited a vitality and resiliency that earlier sabbatarian groups had not possessed. It also made an impressive shift from the traditional techniques of the nineteenth century pressure group to the more sophisticated techniques of the twentieth century.

¹³¹D.A. Chant, "Pollution Probe: Fighting the Polluters with their Own Weapons," in Ibid., p. 66. In December 1898, the Executive Committee recommended the opening of an office, and the employment of an office assistant. In January 1899, it also recommended the purchase of a typewriter and the installation of a telephone. OLDA, Minutes of Executive Committee, 9 December 1898, OLDA, MB 1897-1905, p. 25; Minutes of Executive Committee, 12 January 1899, Ibid., p. 27.

Chapter V : A Tale of "Toil and Obloquy": John G. Shearer
and the Ontario Alliance's Drive for Popularity.

As the nineteenth century closed, the Sunday car was poised to defeat the sabbatarian lobby. But the Ontario Alliance did not succumb. Instead it congratulated itself on its legislative victories: the 1895 Radial Electric Railway Act, the 1897 legislation, the Ontario government's decision to send the Sunday car question to the Privy Council for clarification of the constitutional issue.¹ Defeats such as the Ontario government's withdrawal of proposed legislation in 1898 the Alliance ignored. These incidents were "simply new proofs of the seriousness and great importance of the work undertaken."² Nevertheless, the fight against the Sunday car had convinced the Alliance that it must transform itself from a single-issue lobby into a more institutionalized interest group; that is, it must "relate its concern for a specific issue to a broader and less clearly defined cause"³ that would unify sabbatarian sentiment throughout the province. To do

¹OLDA, "An Outline of the Situation," June, 1898, in OLDA, SB 1892-1900.

²OLDA, "Annual Report, 1899," in OLDA, SB 1892-1900.

³Paul A. Pross, ed., Pressure Group Behaviour in Canadian Politics (Toronto: McGraw-Hill Ryerson, 1975), p. 11.

this, it must adopt new methods.⁴ While reliance on the courts to vindicate its cause had proved a "painful" disappointment,⁵ the Alliance remained convinced that public opinion supported its cause. The "overwhelming majority," it claimed, welcomed the 1897 legislation.⁶ The task ahead was one of marshalling this majority into a coherent voice; the problem to be overcome was parochial sentiment -- most communities felt they could successfully fight Sabbath desecration on the local level, not realizing that the solution lay in provincial legislation. As O'Meara wrote to an Executive member after the Ottawa Electric Railway Company gained exemption from the 1897 Act, "any hope which may now be entertained in certain of our cities that local restraints or local considerations will permanently be sufficient to prevent a Sunday car service in these cities, is sure to be delusive."⁷

On 21 April 1899, the Alliance executive met to decide upon a strategy with which to unify public opinion.⁸ The pro-

⁴See N. Smelser, Theory of Collective Behavior (New York: Free Press, 1962), p. 302: ". . . the history of any given movement -- its ebbs and flows, its switches, its bursts of enthusiasm -- can be written in large part as a pattern of abandoning one method which appears to be losing effectiveness and adopting some new, more promising method."

⁵Toronto Globe, 7 October 1899.

⁶Christian Guardian, 22 September 1897.

⁷A.E. O'Meara to Mrs. T.S. Johnson, 17 April 1899, LB 1899-1900, p. 136; OLDA, Minutes of Executive Committee, 12 January 1899, OLDA, MB 1897-1905, p. 29.

⁸OLDA, Minutes of Executive Committee, 21 April 1899, *Ibid.*, pp. 49-54.

posed policy was to consist of a three-pronged campaign. Convinced that there was "no better way . . . of forming public opinion than by the extension of membership," the Alliance planned an intensive membership drive. Closely related to this would be a prudent enforcement programme to secure the Day of Rest to all classes. The Alliance assumed that it would thereby become generally popular, and that such popularity would translate itself into increased membership.⁹ As a complement to these two programmes, the Alliance would attempt to "bring influence to bear" on the provincial press.¹⁰

Later that same year, the Executive decided to appoint a Field Secretary to execute this campaign.¹¹ An innovation in sabbatarian methods, the Executive felt such a position to be "indispensable to the permanent success of the movement."¹² Secretarial responsibilities were to include arranging and chairing meetings; organizing deputations and petitions; performing all secretarial work connected with legislation and

⁹Rev. J.G. Shearer to C. Harris, 6 June 1900, LB 1899-1902, p. 62a.

¹⁰Toronto Globe, 22 April 1899.

¹¹O'Meara to J. Scanlon, 8 December 1899, LB 1899-1900, pp. 348-9; O'Meara to Rev. F.A. Cassidy, 13 December 1899, Ibid., p. 352.

¹²OLDA, "Annual Report, 1899." See also C. Copp to Shearer, 29 July 1899, LB 1899-1900, p. 244: "With you I feel that if we had the right stamp of man working the province of Ontario we should have more money than is needed to put this work on a proper footing, and if such a man could be found, no amount of expense or remuneration to him would be lost."

keeping Alliance records, correspondence, and reports; preparing literature for distribution; investigating all questions involving Sabbath labour; and securing financial support.¹³ In the hope of dispelling the image of the Alliance as a purely Presbyterian group, the Executive first offered the position to Reverend F.A. Cassidy, a Methodist minister from Guelph. When he declined, Reverend John G. Shearer, a Presbyterian minister, became the Board's "unanimous choice."¹⁴ At the time of his appointment, Shearer was forty-one years old. Raised in western Ontario near the town of Bright, Shearer was the son of an immigrant Scottish farmer. He received his early education in local schools and graduated from the University of Toronto in 1889, with a Bachelors degree in mental and moral science, and civil polity and logic.¹⁵ Ordained as a Presbyterian minister in the early 1890s, Shearer accepted the pastorate of Erskine Church in Hamilton. After the Hamilton fight against the Sunday car failed, he initiated the formation of the Ontario Alliance. Although he took no part in the Toronto Sunday car agitation, he fostered Alliance activities

¹³OLDA, "Report of Special Committee re Adjustment of Secretarial Work," 4 January 1900, OLDA, CR 1899-1903, p. 7. Until 1899, Alliance records were not systematically kept and only a few copies of correspondence before this year are among the Lord's Day Alliance papers. Between 1899-1906, the Alliance kept a fairly complete record of its papers; thereafter, the papers, particularly correspondence, become erratic.

¹⁴Lord's Day Advocate (hereafter Advocate), (November 1907).

¹⁵H.J. Morgan, The Canadian Men and Women of the Time: A Handbook of Canadian Biography of Living Characters (Toronto: (W. Briggs, 1912), p. 1015.

by chairing its Organization and Education Committee. For three years after his appointment as Field Secretary, Shearer worked mostly alone, helped occasionally by O'Meara, who continued as Alliance Solicitor. Reverend T. Albert Moore, President of the Hamilton Methodist Conference, became Associate Secretary in 1902 and Field Secretary a year later when Shearer, as a result of the Privy Council decision, assumed responsibility for lobbying the federal government.

As John Charlton had done in the 1890s, so Shearer came to typify the sabbatarian movement in the early 1900s. Both men represented the most conservative wing of the reform movement that was emerging in the late nineteenth and early twentieth century. As described by Richard Allen in his analysis of the Social Gospel, such conservatives "were closest to traditional evangelicalism, emphasizing personal-ethical issues, tending to identify sin with individual acts, and taking as their social strategy legislative reform of the environment."¹⁶ These traditional convictions reflected Shearer's background: he had received his education in the late 1880s and had been trained by traditionalists such as Dr. William Caven, Principal of Knox College. Thus Shearer may well have had little or no direct contact with the "new forms of social thought and

¹⁶R. Allen, The Social Passion: Religion and Social Reform in Canada, 1914-1928 (Toronto: University of Toronto Press, 1973), p. 17.

action" which were affecting a "growing group of Christian ministers and laymen."¹⁷ Preoccupied with his new ministry, and the Sunday car fight in Hamilton and his activities with the Ontario Alliance in the 1890s, it is probable that Shearer did not attend any meetings of the Queen's Theological Alumni Conference which, under Principal G.M. Grant's tutelage, discussed papers on such topics as "biblical criticism, economic development, the problems of poverty, socialistic schemes, the single tax, social evolution," and so forth.¹⁸ Although he presented the sabbatarian aim as one of social reform, the guarantee of a weekly day of rest, Shearer rejected any modifications to his traditional evangelical convictions concerning proper Sabbath observance. He cared little for the desires and needs of working men for recreation, physical and social, on their one day of leisure. It may well be that his callous stance was the simple result of ignorance: as Secretary to the Alliance in Toronto, Shearer both lived and worked in the affluent residential suburb of Rosedale and may well have never seen the overcrowding, the outdoor privies, the filth and the squalour that characterized the downtown living areas. Whatever the cause, Shearer remained convinced that at least one problem of an industrial society could be reduced to a simple moral question to which Christianity had a deci-

¹⁷Ibid., p. 10.

¹⁸Ibid.

sive answer: man should work six days a week and rest, through worship, on the seventh.¹⁹ Both the individual and the nation would prosper as a result. Thus, although Shearer believed himself to be in the vanguard of a progressive reform movement, he remained in reality in its rearguard. By emphasizing proper Sunday behaviour through attendance at morning and evening worship, he resisted any innovations that might have given his campaign true social content.

Although his new responsibilities represented a "great sacrifice to my comfort, my personal preference, and my interests as a minister," Shearer felt "divinely guided" in accepting the position as Alliance Secretary.²⁰ The situation he faced was most uninviting: to his dismay, he found that most places he had visited the year before as Chairman of the Organization Committee were in a "comatose" condition and "had to be practically organized afresh."²¹ As he wrote to one of the more energetic branch presidents:

I have visited some branches recently which were visited a year ago and absolutely nothing has been accomplished or attempted in the interval, which

¹⁹See Clyde Griffen, "The Progressive Ethos," in The Development of an American Culture, ed., S. Cobden and L. Ratner (Englewood Cliffs, N.J.: Prentice-Hall, 1970), p. 147.

²⁰Shearer to R.B. Miller, 25 January 1900, LB 1899-1900, p. 394; also Shearer to J.M. Thompson, 4 August 1900, LB 1899-1902, p. 253.

²¹Shearer to C.A. Goodfellow, 29 June 1900, Ibid., p. 136; OLDA, Report of Organization Committee, 28 June 1900, OLDA, CR 1899-1903; also Shearer to Rev. W.A. Duncan, 3 August 1900, LB 1899-1902, p. 235.

from my standpoint is simply criminal in a great and urgent work like this. . . (22)

In addition, Shearer discovered that no machinery existed for the enforcement of the 1845 Act.²³ Although the Act stipulated fines for breaches of the law, the authorities did not generally assume responsibility. Most police refused "to serve without special orders and fees," and the provincial Crown Attorneys followed suit.²⁴ Further, adverse judicial decisions were rendering the Act "to a large extent useless."²⁵ The decisions in the Hamilton Street Railway case established the legal precedent that the 1845 Act did not apply to employers of labour such as corporations nor to persons not specifically cited in the first section of the Act (the ejusdem generis principle). Using this precedent, senior Ontario courts quashed such convictions as did occur in the lower courts. The divisional Court, for example, reversed a Police Magistrate's conviction of a bandmaster who played sacred music on Toronto Island on a Sunday afternoon, reasoning that "the Act was no more intended to apply to a bandmaster than to an organist in a church."²⁶ In a case involving the Grand Trunk

²²Shearer to Rev. W.R. McIntosh, 31 July 1900, Ibid., p. 218.

²³Toronto Globe, 7 October 1899.

²⁴OLDA, Minutes of Executive Committee, 12 January 1899, OLDA, MB 1897-1905, p. 27; Toronto Globe, 7 October 1899.

²⁵O'Meara to Rev. J.H. Jackson, 12 July 1899, LB 1899-1900, p. 236; O'Meara to Mrs. W.E. Hutcheson, 3 June 1899, Ibid., p. 200.

²⁶C.S. Clark, Of Toronto the Good (Montreal: The Toronto

Railway, the same court ruled that the 1845 Act did not apply to an employee acting under instructions from a superior officer, nor did it apply to either the employer or the employee of a Dominion corporation.²⁷

The press had become either indifferent or increasingly hostile towards the Alliance after the Sunday car campaigns. On one hand, the Toronto Globe published reports of Alliance annual meetings with little editorial comment.²⁸ On the other hand, "Flaneur," who shared the opinions of Billy Maclean and E.E. Sheppard on the proper use of Sunday leisure, resumed his relentless attack on Alliance activities. Opposed to "unnecessary work done on Sunday," Flaneur recognized that men and women "confined at work the entire week require healthy and wholesome recreation on the only holiday they have." To him, the "crazy inconsistency" of the Alliance was the support it received from those who earned their living by Sabbath labour. "We must," he argued, "sit on these cranks, and the sooner we do so the better."²⁹ He supported the formation in 1898 of a

Publishing Co., 1898), p. 64.

²⁷O.R. 732. Apparently the Court also ordered costs "to be paid by the informant mainly upon the ground that the prosecution was promoted by an organization of people desirous of imposing their own views upon others, and that therefore such organization should be willing to pay costs." See OLDA, Minutes of Executive Committee, 21 April 1899, OLDA, MB 1897-1905, p. 50.

²⁸Toronto World and Saturday Night paid less attention to the issue. Sheppard announced that he wished to drop the subject. Saturday Night, 29 May 1897.

²⁹Toronto Mail and Empire, 16 April 1898.

Canadian Rational Sunday League whose object was "to obtain greater freedom in the enjoyment of the weekly day of rest" by opening reading rooms, reference libraries, art galleries, and museums, and by allowing bands to play in the parks.³⁰

Such were the conditions faced by Shearer as he embarked on his duties. At first Shearer intended to organize according to provincial electoral constituencies, with a voluntary correspondent in each.³¹ It quickly became apparent, however, that reliance on erratic and unreliable voluntary efforts would not succeed, and Shearer proceeded with the formation of branches city by city. The task facing him was immense and gruelling, taxing Shearer's energies to the utmost, youthful and dynamic though he was. Since it was rare indeed that a branch organized itself spontaneously, Shearer's duty was to visit in person each city and town.³² Since the Alliance's goal was a branch in each centre with a population exceeding 1,000, this involved approximately 150 visits.³³ To carry out his work, Shearer found he had to travel eleven

³⁰Ibid., 19 May 1898. The League proved short-lived but Flaneur continued to support the idea. See Ibid., 6 February 1904.

³¹Shearer to J.J. Maclaren, 12 November 1900, LB 1899-1902, p. 370; also OLDA, "Annual Report, 1899."

³²Only two instances of spontaneous organization appeared in the Letterbooks. See Rev. T.A. Moore to Rev. E. Burns, 28 April 1903, LB 1902-1904, p. 262; Moore to R.S. McLaughlin, 13 March 1905, LB 1904-1905, pp. 834-5.

³³Canada, Census, 1901, in Canada Year Book 1912.

months of the year.³⁴ His plan was to visit one town each day, meeting with the ministers and influential townspeople in the afternoon and conducting a mass meeting in the evening. Ironically, the fact that many towns felt Sunday itself to be the most propitious day for discussing the formation of such a group obliged Shearer, against his own preference, to travel to two or more towns on a given Sabbath.³⁵ Consequently, he himself never realized the sabbatarian ideal of the Sabbath as a day of rest. As the years passed, his routine became that of speaking "from nine to fourteen times in the week, and keeping it up week after week." He attended to the "voluminous correspondence, on the railway train, in the night, or when and wherever else it may be possible."³⁶ Although the fear that his body "would break under the strain" brought Shearer close to the "resignation or rebellion state" in 1901, he did neither.³⁷ He took few holidays and those only as a "matter of duty";³⁸ instead, as he wrote to an Alliance member in 1904, the "imperative sense of duty" kept him going as a "wanderer on the face of the earth," and helped him bear the "burden of

³⁴Shearer to A. McKillop, 21 December 1900, LB 1899-1902, p. 504.

³⁵Shearer to H.C. Hunt, 14 May 1900, LB 1899-1900, p. 873.

³⁶Shearer to Rev. M.G. Freeman, 5 January 1904, LB 1902-1904, p. 592.

³⁷LB 1899-1902, pp. 940-2.

³⁸Ibid., p. 562.

detail, of toil and often of obloquy" which the work involved.³⁹

Shearer conceived the campaign he was to organize in military rhetoric, a "Battle for the Sabbath." He spoke of the need for "heroic garrisons" and "worthy Generals" and referred to the information he sent to branches as "ammunition for campaign gunners."⁴⁰ Shearer's top priority was the membership drive, "to add as many as possible to our side in the Battle for the Sabbath."⁴¹ A strong membership would impress "the public, the press and the Legislature" that the Alliance did enjoy a broad base of secular support.⁴² Branch duties included organizing deputations of influential townspeople to "terrorize"⁴³ the local member of Parliament, aiding in the enforcement programme by supplying precise details of violations of the existing Lord's Day Act, and doing everything possible to obtain press coverage of Alliance activities. Further, Shearer hoped that increased membership would make the Alliance self-financing and independent of private subscriptions.

³⁹Shearer to Rev. M.G. Freeman, 5 January 1904, LB 1902-1904, p. 592.

⁴⁰Shearer to W.H. Hayes, 14 November 1900, LB 1899-1902, p. 427; Shearer to Rev. J.A. Cranston, 6 June 1900, Ibid., p. 100.

⁴¹Shearer to Rev. L. Brown, 4 April 1900, LB 1899-1900, p. 690.

⁴²Shearer to C. Harris, 6 June 1900, LB 1899-1902, p. 62a.

⁴³Shearer to H.C. Hunt, 23 August 1900, Ibid., p. 271; for other examples of the expected political role of branches, see Shearer to Rev. W. Moffat, 14 March 1900, LB 1899-1900, p. 567; Shearer to Rev. Dr. Johnston, 17 March 1900, Ibid., p. 583; O'Meara to G.S. Wright, 20 March 1900, Ibid., p. 630; O'Meara to T.A. Moore, 23 March 1900, Ibid., p. 643.

Not only did Shearer feel that it was a "great thing in any movement of this kind to be able to solve the money question without direct appeal" to subscribers,⁴⁴ but he also thought that the number who "would be willing to promise more than one year's subscription at a time" was "comparatively limited."⁴⁵ Shearer sent each branch an estimated requirement of its expected donation based on the population of the town. For example, he required small towns with populations around one thousand to recruit fifty members and donate \$25.00; for towns with populations of five thousand such as Cornwall or Collingwood, the expectation doubled; and, for cities with ten thousand such as Guelph or Belleville, it doubled again.⁴⁶ He counted on larger cities to contribute even more, and of Toronto he anticipated well over one thousand members. Each branch was responsible for the collection of fees and was to send all monies, except for local expenses, to the head office.⁴⁷ But the branches could not increase their number.

⁴⁴Shearer to Dr. Eede, 28 July 1900, LB 1899-1902, p. 215.

⁴⁵Shearer to Mrs. M. Thornley, 4 April 1900, LB 1899-1900, p. 693. In 1899 the Alliance was carrying a debt of \$932.82. Its revenue for that year had been \$1,511.73, an increase of approximately \$500 over 1898. See OLDA, "Annual Report, 1898"; Ibid., 1899.

⁴⁶Shearer to A.E. Trout, 28 June 1900, LB 1899-1902, p. 133; Shearer to Rev. R.S.E. Large, 1 October 1902, LB 1902-1904, p. 162.

⁴⁷See Shearer to C. Harris, 6 June 1900, LB 1899-1902, p. 62a; Shearer to Rev. Dr. McRae, 1 August 1900, Ibid., p. 223; Shearer to Rev. Dr. Torrance, 16 November 1900, Ibid., p. 453.

of members by reducing fees. At its 1900 Annual Convention, the Executive rejected a proposal to reduce the adult fee to twenty-five cents, arguing that the higher fee placed upon the members "a larger responsibility regarding the Sabbath."⁴⁸ Adult membership fees continued to be fifty cents, and juvenile members paid ten cents.⁴⁹

Although never rigorously elaborated, certain principles did guide the formation of branches. Shearer concentrated on urban centres with the hope that these branches would organize their surrounding rural districts, "including any small villages or country churches within easy access."⁵⁰ Only in exceptional cases such as the small mining town of Bruce Mines, where the existence of a branch might deter Sunday operations, could Shearer "easily imagine a wise exception" being made to this policy.⁵¹ In a more particular sense, branches were established in response to increasing outcroppings of Sabbath desecration. For example, Shearer attempted to create branches along any railway line that applied for exemption from the 1897 legislation and in border areas vulnerable to the importation

⁴⁸Toronto Globe, 10 November 1900; Moore to S. Sample, 28 December 1904, LB 1904-1905, p. 687.

⁴⁹OLDA, "Annual Report, 1899."

⁵⁰Shearer to C. Harris, 6 June 1900, LB 1899-1902, p. 62a.

⁵¹Shearer to N.A. Campbell, 7 May 1900, LB 1899-1900, p. 820.

of American Sunday newspapers.⁵² He paid specific attention to towns where American financing of industrial concerns, such as the American Cereal Company in Peterboro, might stimulate membership by appealing to anti-American sentiment. Vacation areas also received special vigilance as Shearer strove to keep one step ahead of the summertime "Sabbath-breaking season" and the excursions whose "mischevious" influence adversely affected communities.⁵³ In the summer of 1900 he endeavoured to organize "a vigorous Branch in every one of the [Georgian] Bay ports."⁵⁴ Finally, Shearer always planned branches in towns where he wanted to proceed with an important test case such as those against the Petrolia and Sarnia oil wells or against the introduction of Sunday labour in the Huntsville tanneries.⁵⁵

Throughout this campaign, Shearer's limited resources forced him to rely heavily on existing church structures. He usually contacted a fellow Presbyterian minister in making the

⁵² OLDA, Minutes of Organization Committee, 31 December 1900, OLDA, CR 1899-1903, p. 28; Shearer to Rev. J.A. Chapman, 15 May 1900, LB 1899-1900, p. 863; OLDA, Minutes of Convention, 1901, OLDA, MB 1897-1905, p. 237.

⁵³ Shearer to E.J. Mitchell, 24 May 1901, LB 1899-1902, p. 635; Shearer to Hon. W. Patterson, 11 April 1903, LB 1902-1904, p. 252.

⁵⁴ Shearer to Rev. J.A. Chapman, 15 May 1900, LB 1899-1900, p. 863.

⁵⁵ OLDA, Minutes of Sub-Executive Committee, 17 February 1899, OLDA, MB 1897-1905, p. 34; also OLDA, Minutes of Executive Committee, 21 April 1899, Ibid., p. 78; OLDA, Report of Legal Committee, 5 April 1900, OLDA, CR 1899-1903, p. 12.

preliminary arrangements for a visit. This minister was then expected to arrange both the meeting with other ministers and lay people and to promote the evening public meeting from his pulpit and in the local press. When a branch was formed, each participating minister would automatically become a Vice-President, responsible for drawing up lists of potential members from his congregation for use by the branch executive. At the outset of a "systematic and thorough" canvass of the names on the lists, Shearer urged each minister to take "advantage of the starting of this new work to make a powerful impression upon the public community" by preaching a sermon devoted to the subject and distributing Alliance literature at the church door.⁵⁶

Shearer consciously tried to break away from too close an identification with the Presbyterian church. Realizing early that the Methodists accused the Alliance of being "rather too Presbyterian," Shearer asked his branch presidents to arrange for him to preach in other churches.⁵⁷ In looking for

⁵⁶ Shearer to Dr. Eede, 28 August 1900, LB 1899-1902, p. 213. This information was contained in Leaflet No. 8 of the OLDA, "For the Guidance of Branch Executives." No copy was found in the LDACP.

⁵⁷ Shearer to Rev. T. Wilson, 22 February 1900, LB 1899-1900, p. 495. See, however, Shearer to Rev. Dr. Johnston, 31 August 1900, LB 1899-1902, p. 273: "I would like you to quietly find out which is the better service for each Church -- I mean for reaching the representative people of the congregation -- and secure that service for me. . . . Those Methodist D.D.'s might try to put me off with the second best service of the day. . . . Don't let them."

someone to assist him as Associate Secretary, Shearer deliberately sought a Methodist, deciding upon T. Albert Moore.⁵⁸ He also suggested that branch executives contact Anglican and even Roman Catholic priests to establish a non-sectarian image for the Alliance.⁵⁹

In correspondence with local ministers, Shearer stressed the recruitment of entire congregations into Alliance membership and always recommended that "energetic" laymen assume the active executive positions of President, Secretary, and Treasurer.⁶⁰ Not only did he feel ministers were too busy to accept more responsibilities, but he also felt that influential laymen would more successfully solicit funds in the community than would ministers.⁶¹ In spite of complaints from some members, Shearer permitted female participation on executives, encouraging branch officers to recruit women to head church canvassing committees.⁶² He urged church young people to take advantage of the juvenile membership, to make the

⁵⁸With regard to Moore, Shearer wrote: ". . . a capital worker, tireless in energy and application, and is probably the strongest man that we could have gotten. We, of course, were practically tied to selecting a Methodist." Shearer to Rev. A.H. Scott, 30 December 1902, LB 1902-1904, p. 195(b).

⁵⁹Shearer to H.C. Hunt, 14 May 1900, LB 1899-1900, p. 874.

⁶⁰Shearer to J. McKay, 2 August 1900, LB 1899-1902, p. 218; Shearer to Rev. W.J. Clark, 28 June 1900, Ibid., p. 118.

⁶¹Ibid.

⁶²Shearer to Rev. Dr. McRae, 1 August 1900, LB 1899-1902, p. 225; also Shearer to Rev. Mr. Kerr, 21 June 1902, LB 1902-1904, p. 117.

public meetings youth rallies, and "to feel the personal responsibility for being present and getting others to come."⁶³ Christian young people, Shearer thought, "ought to take a more active interest in the Battle" which their elders were patriotically fighting for their benefit.⁶⁴

Believing that more could be done "by informing and inspiring the Christian people to take the interest they ought to take in this great cause," Shearer made little attempt to go outside the churches for members.⁶⁵ Although he talked of appealing to all "classes," he restricted himself to the middle class -- to him, "classes" meant young people, ladies, and "representative men" of the community.⁶⁶ Shearer was unsure "that the general indifferent crowd is the class that we need most to reach."⁶⁷ Sharing the Alliance executive's suspicion of the working class, Shearer did not oppose its rejection of a proposal to lower membership fees for individual members of

⁶³Shearer to Rev. S.W. Muxworthy, 25 September 1900, LB 1899-1902, p. 301; Shearer to Rev. Mr. Kerr, 28 June 1900, Ibid., p. 111.

⁶⁴Shearer to E.T. Peel, 3 September 1901, Ibid., p. 772.

⁶⁵Shearer to Dr. W.P. Towler, 19 May 1900, LB 1899-1900, p. 944. Shearer was also uninterested in the indifferent within the church: he urged those arranging the canvass of church members to arm their canvassers with lists of only those who were sure to respond to the appeal, in order to shield the canvassers from exposure to mass indifference and discouragement. See Shearer to Dr. Eede, 28 August 1900, LB 1899-1902, p. 213.

⁶⁶Shearer to Rev. C.A. Eaton, 23 February 1900, LB 1899-1900, p. 580.

⁶⁷Shearer to Dr. W.P. Towler, 19 May 1900, Ibid., p. 944.

labour unions. He supported the decision to reduce the membership fee by half only if twenty members of one union joined and to extend this privilege only if the full twenty came from one union and were "not made up by canvassing outside its own ranks." To obtain the discount, the full list of twenty names accompanied by the \$5 membership was to be handed into the branch at one time.⁶⁸

Shearer in fact had little sympathy or respect for the workingman, as an encounter with Welland canal workers in 1900 illustrates. Recognizing that "the whole future of the question depends upon the attitude of the Government employees who are concerned in the matter," Shearer tried to persuade the canal men to protest Sunday canal openings.⁶⁹ When the

⁶⁸ OLDA, Minutes of Executive Committee, 28 June 1900, OLDA, MB 1899-1904, p. 18; Shearer to D. Ward, 13 November 1900, LB 1899-1902, p. 395.

⁶⁹ Shearer to Rev. J.H. Ratcliffe, 6 April 1900, LB 1899-1900, p. 719: "It seems to us of the utmost possible consequence that in some way or other between now and the government investigation of the question, every man, high and low on the canal should be reached and informed of these facts and assured that if he values his Rest Day he had better make it clear to the Secretary of the Department when he comes that he is deeply anxious to have the whole twenty-four hours of the Lord's Day, and that it is a matter of very great consequence to him that he should have it." Shearer wanted the pastors to visit the various men on the canal "on their own part, each as it were on his own responsibility, and without letting it be known that the Alliance is suggesting such action, so that the men may be fully aware of what is to take place, and of what hangs on it, and impressed with the importance of rightly representing their attitude towards Sunday opening." (underlining his); also Shearer, circular, 4 May 1900, Ibid., p. 804: "I think it will be well not to mention my name or the Alliance specially, but simply to say that you have absolutely reliable information upon the points that you wish to emphasize in their minds."

employees instead expressed themselves in favour of Sunday work, Shearer angrily protested to the Deputy Minister of Railways and Canals that he could not understand why the government attached so much importance to the workers' views, "many of whom are very far from intelligent men, and to whose opinions, we, as representing the Lord's Day Alliance, attach very little importance."⁷⁰

Although Shearer did not intend to recruit working class membership, the ostensible goal of his enforcement programme was the freeing of men from Sabbath labour. With Sabbath observance legislation under litigation, the Alliance decided to assume responsibility for raising funds and initiating proceedings. Its first task was to discover whether or not prosecutions could be made under the Act, limiting itself to test cases in which a "new development of Sunday labor is shown to have occurred," rather than endeavouring "to prevent such forms of apparently unnecessary labor as have been usually carried on for some time."⁷¹ Once it was established that the law could, within limitations, be enforced, Shearer lobbied the Attorney-General to issue instructions to the provincial police to apply the law.⁷² When the Attorney-General agreed to this, Shearer himself wrote to individual police

⁷⁰Shearer to Collingwood Schreiber, 18 June 1900, LB 1899-1902, pp. 81-3.

⁷¹OLDA, Minutes of Executive Committee, 12 January 1899, OLDA, MB 1897-1905, pp. 27-8.

⁷²Shearer to J.M. Gibson, 15 May 1901, LB 1899-1902, p. 648.

chiefs, suggesting that they issue "strict instructions" to those under their command to do their duty.⁷³ He also tried to influence the Attorney-General's choice of police constables, arguing, for example, that the Niagara frontier area required a man of more "vigor and determined purpose" than the man proposed by the Department.⁷⁴ With the opening up of the lands in the area of New Ontario, Shearer pressed the government to appoint a mobile officer to supervise the enforcement of the Lord's Day Act in that district.⁷⁵

Shearer was personally most involved with enforcement in Toronto. The Police Commissioners and the Alliance executive agreed that the Alliance would take the "necessary steps for the purpose of settling the law" while the Police Commissioners would enforce the law "when clearly ascertained."⁷⁶ But by 1901 Shearer felt that the police were not living up to their commitment. He complained to Morality Branch Inspector Archibald that it was "becoming a matter of common talk that the Police Authorities of Toronto are coming very short of their duty," and he hinted that unless there was "a very material difference in the attitude of the Police towards the enforcement of this law in the near future, a public agitation

⁷³Shearer to Mr. Maines, 20 May 1901, Ibid., p. 659.

⁷⁴Shearer to J.M. Gibson, 15 May 1901, Ibid., p. 648.

⁷⁵Shearer to W.A. Charlton, 21 June 1901, Ibid., p. 697.

⁷⁶OLDA, Report of Legal Committee, 27 March 1902, OLDA, CR 1899-1903, p. 72.

and appeal to the Police Commissioners will be vigorously instituted."⁷⁷ One month later, Shearer recruited a squad of "clerical policemen," trusted ministers who would patrol downtown streets after Sunday School in the afternoon and after church in the evening in search of druggists selling soda water or ice-cream, confectioners selling candies, or tobaccoists selling cigars.⁷⁸ His observers were merely to "take a walk along where such places of business are, see whether they are open and what is going on within." If there were good reason to believe that business of an illegal kind was occurring, they were to report the matter to Inspector Archibald for action.⁷⁹ The clergymen were not to be directly involved themselves; rather, their actions were to stir the police to do their duty and provide them with necessary evidence.⁸⁰ To the police, Shearer wrote:

. . . we will always be found as ready to commend the faithfulness as to condemn seeming negligence on the part of the Police force. . . . We propose standing by the Police before the public and in the press and elsewhere--meeting unfair criticism as far as it is possible for us to do so, though

⁷⁷Shearer to Inspector Archibald, 18 June 1901, LB 1899-1902, pp. 673-5.

⁷⁸See Saturday Night, 12 May 1897.

⁷⁹Shearer to Rev. H.S. Magee, 4 July 1901, LB 1899-1902, p. 725; see also, Toronto Lord's Day Alliance, Minutes of Executive Committee, 29 April 1901, OLDA, MB 1901-1909, p. 23; Shearer to W. Fisher, 6 July 1901, LB 1899-1902, Ibid., p. 742.

⁸⁰Ibid.; see also Shearer to Inspector Vaughan, 6 July 1901, Ibid., p. 734.

we shall do it as private individuals and often under assumed name. We believe this is due the Police force. (81)

Shearer hoped that his patrol in combination with effective police action would quickly stamp out most evils in Toronto. In the rest of the province, the branches were the key to a successful enforcement programme. They were to supply Shearer with precise information concerning the nature of the manufacturing processes involved, the number of men employed, the different types of work done, and the different types of workmen involved, as well as a careful statement of the reasons used by the company to justify Sunday labour.⁸² Shearer passed this information on to O'Meara who then advised the branch whether or not to proceed. Since Shearer thought that branches might be "a little reckless about rushing into legal proceedings" which could involve the Alliance "in very large costs," the branches assumed all legal expenses such as the securing of witnesses, the serving of subpoenas, and the like, together with O'Meara's travelling expenses.⁸³ If O'Meara advised a branch not to proceed and it did so, it also had to pay for his legal services. Conversely, if a given branch

⁸¹Shearer to H.J. Grassett, 6 July 1901, Ibid., p. 728; see also Shearer to Rev. H.S. Magee, 4 July 1901, Ibid., p. 726: The Police "need. . .and are entitled to, the assistance of private individuals."

⁸²O'Meara to Rev. R. Weir, 20 January 1899, LB 1899-1900, p. 14.

⁸³Shearer to Mr. McDonald, 28 September 1900, LB 1899-1902, p. 322.

was unwilling to proceed, Shearer and O'Meara could do little.

In all cases, Shearer advised branches to employ moral suasion tactics in their first effort, for "to proceed at once to enforce the law would unquestionably arouse a strong antagonism." Instead, "kindly conference should be had with the offending parties," as well as reasoning "in a friendly and Christian spirit."⁸⁴ Such friendly gestures might include, as it did in Glencoe in 1901, the sending of a telegram to a circus which planned to erect its tent on a Sunday. In this instance, Shearer advised his branch officer to couch the telegram "in general terms perhaps something like the following: 'No Sabbath-breaking permitted with impunity in Glencoe -- accept timely warning.'"⁸⁵ If this approach proved unsuccessful, the next step was to urge ministers to chastise the offenders publicly from their pulpits, as Shearer believed that "many people have regard for their reputations, that have none for character or conscience."⁸⁶ Only as a last resort might O'Meara and Shearer advise recourse to the courts. They felt that the "uncertain condition of the law," owing to the continuing litigation, made it unwise to enter the courts.⁸⁷ Having

⁸⁴Shearer to Rev. J.S. Woodsworth, 28 September 1901, Ibid., pp. 847-8.

⁸⁵Shearer to Dr. J.Y. McLachlin, 14 May 1901, Ibid., p. 627.

⁸⁶Shearer to Dr. Waddell, 1 November 1901, Ibid., p. 883.

⁸⁷Shearer to D.J. McKinnon, 11 December 1900, Ibid., p. 494.

found that many magistrates were "not in sympathy with Lord's Day Preservation" and were "considerably influenced in giving the judgement by their own views and prejudices," Shearer advised branch officers "not to make the attempt" unless they were "pretty sure to succeed."⁸⁸

Shearer hoped an effective press campaign would complement the membership and enforcement programmes and aid in making the Alliance popular. With the help of O'Meara and a Press Committee, Shearer contacted prominent writers of the Toronto dailies, editors of Canadian and American religious newspapers, and Secretaries of the American National Sabbath Association, the British Lord's Day Observance Society, as well as the London Workingmen's Lord's Day Rest Association to obtain appropriate articles for distribution to the secular press.⁸⁹ The Alliance also hoped that publishing houses furnishing "ready-print" material to newspapers throughout the province would include Alliance material gratis in their ship-

⁸⁸ Shearer to Mrs. G. Acheson, 7 August 1900, Ibid., p. 259; also Toronto Globe, 10 November 1900; also OLDA, Report of Legal Committee, 5 April 1900, OLDA, CR 1899-1903, p. 12.

⁸⁹ OLDA, Minutes of Sub-Executive Committee, 9 November 1900, OLDA, MB 1897-1905, p. 79; OLDA, Report of Press Campaign Committee, 7 December 1899, OLDA, CR 1899-1903, p. 4; Shearer to Editor, The Ram's Horn, 9 February 1900, LB 1899-1900, p. 411; also Shearer to Rev. M.D. Kneeland, 10 February 1900, Ibid., p. 413; O'Meara to Rev. F. Peake, 3 January 1900, Ibid., p. 369; O'Meara to Rev. J.B. Davison, Ibid., p. 371; O'Meara to C. Hill, Ibid., p. 372; O'Meara to Rev. W.F. Crafts, Ibid., p. 374.

ments.⁹⁰ When organizing branches, Shearer exhorted ministers to invite editors to attend his afternoon meetings. Once formed, he urged branches to interview editors to seek their cooperation. On the advice of several editors, Shearer sent all Alliance material to the branch secretary to deliver personally to editors in the hope that it would then receive more attention than were it sent from Toronto.⁹¹ It was the branch secretary's responsibility to provide newspapers with items or articles "affecting the local observance of the Sabbath with the view of improving local opinion."⁹² In places where no branch existed, Shearer sent material to the editor hoping that, were he favourably disposed, he might himself take the initiative in organizing a branch.⁹³ To those editors "who signified their willingness to print items," Shearer also sent his newly developed Alliance newsletter, "News and Notes From the Field."⁹⁴ Primarily a brief statement of provincial executive decisions and the financial statement printed after Board

⁹⁰ OLDA, Minutes of Executive Committee, 6 December 1900, OLDA, MB 1899-1904, p. 34.

⁹¹ Shearer to J.C. Hamilton, 3 July 1900, LB 1899-1902, p. 157.

⁹² Shearer to Dr. C.F. McGillivray, 14 January 1901, LB 1899-1902, p. 521; OLDA, Report of Press Campaign Committee, 5 September 1901, OLDA, CR 1899-1903, p. 52.

⁹³ OLDA, Minutes of Sub-Executive Committee, 9 November 1900, OLDA, MB 1897-1905, p. 79.

⁹⁴ Shearer to D. Ward, 2 May 1900, LB 1899-1900, p. 800, OLDA, Report of Press Campaign Committee, 28 June 1900, OLDA, CR 1899-1903, p. 17.

meetings, the leaflet was intended for officers and contributors of the Alliance "more than for general distribution."⁹⁵

Shearer also used the press to respond to hostile criticism. To one branch president, he suggested:

that a letter or series of letters be written by some of your own men, either over their own names or over nom de plumes, making known to the public the various facts regarding local desecration of the Lord's Day, such as by the Hotel men, tobacconists, druggists, cyclists' refreshment booths . . . and making a strong pronouncement indicating trouble if these things are continued or repeated. . . . (96)

He urged his London branch president to promote a letter campaign in the press to protest the introduction of the Sunday car.⁹⁷ Although he dismissed hostile letters-to-the-editor as "not worthy of much attention," he did urge branch presidents to reply to them and to lobby editors to obtain their refusal to publish such "villainous" correspondence."⁹⁸ Occasionally he would suggest write-in campaigns to editors of papers which

⁹⁵ Shearer to N.W. Hoyles, 6 April 1900, LB 1899-1900, p. 713.

⁹⁶ Shearer to J. Penman, 19 March 1900, Ibid., pp. 618-9.

⁹⁷ Shearer to W.E. Saunders, 30 August 1901, LB 1899-1902, p. 753; also Shearer to Mrs. M. Thornley, 30 August 1901, Ibid., p. 755: "I can readily see that if many people were writing to the 'News' in favor of the Sunday car that a great many weak-kneed people in the City would get the idea that public opinion was in favor of the cars and they themselves would be more inclined to dismount from their perch on the fence, to that side. Now the trouble with very many of our friends is that they do not think it worth while to express their views when an opportunity of this kind is afforded."

⁹⁸ Shearer to A. McKillop, 21 December 1900, Ibid., pp. 504-5.

were most censorious of the Alliance. Thus, for example, when a correspondent in the Ottawa Journal criticized Alliance co-operation with labour as hypocritical, Shearer suggested to his Ottawa branch president, Reverend D.M. Ramsay:

Do you not think that somebody, possibly under an assumed name, should answer Mr. Patterson? I have no doubt that large numbers of readers are not aware that he is a man of no influence, indeed is repudiated by them. Would it not be well to bring these points out in the columns of the Journal itself so that those who have read his remarks may have their minds disabused. I think it is a mistake to allow such letters as his to go unnoticed though I think it would be well to reply under an assumed name. . . (99)

Responding to Flaneur's continuing attacks, Shearer publicly -- and using his own name -- engaged the columnist in debate.¹⁰⁰

Despite the confidence and the tenacity of the Alliance's efforts, neither the membership nor the enforcement programmes enjoyed success. Although it claimed 10,000 members in 1903, membership claims were grossly inflated as the names of members remained on the rolls long after they had ceased to contribute annual fees. A similar situation existed in tallying the number of branches -- although in 1903 the Alliance claimed an increase in branches from 202 to 237, the number of "defaulting branches" that contributed nothing to Alliance

⁹⁹ Shearer to Rev. D.M. Ramsay, 28 March 1901, Ibid., p. 594.

¹⁰⁰ Toronto Mail and Empire, 15 November 1900; Ibid., 1 December 1900; Ibid., 8 December 1900, in OLDA, SB 1892-1900.

funds rose from forty-four to sixty.¹⁰¹ For all any one knew, such branches had disappeared entirely.

Many towns failed to respond to Shearer's appeals to organize branches. Few of the port towns along Lakes Ontario and Huron maintained active branches. Port Dover, for example, active in protest against the Sunday running of a ferry in 1897, became totally inactive, while residents in Port Hope expressed "an utter lack of enthusiasm to pay lawyers' fees in Toronto."¹⁰² Meanwhile, in border cities such as Windsor where "the barber, tobacco and fruit stores were open, and the Detroit Sunday papers . . . sold openly, even loudly announced on the streets," few supported the formation of an Alliance branch.¹⁰³ The lack of volunteers for executive positions often made it impossible to elect a president or to arrange meetings after the initial organization.¹⁰⁴ Shearer and Moore also found that the method of "electing" community leaders to executive positions and informing them afterwards often aroused

¹⁰¹ See Table 1. Total revenues for 1903 were \$4,578.63. Approximately \$1,000 of this were donations from about ten wealthy Alliance subscribers. A more realistic estimate of the Alliance membership would seem to be about 7,000, based on \$0.50 = one member.

¹⁰² Shearer to T.A. Kirkconnell, 7 April 1900, LB 1899-1900, p. 737. Port Dover's contribution of \$25 in 1897 decreased to \$6.24 in 1899 and \$4.25 in 1906.

¹⁰³ Shearer to Rev. D.R. Drummond, 7 October 1901, LB 1899-1902, p. 860; Shearer to W.H. Hayes, 14 November 1900, Ibid., p. 427. The situation never improved; see Moore to J. Duncan, 9 June 1904, LB 1902-1904, pp. 956-8.

¹⁰⁴ Shearer to Rev. G. MacArthur, 12 February 1900, LB 1899-1902, p. 425.

T A B L E 1

THE OLDA AND ITS DEFAULTING BRANCHES, 1899-1906

	1899	1902	1903	1904	1906
No. of Branches Claimed	67	202	237	315	346
Number Contributing	46	158	177	230	233
Number Not Contributing	21	44	60	85	113
Total Branch Receipts (\$)	2,270.00	3,646.91	4,578.63	N/A	6,783.00
Total Expenditures (\$)	2,530.80	3,904.14	5,079.59	6,553.95	6,941.00

SOURCE: OLDA, Annual Reports 1897, 1898, 1899. OLDA, Reports of the Financial Committee, 1899-1906.

antagonism and some leaders so elected refused to accept.¹⁰⁵ Other branches lapsed after ministers who had initiated organization were transferred to other parishes;¹⁰⁶ other men who had helped the Alliance secretaries organize found either that they had no time¹⁰⁷ or, in the absence of glaring violations of the Sabbath¹⁰⁸ or in the face of public apathy, little enthusiasm to continue the work.¹⁰⁹ Protestant ministers themselves were

¹⁰⁵Shearer to J.M. Gill, 12 February 1900, Ibid., p. 431; Shearer to Rev. A.A. Graham, 31 August 1900, LB 1899-1900, p. 275; Shearer to W.A. Wilson, 6 March 1902, LB 1902-1904, p. 32.

¹⁰⁶Shearer to Rev. A.H. Scott, 30 December 1902, Ibid., p. 195(b).

¹⁰⁷Shearer to Rev. T.G. Thomas, 3 January 1902, Ibid., p. 2; Shearer to Mrs. D. McAlpine, 4 January 1902, Ibid., p. 15.

¹⁰⁸Shearer to R.T. Slemon, 14 November 1900, LB 1899-1902, p. 438.

¹⁰⁹This was the case, for example, in the town of Thessalon, Ontario. James Baxter, branch secretary, wrote Shearer that "two attempts to get a meeting of the Executive Committee have been abortive, that none of the ministers of the town attended. . . ." He advised the disbanding of the organization and the return of membership fees to the few who had paid. (LB 1899-1902, p. 881). Shearer's reply to Baxter was that "it would be a very great mistake to entertain for a moment the thought of disbanding on account of lack of interest: to my mind this is only an additional reason for persevering in the work, that an interest worthy of the cause should be aroused. I am a great believer in what Dr. Parkhurst of New York on one occasion called 'Sanctified doggedness' or what we Presbyterians call 'the final perseverance of the saints'. . . Besides if there are no local reasons to be interested in the preservation of the Sabbath, Christians everywhere should feel responsible for the support of the general work. . . ." At the same time, Shearer wrote to the branch president that "if Dr. Baxter is so easily discouraged it might be well to have him drop out of the Secretaryship. . . ."

often less than anxious to promote the Alliance's cause, feeling that the financial demands of the Alliance competed with local needs for the available donations.¹¹⁰ As in earlier years, individual ministers were too concerned with their immediate work to have an interest in a legislative campaign.¹¹¹

The policy of local expansion similarly failed. By the end of his term as Field Secretary in 1903, Shearer had exhausted the number of potential new urban branches. T. Albert Moore's first task as the new Ontario secretary was to attempt the organization of the frontier areas in New Ontario. Moore reasoned that since pioneer life seemed "to suggest to some persons the possibility of breaking the law with impunity," it was imperative that the Alliance "be on the ground early before any lax practices [became] established customs among our citizens in New Ontario," particularly with the invasion of "so many foreigners from Sabbathless countries and Sabbathless homes, with their greed for gold and passion for pleasure."¹¹² Moore's self-appointed duty was to instruct rural citizens that,

¹¹⁰ Moore to G.H. Milne, 16 June 1903, LB 1902-1904, p. 372.

¹¹¹ Moore to J.A. Giffin, 7 November 1904, LB 1904-1905, p. 501: ". . . To have ministers throw in the wastebasket such important documents as the petitions re Sunday legislation, is even worse, for if the ministry of the churches of Canada do not stand with us in our work, what can we expect of those whom they are expected to lead. . . in all the endeavors to obtain better moral conditions." See also Moore to Dr. F.C. McGregor, 6 May 1903, LB 1902-1904, p. 298.

¹¹² Moore, Circular to northern ministers, 30 July 1903, LB 1902-1904, p. 464; Moore to J. Muncaster, 7 October 1904, LB 1904-1905, p. 378.

although they felt that the Lord's Day question had no relation to them, they needed to realize that rural areas as well as the cities were:

being honeycombed by the influences that destroy the integrity of the Lord's Day. These things may creep in almost, if not quite unawares, and yet are as surely robbing us of the Lord's Day as though they were the wholesale attack of all the massed powers of evil. (113)

Secondly, he hoped to instil impregnable values into potential migrants to the alien urban environment.¹¹⁴ Unaware of or unacquainted with the dangers that the urban-based Alliance felt so acutely -- the Sunday car, newspaper or ice-cream parlour -- rural communities simply did not respond to Moore's appeals. Indifferent to the need to lobby for legislative protection of a day they did not perceive as endangered, men either did not reply to Moore's letters or used the busy harvest season as an excuse to postpone Moore's visit.¹¹⁵

Continuous financial demands caused tensions with branches. Shearer and Moore insisted that expenditures -- the cost of his tours, office overheads, and the preparation and distribution of literature -- were incurred solely on behalf of the branches and justified the demands. Having sent out estimates of monies required to each branch, the Secretaries

¹¹³ Moore to V.J. Gilpin, 19 May 1903, LB 1902-1904, p. 320.

¹¹⁴ Moore to Rev. J.W. Robinson, 17 August 1904, LB 1904-1905, p. 126.

¹¹⁵ Moore to T.E. Finlay, 12 November 1903, LB 1902-1904, p. 572.

exerted intense pressure on them to respond, bombarding them with letters and timing their visits to coincide with annual meetings to add further weight to the financial appeal.¹¹⁶ Even after they received contributions, they demanded more and inveighed against branches that retained more than they ought for local expenses.¹¹⁷ The branches angrily responded to the Alliance's financial importunities, feeling that it neglected their local concerns. They resented the requests for more funds when they felt they had already done quite well.¹¹⁸ As the judicial battle dragged on, many branches protested the Alliance's lack of progress and inactivity, criticizing the money spent on "high-salaried officers"¹¹⁹ and "expensive lawsuits"¹²⁰ in Toronto.

The Alliance therefore failed to become self-financing, and the membership campaign, rather than easing, further strained its financial situation. In 1903, for example, a gain of \$931.72 in new revenues did not cover the increased admini-

¹¹⁶See, for example, Moore to F.C. Macnee, 5 October 1904, LB 1904-1905, p. 341; Moore to J. Eadie, 19 December 1904, Ibid., p. 641; Moore, circular to various ministers, 23 March 1904, LB 1902-1904, p. 715.

¹¹⁷Shearer to R.B. Miller, 1 August 1900, LB 1899-1902, p. 232.

¹¹⁸Shearer to J. Gibson, 25 September 1900, Ibid., p. 291.

¹¹⁹Shearer to Rev. M.G. Freeman, 5 January 1904, LB 1902-1904, p. 592.

¹²⁰Shearer to A.E. Trout, 28 June 1900, Ibid., p. 133-5; also Moore to G.W. Ling, 18 March 1904, LB 1902-1904, p. 688; Moore to Rev. M.G. Freeman, 4 October 1904, LB 1904-1905, p. 312.

strative expenses, which rose by \$1,175.¹²¹ To meet these expenses, Shearer and later Moore made an annual appeal to wealthy individuals in Toronto, Ottawa, and London.¹²² This method of financing proved unreliable, however, when donors were unwilling to subscribe as much as requested. As a result, the Alliance's financial difficulties assumed "almost colossal proportions."¹²³

The enforcement programme was even less successful than its membership programme. Although no one actively disputed its membership claims, enforcement failures were plain for everyone to see. Judicial decisions that did occur were unfavourable to the Alliance. The Ontario Appeal Court's 1902 decision interpreted the exempting phrase "work of necessity" in a much broader context than did the Alliance. By concluding that the phrase did not apply only to those industrial activities "without which the particular manufacture, trade or calling cannot successfully be carried on during the remaining six days of

¹²¹OLDA, Report of Financial Committee, 1902; Ibid., 1903.

¹²²Shearer to Mrs. W.E.H. Massey, 26 May 1902, LB 1902-1904, p. 81; Shearer to C. Massey, 10 February 1903, Ibid., p. 204; Shearer to J.N. Shenstone, 10 February 1903, Ibid., p. 181; Shearer to Timothy Eaton, John Penman, John McGill, J.J. Maclaren, Robert Kilgour, Thomas West, Rev. E. Harris, (Toronto); Mrs. M. Elliott, (London); E.H. Bronson, A. Fraser, John Charlton, George Hay, Mrs. H.S. Howell, F.C. Keefer, (Ottawa); H. Robinson, (Hawkesbury); Elias Rogers (Toronto), 17 March 1903, Ibid., p. 223; Shearer to Hon. E. Bronson, 18 October 1904, LB 1904-1905, p. 392.

¹²³Moore to Rev. W.C. Henderson, 2 September 1904, LB 1904-1905.

the week," Chief Justice Armour left industries to their own interpretations of what might constitute a work of necessity.¹²⁴ The Alliance's only recourse was prosecution of employees, an action it was loath to adopt.¹²⁵ Moreover, because Sabbath observance legislation was sub judice, the Alliance was unable to publish literature setting out its policies and methods for distribution among the branches. It was restricted to publishing in its newsletter brief items dealing with particular enforcement matters calculated, it hoped, "to remove misconceptions" regarding the Alliance's "true policy and methods."¹²⁶

Industrial operations such as the Petrolia oil wells ignored Alliance appeals and government instructions to stop Sunday operations.¹²⁷ In other cases the government refused to take action, and the Alliance made no progress in prosecuting mining operations such as the Copper Cliff and Bruce Mines companies.¹²⁸ Test cases involving existing legislation usually resulted in adverse decisions, either on the grounds that the work was in fact necessary, as were the decisions in

¹²⁴O.W.R. 312; 54 C.C.C. 344.

¹²⁵See Moore to Rev. G.C. Little, 25 November 1904, LB 1904-1905, p. 575.

¹²⁶OLDA, Minutes of Legal Committee, 30 May 1902, OLDA, CR 1899-1903.

¹²⁷Advocate (November 1905).

¹²⁸Moore to J.M. Gibson, 15 February 1904, LB 1902-1904, p. 652.

the cases against the American Cereal Company of Peterboro and against the Ontario Sugar Company in Berlin; or on the ejusdem generis principle, that is, that the men prosecuted, being trade foremen, engineers, and so forth, were not specifically mentioned in Section 1 of the Act.¹²⁹

Responding to public demand, street railway companies continued to defy the 1897 legislation. In Scarboro, Sault Ste. Marie, and Kingston, companies started Sunday service and the Alliance, fearing an adverse decision based on the ejusdem generis principle, did not take action.¹³⁰ In Port Arthur the company arranged a plebiscite on the issue and won a convincing majority.¹³¹ The courts supported the street railway companies, dismissing a case against the Kingston, Portsmouth, and Cataraqui Railway Company on the grounds that the company was not only authorized to offer daily service, "but in duty bound to operate daily." The wording of its charter was "imperative, the cars shall run daily." If the cars did not run on Sunday, the court concluded, the company left itself "open to have an application made to cancel its charter for not running."¹³²

¹²⁹O'Meara to Rev. C.E. Scott, 6 September 1899, LB 1899-1900, p. 257; O'Meara to Rev. J. Locke, 31 January 1900, Ibid., p. 400; Moore to Rev. J.A. Wilson, 6 January 1904, LB 1902-1904, p. 590.

¹³⁰Shearer to J.M. Gibson, 10 June 1902, Ibid., p. 105.

¹³¹Advocate (October 1904).

¹³²Ibid.; also OLDA, Minutes of Legal Committee, 8 November 1904, OLDA, MB Legal Committee, 1903-1912. See Company Charter, 56 Vict. (1893), c.91, s.16(c).

Steamship companies proved equally adept at circumventing the law. By making no special effort such as offering cheaper fares to promote Sunday trips as excursions, steamship operators could claim to be "but links in a line of travel," merely conveying travellers and unfortunately unable to "prevent people coming on their boats who may be excursionists."¹³³ The onus lay on the Alliance to prove that any particular excursion had for its only or principal object amusement or pleasure and this it found "exceedingly difficult" to do.¹³⁴ Moreover, as any excursion involving a religious exercise was also exempt, steamship companies took to inviting ministers aboard to preach.¹³⁵ All the Alliance could do was to warn against this calculating flattery.¹³⁶ It received little support from the government on the question. Responding to one appeal, the Attorney-General replied that, since Sunday excursions had been running for some twenty years, local sentiment, not the government, should regulate the situation. If local sentiment was not strong enough to end excursions, "he did not feel called upon to undertake the responsibility."¹³⁷

¹³³ OLDA, Report of Legal Committee, 4 September 1901, OLDA, CR 1899-1903, p. 56.

¹³⁴ Ibid.

¹³⁵ Shearer to J. Penman, 19 June 1900, LB 1899-1902, p. 90; Moore to W.M. Howe, 28 April 1903, LB 1902-1904, p. 270.

¹³⁶ Moore to W.L.H. Rowand, 16 July 1903, Ibid., p. 438.

¹³⁷ Shearer to J.W. Ridgeway, 6 July 1901, LB 1899-1902, p. 736.

In addition to its problems with Sunday labour and pleasure travel, Sunday trading continued, aided by the courts and the government. The Attorney-General's office and the police were willing to tolerate considerable Sunday liquor sales, and the Alliance made meagre progress in its attempts to curtail them.¹³⁸ The courts also permitted a vigorous Sunday trade in other comestibles despite Alliance protests. In 1900, Toronto's Judge McDougall ruled in Regina v. Alberti that a licensed restaurant owner was "within his legal rights in selling ice-cream."¹³⁹ When London's Police Magistrate asserted the legality of Sabbath ice-cream and soda water sales in restaurants, many ice-cream parlour owners in the city applied for restaurant licenses.¹⁴⁰ Although at first the courts supported the Alliance's protests that sales by shops that had obtained licenses "solely in order to sell ice-cream on Sunday" were illegal, since they were not bona fide restaurants,¹⁴¹ gradually they turned against the Alliance. In 1905 an Ottawa

¹³⁸ Advocate (December 1903).

¹³⁹ 3 C.C.C. 356. Shearer to Mrs. A. Johnson, 2 July 1900, LB 1899-1902, p. 155; see also Moore's description in 1904: "A restaurant keeper who supplies meals in the ordinary week days could supply a meal on Sunday if that meal consists entirely of ice-cream. [McDougall] declined to make a distinction between what might be called in popular language a 'good square meal' and a customer gently touching his aesthetic palate by frozen cream diluted with some tasty extract." Moore to Rev. N. Lindsay, 24 June 1904, LB 1904-1905, p. 3.

¹⁴⁰ Shearer to Rev. J.C. Tibb, 4 June 1900, LB 1899-1900, p. 992.

¹⁴¹ Regina v. Sabine (1900), 3 C.C.C. 356.

court quashed a conviction on the grounds that the law under which the charge had been laid was obsolete.¹⁴²

The American Sunday newspaper continued to cross the border and sell briskly in railway stations and on trains. Although the Alliance wanted to arrest the agents or delivery boys, newsagents such as those in Chatham overcame the law by having the papers sent to the city's Insurance Agent who then had school boys deliver them.¹⁴³ The Alliance was also unable to charge the Toronto Sunday World's publisher, Billy Maclean, for his paper was printed wholly before the Lord's Day began.¹⁴⁴

The pursuit of Sunday pleasure continued unabated when police generally refused to prosecute seemingly inoffensive activities as bathing or fishing.¹⁴⁵ The Toronto police "sanctioned the non-enforcement of the Lord's Day Act in High Park and at the Island," the city's most popular recreational

¹⁴²Advocate (July 1905). The Alliance response was predictable: "What a travesty of Justice! Because a law was passed before Confederation, and has never been repealed, therefore it is obsolete!! Because a man who does not pretend to do an eating house business holds a restaurant license, he is at liberty to do his ordinary business on Sunday!!! Was ever the aim of the law defeated with less reason? Surely the Police Magistrate and County Crown Attorney cannot be parties to an effort to break down the Sabbath . . ."

¹⁴³Moore to Rev. J.E. Ford, 12 January 1905, LB 1904-1905, p. 758; also Shearer to T. Groves, 7 March 1902, LB 1902-1904, p. 44.

¹⁴⁴Moore to Rev. D.W. Snider, 12 September 1903, Ibid., p. 527.

¹⁴⁵Moore to W.H. Maines, 19 August 1903, Ibid., pp. 395-6. The Alliance continued to offer its support. See Moore to T. Groves, 7 March 1902, Ibid., p. 44; Moore to Chief of Police, Niagara Falls, 16 July 1903, Ibid., p. 442; Moore to A. Murray,

areas.¹⁴⁶ Appeals over the Police Chief's head were to little avail;¹⁴⁷ although the Board of Commissioners was prepared to apply the liquor laws, it did not see its way to prohibit refreshment sales altogether on Sundays as desired by the Alliance.¹⁴⁸ By 1905, therefore, the frustrated Alliance was convinced that "it would be an immeasurable gain to the cause of Temperance and moral reform generally if, throughout the Dominion, the municipal police system were replaced by a provincial or national force," modelled on the example of the Northwest Mounted Police. They, so the Alliance believed, were fearlessly enforcing Sunday laws in the Northwest Territories.¹⁴⁹

Of the three phases of his campaign, Shearer enjoyed greatest success with the press. By 1901, he claimed that 90 percent of the newspapers in the 140 communities with branches had "declared themselves willing to forward the ends of the

28 July 1903, Ibid., p. 452. The Ontario government refused to appoint "strong, intelligent, reliable provincial Constables, at least two in number, one located in Port Arthur or Fort William, the other at Sudbury, or the Soo, whose services would be available at any point in their respective districts." Shearer to J.J. Foy, 5 July 1905, LB 1905-1906, p. 28.

¹⁴⁶OLDA, Minutes of Sub-Executive Committee, 30 September 1902, OLDA, MB 1899-1904, p. 63.

¹⁴⁷Shearer to Board of Commissioners of Police of the City of Toronto, 16 April 1903, LB 1902-1904, p. 247.

¹⁴⁸Shearer to Colonel Grassett, 29 April 1903, Ibid., p. 272. The Alliance continued to demand enforcement. See Moore to Chairman and Members of the Board of Commissioners of Police, 27 June 1903, Ibid., p. 397.

¹⁴⁹Advocate (February 1905).

Alliance."¹⁵⁰ With this degree of success, Shearer continued with the approach already established. The religious press regularly mentioned the battle and the Wilson Ready Print Company distributed Alliance material to all provincial newspapers.¹⁵¹ On the transformation of "News and Notes" into the Lord's Day Advocate in 1903, the Alliance began to send its house organ to all local papers thus adding to the material sent through branch secretaries. Finally, Shearer developed an unsophisticated method of monitoring press coverage throughout the province by having branches send in copies of relevant articles: in response to hostile articles and letters, he continued to urge members to bombard editors with pro-Alliance letters.¹⁵²

Although unprepared to support only a religious observance of the day, most provincial papers came to support the principle of a weekly day of rest contained in Sabbath observance legislation.¹⁵³ Earlier Alliance critics such as the

¹⁵⁰Shearer to Editor, Stratford Herald, 19 June 1901, LB 1899-1902, p. 682.

¹⁵¹OLDA, Report of Press Campaign Committee, 26 December 1901, OLDA, CR 1899-1903, p. 68; Ibid., 27 March 1902, p. 73.

¹⁵²OLDA, Report of Organization and Education Committee, 1 September 1904, OLDA, Reports of Organization and Education Committee, 1903-1912; Moore to J.A. Crichton, 18 August 1904, LB 1904-1905, p. 132.

¹⁵³See Paul Rutherford, "The New Nationality, 1864-1897: A Study of the National Aims and Ideas of English Canada in the Late Nineteenth Century" (Ph.D. thesis, University of Toronto, 1973), p. 60.

Ottawa Journal finally came to support it.¹⁵⁴ In Toronto the established papers and the more popular dailies both rallied to the cause; together, they possessed a potential influence with 115,000 readers. Moreover, either by "private understandings" with editors, as A.M.C. Waterman alleges, or by some other methods, vociferous critics of the Alliance became silent.¹⁵⁵ After ten years of unstinting criticism, "Flaneur" wrote his last sally against the "Sad Sunday Society" on August 10, 1904; E.E. Sheppard of Saturday Night delivered his final blast on November 19, 1904. With the retirement of these two opponents from the battlefield, Shearer and his closest colleagues were, despite the disappointments of the membership drive and the failures of the enforcement programme, "supremely confident that their cause was the wave of the future."¹⁵⁶

¹⁵⁴Advocate (March 1904); Ibid. (April 1906).

¹⁵⁵A.M.C. Waterman, "The Lord's Day in a Secular Society, A Historical Comment on the Canadian Lord's Day Act of 1906," Canadian Journal of Theology XI (1965), p. 114. The only reference to "Flaneur" in the Alliance papers is in the August, September 1905 issue of the Advocate: "The Mail and Empire is one of the best journalistic friends the L.D.A. has . . . But it has trouble occasionally in keeping some members of its staff in line. The kicker used to be Flaneur, but for long he has been kept silent." If Shearer did make an arrangement with the editor, it must have been in private conversation.

¹⁵⁶Waterman, "The Lord's Day," p. 114.

Chapter VI: National Righteousness Aroused: The Organization
of the Lord's Day Alliance of Canada, 1898-1903.

In 1898, the Ontario Alliance assumed responsibility for the formation of a national lobby. In January of that year, the Supreme Court of Nova Scotia declared that province's legislation ultra vires. For their part, the Ontario courts had not yet decided if Ontario's 1897 legislation was constitutional. But the possibility that the courts might declare provincial legislation invalid spurred the Ontario Alliance to consider the necessity of lobbying for federal legislation, at least in matters directly under federal control such as canals, railways, and the Post Office. No other association was as strong as the Ontario Alliance. The Lord's Day Alliance was moribund. By 1898, John Charlton had abandoned his fight for federal legislation, and the raison d'etre of the LDAC disappeared. The Lord's Day Alliance did not respond to the Ontario Alliance's plea for help in the fight against the Sunday car in Ottawa nor to its request to suggest a plan "by which the leadership of the Dominion Committee, the co-operation of other provincial organizations. . . could be secured, so as to bring the strongest and widest possible influence to bear upon the Dominion Government and Parliament."¹ Although Sabbath observance associations existed in Montreal, Halifax, Winnipeg, and

¹A.E. O'Meara to Rev. W.D. Armstrong, 26 January 1899, LB 1899-1900, p. 21.

Victoria, only the Ontario Alliance had the aggressive nature and the impetus to expand beyond provincial borders.²

In promoting the organization of a national lobby, the Ontario Alliance displayed the growing sophistication with which it perceived its function as a political interest group. From its experience in Ontario, it had realized the need to relate its concern for a specific issue, the Sunday car, to a broader but less clearly defined cause.³ The Ontario Alliance was already seeking to transform itself into an "institutionalized" interest group: having acquired "a heightened understanding of public policy processes,"⁴ it had recognized that sabbatarianism could not become solely identified with one backbench Member of Parliament. Sabbath observance must become a non-partisan issue, and the Alliance must approach the real centres of power, Cabinet members, provincial or federal, and other political leaders, regardless of their political persuasion.⁵ In doing so, the Alliance would emphasize the secular social principle of sabbatarian legislation, the guarantee of a weekly rest day,

²O'Meara to J. Scanlon, 11 September 1899, Ibid., p. 271: ". . . So far as I know the Manitoba Alliance is the only actually organized provincial Alliance besides the Ontario Alliance." The OLDA was unaware of the existence of the Quebec association until July 1899; see O'Meara to J. Scanlon, 10 July 1899, Ibid., p. 226.

³Paul Pross, ed., Pressure Group Behaviour in Canadian Politics (Toronto: McGraw-Hill Ryerson, 1975), p. 59.

⁴Ibid., p. 12.

⁵Ibid., p. 60; OLDA, "Annual Report, 1897," in OLDA, SB 1892-1900.

clearly separating it from the moral principle of religious observance. Legislatures, the Alliance had realized, sought Sabbath preservation, not Sabbath observance.⁶ "It was not the province of the State to legislate on the particular methods of keeping the Sabbath."⁷ Yet, though the State would not seek to advance ecclesiastical or religious interests, "it should legislate in favour of rest . . . and have the laws referring to this enforced. Every man should have secured to him the privilege of worship and other religious exercises." The Alliance's goal therefore as a political interest group would be "the preservation of the day so that all classes may be free to teach and practice its [sic] observance according to the dictates of conscience."⁸ Churches, schools, and homes would then assume the responsibility "to teach and inculcate proper Sabbath practices and to impress the sacredness of the Sabbath on the youth and the community at large."⁹

In the spring of 1899, the Ontario Alliance received an invitation to participate in a conference sponsored by the Christian Endeavour Society. The Conference, planned for October, was to discuss a broad range of questions facing the Protestant churches, among them Sabbath observance. The Alliance,

⁶O'Meara to H.S. Campbell, 13 February 1899, LB 1899-1900, p. 53.

⁷LDAC, Minutes of Convention, 25 June 1901, LDAC, MB 1888-1901.

⁸Toronto Globe, 7 October 1899, in OLDA, SB 1892-1900.

⁹Ibid.

unaware of the LDAC's lethargic condition, took this opportunity to initiate formal contact with the Lord's Day Alliance executive. Quickly irritated by the latter's lack of "aggressive spirit . . . and enthusiasm" and its fear of "attempting to do anything too definite," the Ontario Alliance deliberately sought to control plans for the October conference.¹⁰ Its delegates were to approve of "no form of Dominion organization . . . which would in any way interfere with the complete autonomy of any provincial alliance."¹¹ The October meeting therefore resulted in an agreement to establish provincial Alliances "similar to that of Ontario"; that is, they would not be branches of the Lord's Day Alliance but would be independent provincial organizations with their own network of branches.¹² The meeting also agreed to appoint as General Secretary of the national Executive a man of "inspirational initiatives and administrative ability in marked degree."¹³

The pressures on the Ontario Alliance -- its exhausted financial state and lack of membership -- precluded further development of these plans until 1900. By that time, the energetic efforts of John Shearer as Field Secretary of the Ontario

¹⁰O'Meara to Rev. J.G. Shearer, 19 June 1899, LB 1899-1900, p. 214.

¹¹OLDA, Minutes of Executive Committee, 8 September 1899, OLDA, MB 1897-1905, p. 73.

¹²Toronto Globe, 5 October 1899 in OLDA, SB 1892-1900.

¹³Ibid.

Alliance had doubled its membership and cleared its outstanding debt. Since the Ontario Court of Appeal had still not handed down its decision about the constitutionality of Ontario's 1897 Act, Shearer turned to the formation of a new Lord's Day Alliance of Canada as the Ontario Alliance writ large. In January 1900, Shearer became General Secretary to the Lord's Day Alliance as well as Field Secretary of the Ontario Alliance. In late 1900 and early 1901 he travelled first to the Maritime provinces and Quebec and then to Manitoba and British Columbia to talk with friends of Sabbath observance in these provinces and, if possible, establish provincial associations.

Shearer's plans for organization followed patterns that he felt had been successful in Ontario: he made contact either with a member of an existing Sabbath observance association or with a Presbyterian minister whom he knew from General Assembly meetings.¹⁴ He concentrated on urban centres and paid greater attention to meetings with influential townspeople than to the mass public meeting in the evening. He also promoted new avenues suggested by his experience in Ontario, particularly the recruitment of Anglicans and Roman Catholics.¹⁵ Only in Quebec did he suggest restricting the effort to the

¹⁴Shearer, circular to Nova Scotia ministers, April 1900, LB 1899-1902; also Shearer, circular to western ministers, 29 September 1900, LB 1899-1900, p. 335. (Identification was done through the Canadian Almanac.)

¹⁵Shearer, circular to Nova Scotia ministers, 3 July 1900, LB 1899-1902, p. 171.

"main Protestant centres."¹⁶ At this time Shearer also made efforts to extend the social base of the membership to include workingmen in the railway and manufacturing centres, and he asked D.J. O'Donoghue, Fair Wages Officer in the Laurier government, to supply him with labour contacts in the western provinces.¹⁷

The results of Shearer's tours were personally most gratifying, especially in the West. O'Donoghue's assistance facilitated contact with labour groups in general and in particular with Ralph Smith, a former Methodist minister, leader of the Nanaimo Miners' Union, President of the Trades and Labor Congress of Canada, and Liberal Member of Parliament in the Laurier government. Shearer found the labour groups willing to extend "hearty co-operation" to his cause and, after his return to Toronto, he enthusiastically forecast that Canada's "moral regeneration" would come from the west.¹⁸ As an added fillip, in Quebec where he had expected to find "a degree of indifference, the result of hopelessness," Shearer had found such "unexpected life on the question" that he made immediate plans to revisit the province.¹⁹

¹⁶Shearer to Rev. A. Falconer, April 1900, LB 1899-1902.

¹⁷Shearer, circular to New Brunswick ministers, 24 August 1900, Ibid., p. 272; Shearer to D.J. O'Donoghue, 11 November 1900, Ibid., p. 492.

¹⁸Hamilton Spectator, 4 May 1900, in OLDA, SB 1892-1900; Shearer to Rev. G. MacArthur, 20 May 1901, LB 1899-1902, p. 548.

¹⁹Shearer to Rev. R. Murray, 28 September 1900, Ibid., p. 324.

The formal re-organization of the Lord's Day Alliance of Canada took place at a meeting on the 25th of June, 1901. Structurally, the Lord's Day Alliance was to be a "federating Executive of various Provincial and Territorial Alliances."²⁰ As such, the national Alliance would not "be of a popular character"; that is, it would not have a membership independent of the provincial associations. Its Executive would consist of the Presidents of the provincial groups in addition to an Honorary President and the General Secretary. The General Secretary would be responsible for overseeing the organization and running of provincial alliances, providing advice on the recruitment of leadership and membership, and supplying legal advice on enforcement of existing laws. The Alliance would meet in convention once every three years, although the core of the Executive would meet once a year. The chief responsibility of the national office would be to disseminate information about the Sabbath question in Canada, to suggest methods of combatting desecration, and to report the general state of the political battle. Since the Ontario Alliance already had a body of campaign literature, the organizers of the Lord's Day Alliance decided to adapt this material for distribution throughout the country.²¹

²⁰Shearer to Rev. D.R. Drummond, 29 April 1901, Ibid., p. 578.

²¹See Shearer to Rev. E.S. Rowe, 25 September 1900, Ibid., p. 286; Shearer to Rev. R. Murray, 28 September 1900, Ibid., p. 324; Shearer to Rev. G. Steele, 13 November 1900, Ibid., p. 442.

The Alliance's strength was to lie in the provincial associations. Their duties included the recruitment of a prominent leadership, both lay and clerical; the establishment of legal, organizational, and press committees; and the raising of money to pay for the Secretary's salary, his travel expenses, the costs of distributing literature, as well as any office overhead. The first Alliance budget was set at \$4,000. The Ontario Alliance pledged over half of this amount, but it expressed a determination to maintain an independent strength by reserving half its monies for the hiring of a Provincial Secretary.²²

The structure of the national alliance reflected the Ontario Alliance's optimism about the outcome of the pending judicial decision. The Ontario Alliance assumed that, once the courts confirmed the validity of provincial jurisdiction, the provincial associations would lobby their governments for as much provincial legislation as possible. Strong provincial lobbies would complement each other's efforts. Since the Lord's Day Alliance as a unit would only lobby the federal government for legislation after the bulk had passed provincial legislatures, the Alliance did not establish a national office but was housed in the Toronto offices of the Ontario Alliance.

The Alliance's objective was to "secure to every man

²²OLDA, Minutes of Executive Committee, 5 September 1901, OLDA, MB 1897-1905.

and woman the benefits of the Day of Rest."²³ It pledged itself to inform "the public mind concerning the danger by which the Lord's Day is threatened" and to arouse "the public conscience to a sense of the paramount importance of . . . [Sabbath] preservation in the interests alike of the domestic, the industrial, the national, and the religious life of the people."²⁴ The Alliance identified the enemies of the weekly rest day as coming from two groups, both to be found within the Protestant churches: "those who had the greed for gain and those who had the desire for pleasure."²⁵ In the first instance, the Alliance concentrated on the motives of the individual who, as a member of a business corporation, consented to "receive the profits of this indefensible invasion of the sacred hours of the Sabbath."²⁶ But rather than directly censuring the individual businessman, more likely than not a respectable member of the church, the Alliance blamed changes in Canada's economic condition for these practices. The switch from individual manufacturing activity to "organized companies, corporations, combines and trusts" had produced a situation in which "the convictions of the individual are overcome by the anxiety of the combined body to secure the best dividends possible on the

²³LDAC, Minutes of Convention, 25 June 1901, LDAC, MB 1888-1901.

²⁴LDAC, "Constitution, 1901."

²⁵Toronto Globe, 28 October 1899.

²⁶Ibid.

capital invested." In a company, men did what they would not do themselves. Such circumstances placed "capitalists and managers in great temptations to encroach upon the Sabbath day, while the helpless artisans must coerce their consciences into passive and helpless acquiescence."²⁷

In attacking the "lust for pleasure," the Alliance blamed "the native selfishness of human nature," which demanded the opening of the post office before and after church, the Sunday ice-cream parlour and soda water fountain, the butcher, barber, and tobacco shops, the dentist's office, and the photographer's gallery.²⁸ Further, the Alliance decried the "love of outward display" that led people to attend Sunday funerals, parades, and outdoor religious services.²⁹ Such vanities would eventually "reduce all life to the dreary dead life of a sordid and soul-destroying commercialism" which would in turn ruin the fellowship of the family, negate its authority, and undermine family religion and family happiness.³⁰ Deprived of the privilege of proper Sabbath observance, artisans would "lose interest in religious matters and settle down to a degraded secular life."³¹ A few more generations of such a life

²⁷ Ibid., 7 October 1899.

²⁸ Shearer, "The Sabbath of the Dawning Century in Canada," Christian Guardian, 6 February 1901, in OLDA, SB 1892-1900; Vancouver Daily World, 3 March 1901, in Ibid.

²⁹ Christian Guardian, 6 February 1901.

³⁰ Vancouver Daily World, 3 March 1901.

³¹ Toronto Globe, 7 October 1899, in OLDA, SB 1892-1900.

and there would be few with strong enough convictions "to lift up their voices on behalf of the sacred right of every toiler to a day of rest."

The main emphasis of Shearer's restructuring of the Alliance lay in making it a focus for all parties concerned about the weekly day of rest. More specifically, this entailed an alliance with organized labour and the Trades and Labor Congress. Shearer and his closest colleagues had realized that the political power of the workingman's vote and influence could bring them their victory. It was imperative that pains "be taken to show the workingman of our country that whether they be personally Christians or not, they, as workingmen, have a vital interest at stake in this struggle."³² Spurred by the enthusiastic cooperation of organized labour in British Columbia, Shearer directed the Ontario Alliance to revitalize its contacts with labour, flagging since the defeats in 1899. The Legislation Committee of the Ontario Alliance therefore recommended the collection and tabulation of "full information as to all labor bodies and other sympathetic organizations" throughout the province.³³ The Committee also advised establishing contact with the Toronto Trades and Labor Councils through addresses to the approximately eighty city unions before undertaking

³²Christian Guardian, 6 February 1901; also Vancouver Daily World, 3 March 1901: "The laboring classes must realize what the day of rest means to them..."

³³OLDA, Report of Legislative Committee, 7 February 1901, OLDA, CR 1899-1903.

a province-wide effort. As part of its press campaign, the Ontario Alliance also planned to prepare a letter to labour journals "setting forth the interests that labor men have in the preservation of the Weekly Day of Rest."³⁴ It further recommended that the Alliance collect complete information from Great Britain and the United States concerning the Sunday labour aspect of their Lord's Day legislation and the attitude of labour towards the preservation of the Lord's Day.

Throughout 1901 and 1902, Shearer worked on renewing links with the Trades and Labor Congress on the same basis as had existed in Toronto at the time of the Sunday car agitation. In return for labour's support for Lord's Day legislation, the Alliance promoted the TLC's campaign for the Saturday half-holiday as a "vast advantage to the community at large in the cause of Sabbath observance and industrial reform."³⁵ He urged branches to avail themselves of the prestige of D.J. O'Donoghue's position as Fair Wages Officer when planning speakers for their annual meetings.³⁶ He also re-established contact with Charles Hill, Secretary of the Workingmen's Lord's Day Rest Association in London, England, to acquire information on the nature of Sabbath labour and the demands made for it by British industrial

³⁴ OLDA, Report of Press Campaign Committee, 25 April 1901, OLDA, CR 1899-1903.

³⁵ LDAC, Minutes of Convention, 25 June 1901.

³⁶ Shearer to Rev. D.M. Ramsay, 13 May 1901, LB 1899-1902, p. 622.

concerns.³⁷ Moreover, he attempted to assess the extent of Sabbath labour on the Canadian railway system by sending his branch officers questionnaires to be answered by railway workers in their districts.³⁸ Besides speaking at various Trades Council meetings throughout the province, he addressed the annual meeting of the Trades and Labor Congress for the first time in September 1901. In talking to such groups, Shearer concentrated on the Alliance's secular aim, trying to make it attractive to the workingman. The Alliance believed, he promised:

that men should be protected in the observance of the day exactly as they wished to enjoy it. They did not wish to curtail individual enjoyment of the Lord's Day, except in cases where the desires of individuals could only be met at the expense of additional work on the part of other men. (39)

The Trades and Labor Congress responded by appointing a committee to cooperate with the Alliance.⁴⁰ Other local Trades and Labor Councils, in particular the powerful Toronto Council, followed the national body's example.⁴¹

³⁷ Shearer to C. Hill, 8 October 1901, *Ibid.*, p. 866.

³⁸ Shearer to Rev. M.L. Leitch, 30 May 1902, LB 1902-1904, p. 91.

³⁹ Trades and Labor Congress of Canada, Proceedings, 1901, p. 74.

⁴⁰ *Ibid.*

⁴¹ Shearer to G.M. Macdonnell, 27 September 1901, LB 1899-1902, p. 833; Shearer to P.M. Draper, 22 July 1902, LB 1902-1904, p. 137.

Shearer also worked to consolidate support from the official church bodies, to make the Alliance an "agency. . . through which all the churches can act in union."⁴² From his experience in Ontario, Shearer realized that prejudices against the strong Presbyterian identity of the Alliance still existed and, as he wrote to one branch officer, "I feel that we all must sink our preferences rather than risk injuring our great cause by giving any seeming justification to such a charge."⁴³ Therefore, in 1901, Shearer made arrangements to visit the five Methodist Conferences in Ontario in addition to the three Presbyterian Synods. He also applied to the four Anglican Synods for permission to present the Alliance's case.⁴⁴ But, either unable to overcome his antipathy to the Catholics or fearing rejection, Shearer made no attempt to establish contact with the Catholic hierarchy beyond encouraging the provincial associations to contact local Roman Catholic priests.

Success in the Ontario courts seemed to confirm the Alliance's 1901 decision to have strong provincial associations and a weak national organization. In 1902 the Ontario Court of Appeal upheld the right of the Ontario Legislature to pass the 1897 Act.⁴⁵ This meant that two provincial high courts, the

⁴²Christian Guardian, 6 February 1901.

⁴³Shearer to Rev. T. Wilson, 22 February 1900, LB 1899-1900, p. 495.

⁴⁴OLDA, Report of Organization Committee, 25 April 1901, OLDA, CR 1899-1903, p. 50; Shearer to Rev. D.M. Ramsay, 28 March 1901, LB 1899-1902, p. 594.

⁴⁵O.W.R. 312; 54 C.C.C. 344.

the Ontario Appeal Court and the New Brunswick Supreme Court, supported the province's right to pass legislation dealing with Sabbath observance, while one court, the Supreme Court of Nova Scotia, opposed this right. Desiring final clarification of the issue, the Ontario Government submitted the Hamilton Street Railway case to the Judicial Committee of the Privy Council in 1903; meanwhile, Alliance optimism that the final outcome would favour provincial jurisdiction remained high. Shearer therefore continued along lines already established, annually traveling to the various provinces and visiting as many cities and large towns as possible.

Owing to incessant demands on his time, Shearer had few hours to devote to a national press campaign. He sent copies of the Lord's Day Advocate, the Alliance newsletter, to every local paper in the Dominion and, if an article were particularly appropriate to the region, would enclose a postcard calling attention to the page and paragraph.⁴⁶ As an added effort to promote the recruitment of membership, the Executive decided in 1902 to send the Advocate to each member and not only to church ministers as had been done formerly.⁴⁷ Among other things, the Advocate was to print items dealing "with particular matters

⁴⁶Shearer to Ramsay, 28 March 1901.

⁴⁷Shearer to Rev. G.C. Cook, 10 June 1902, LB 1902-1904, p. 110; Shearer to Rev. J.M. Aull, 6 January 1902, Ibid., p. 11: "This will be a great improvement and ought to result in adding to the interest taken by the members."

arising in securing obedience to the law . . . calculated to remove misconceptions regarding the true policy and methods of the Alliance in seeking that end."⁴⁸ Because of the uncertain state of the law at the time of Alliance re-organization, the Convention of 1901 had not established a policy regarding the enforcement of the law in the provinces, some of which had pre-Confederation statutes dealing with Sabbath observance. Rather, the Alliance intended to follow the model of the Ontario Alliance and exert pressure on other provincial Attorneys-General to enforce whatever provincial statutes existed. It reached no conclusion as to what works of necessity might be considered exempt under the bill, preferring to leave such interpretations to the courts.⁴⁹

The Alliance's major enforcement effort focussed on the increasing Sunday traffic on the major railway lines between Montreal, Toronto, and the west. In 1901, Shearer naively concluded that public ownership of the Maritime Intercolonial railway system accounted for its fewer demands for Sunday labour,⁵⁰ failing to realize that the economic prosperity of the wheat boom made a demand upon the heart of Canada's communication system that did not exist in the Maritime provinces. He therefore

⁴⁸OLDA, Report of Legal Committee, 30 May 1902, OLDA, CR 1899-1903, p. 77.

⁴⁹LDAC, Minutes of Convention, 25 June 1901.

⁵⁰Shearer to D.H. Drummond, 29 April 1901, LB 1899-1902, p. 577.

promoted the idea of public ownership: "in a letter to George Reeve of the Grand Trunk Railway, Shearer suggested that unless the railway companies had "more regard for the laws of God and of the Country," it would be "necessary to instigate a vigorous and determined agitation for a new and large measure of popular control of the Railways." The Christian sentiment of the country, he insisted, was "growing restive to the point of revolution."⁵¹ In a letter to a colleague, Shearer reiterated his notion: "My own deliberate judgement," he wrote to Reverend D.H. Drummond, "is that the only remedy is to agitate for state ownership and direct control of the railway systems."⁵²

Shearer took no action, however, on either threat. When the Ontario high court declared provincial legislation inapplicable both to Dominion corporations and their employees in 1902,⁵³ Shearer retreated from his earlier radical proposals. Robbed of any legal recourse with which to deal with the railways, he reverted to the traditional technique of a moral suasion effort. Organizing a large deputation to the Montreal head offices of the railway corporations, he appealed to the Trades and Labor Congress of Canada for its support⁵⁴ and urged his branch officers in the larger urban centres in central

⁵¹Shearer to G. Reeve, 14 January 1901, Ibid., pp. 524-6.

⁵²Shearer to D.H. Drummond, 29 April 1901.

⁵³O.W.R. 312; 54 C.C.C. 344.

⁵⁴Shearer to R. Smith, 18 April 1902, LB 1902-1904, p. 73.

Canada to contact influential manufacturing and business men with the request to join the "respectful but strong remonstrances."⁵⁵ In addition, Shearer contacted Wilbur Crafts of the American National Sabbath Alliance to ask if he would arrange a complementary demonstration in the States.⁵⁶ In November 1902, a deputation from the Trades and Labor Congress, the Lord's Day Alliance, and the various Protestant churches waited upon Charles Hays, General Manager of the Grand Trunk Railway, to ask him to abolish unnecessary traffic and labour on the Lord's Day.⁵⁷ Although his effort failed, Shearer advised those who wrote about the problem to complain continually in letters to Hays. As he wrote to one minister:

Every time there is anything to complain about, write again, and do not hesitate to appeal to him on the score of such traffic being a violation of the law of God. I have found Mr. Hays and others in like positions very amenable to such appeals. They do not like to be accused of breaking the Divine law. They are more concerned about that than about violation of the civil law. (58)

In addition to all his other obligations, Shearer assumed responsibility for directing any public contests against

⁵⁵LDAC, Minutes of Executive Committee, 27 March 1902, LDAC, MB 1901-17, p. 7.

⁵⁶Shearer to Rev. W. Crafts, 21 April 1902, LB 1902-1904, p. 79.

⁵⁷J. Castell Hopkins, Canadian Annual Review, 1903, p. 551; LDAC, Minutes of Executive Committee, 6 November 1902, LDAC, MB 1901-1917, p. 13.

⁵⁸Shearer to Rev. J.K. Godden, 29 August 1903, LB 1902-1904, p. 493. Although Hays was a Presbyterian, his business convictions were stronger than his religious beliefs.

the Sunday car. In 1902, the issue arose in Winnipeg, when the provincial legislature amended the city's charter to permit a vote on the question of Sunday service.⁵⁹ Immediately Shearer wrote to the Manitoba Alliance President, Reverend Joseph Hogg, urging him to organize a strong Winnipeg Alliance branch quickly and not to wait until the vote was "suddenly sprung on the community."⁶⁰ To marshal the anti-car forces, Shearer advised Hogg to seek strong cooperation of organized labour:

. . . get in touch with the organized workingmen and reason with them pointing out what this must necessarily lead to in other directions involving Sunday labor on the part of large numbers of workingmen . . . if possible, getting them to take their stand in opposition to the cars, or if that cannot be secured at least preventing them from favoring the cars.

He also requested the leadership of the Trades and Labor Congress to furnish him with "strong personal testimony showing any evil consequences of the Sunday cars, especially that their running is in general not in the best interests of labor."⁶¹

The support of organized labour allowed the Alliance to defeat the Sunday car's bid to run. An analysis of the vote indicated that the wage earners voted against the car while business and the middle classes voted for it.⁶² The Winnipeg Trades and Labor Council, the Street Railway Employees'

⁵⁹ 1-2 Edw. VII, (1902), c.7, s.736a.

⁶⁰ Shearer to J. Hogg, 26 March 1902, LB 1902-1904, pp. 55-7.

⁶¹ Shearer to S. Landers, 21 July 1902, Ibid., p. 135.

⁶² Winnipeg Voice, 19 December 1902; PC, APGA, 1903, p. 231.

Union, and the Labor Party all actively opposed the Sunday car. The latter passed a strong resolution that Winnipeg workingmen "should be prepared to walk on Sunday for another three years, if necessary, and on week days as well, rather than submit to legislation in which labor is left without consideration."⁶³ The Trades and Labor Congress endorsed Alliance demands that only Sunday be recognized as the legitimate day of rest. Ralph Smith, for example, insisted that it must be Sunday "or it is not a holiday," and Sam Landers, Congress President, publicly stated:

I do not agree with the argument that as long as a man rests one day in seven that is sufficient. When all rest on the same day the effect of the rest and the quietness is far greater than otherwise, and since Sunday is the recognized day of rest in this as a Christian country, let the day of rest for the working classes be on that day. (64)

The influential labour newspaper, the Winnipeg Voice, and its editor, A.W. Puttee, supported the fight against the Sunday car, encouraging further cooperation between the Alliance and labour. Puttee himself joined the Manitoba Alliance executive and suggested that Trades and Labor Councils invite clergy to address their meetings "once a month perhaps":

It is clear that where the churches and the workingmen unite they can carry the day. There is probably no question in which this is not true. This suggests what has often been in the minds of some of us. That

⁶³ Winnipeg Voice, 14 November 1902; Ibid., 7 November 1902.

⁶⁴ Ibid., 5 December 1902; Ibid., 28 November 1902.

it would be worth while for workingmen to try more than they often do to cultivate the sympathy and co-operation of the churches. (65)

In particular the Voice welcomed Alliance support of the five-and-a-half day work week for it seemed to indicate recognition "that for those who work . . . some provision must be made for play, and also that a full week with an extra late rush on Saturday makes of Sunday a rest day in the strictest animal sense."⁶⁶

By late 1902, it seemed that most of Shearer's efforts to establish a broadly based interest group had borne fruit. His efforts to consolidate support among the Protestant churches had been successful, especially with the Anglican church. In 1901, the Toronto Synod "appointed a strong, sympathetic Committee to act with the Alliance . . . at any time they might think wise."⁶⁷ The following year, the General Synod, deploring "the laxity everywhere manifested in the observance of the Lord's Day as a day of rest and worship," approved the appointment of a committee to cooperate with the Alliance.⁶⁸ At the same time, the Presbyterian General Assembly and the Methodist Conferences passed strong resolutions in support of the Alli-

⁶⁵Ibid., 13 December 1902.

⁶⁶Ibid., 14 November 1902; Rev. T. Albert Moore to Rev. H.W. McTavish, 4 May 1903, LB 1902-1904, p. 281.

⁶⁷Shearer to J.L. Mathews, 18 June 1901, LB 1899-1902, p. 679.

⁶⁸Church of England, General Synod, Journal of Proceedings, 1902, p. 85.

ance.⁶⁹

The Protestant churches supported the distinction made by the Alliance between the preservation of the weekly rest day as an interest group's political goal and the proper observance of the Sabbath as the churches' responsibility. The churches also gave their wholehearted support to cooperation between religious and secular forces as they too recognized the political influence of the workingman. "With the combination of the religious and labour forces of our country," the Presbyterian church declared, "we may confidently anticipate ultimate and complete success as far as the Legislative protection of the integrity of the weekly rest day is concerned." The churches, Presbyterians concluded, should therefore "watch and welcome every point of contact with this element of the nation, and shoulder to shoulder, help to guard this holiday."⁷⁰

Structurally, the Alliance seemed strong. In 1901 the Alliance had claimed 5,000 members in Ontario and 3,000 in the other provinces; by 1903, it boasted a total of 20,000 members and 375 branches.⁷¹ In addition, provincial associations had recruited an impressive leadership to their executives. Representatives of the Protestant church hierarchies, Members of

⁶⁹PC, APGA, 1901-1903; Methodist Church, Journal of Proceedings, 1902, p. 197.

⁷⁰PC, APGA, 1902, p. 271.

⁷¹Shearer to Rev. D.E. Martin, 20 April 1903, LB 1902-1904, p. 249. See Appendices III and IV.

Parliament and of the Senate, both Conservative and Liberal, local politicians, university professors, industrialists, merchants, lawyers, and editors -- approximately 256 Christian activists in total -- had agreed to lend the influence of their names to the Alliance cause.⁷² As a result of lobbying, moreover, the Attorneys-General of Ontario, Manitoba, and Nova Scotia agreed officially to undertake the expense of furnishing counsel in any prosecution necessary to enforce the law, while the Commissioner of Police for the Northwest Territories instructed his police force to impose the law.⁷³ Although the press for the most part ignored the Alliance, reports that did appear on the cooperation between labour and the Alliance were generally favourable.⁷⁴

Despite its impressive show of strength, there were indications that the Alliance was dangerously compromising itself. As a political interest group, it had committed itself to achieving the social reform of a guaranteed weekly rest day without insisting that the proper religious observance of this day receive equal legislative sanction. To attain this end the Alliance had forged a link with organized labour, and representatives of the Trades and Labor Congress sat on Alliance executive

⁷²See Appendix II.

⁷³PC, APGA, 1903, p. 230.

⁷⁴See, for example, Hamilton Morning Post, 1 May 1901: "Action on the part of the different Central National and International Labor bodies against the desecration of the Lord's Day evidences the fact that 'there are others' besides the Lord's Day Alliance who desire a day of rest."

boards. Yet the Alliance remained primarily a religious organization: the bulk of its leadership supported the Alliance for religious, not secular, reasons. The bulk of its membership was middle class, drawn from the major Protestant denominations; few, if any, of its members came from the working class. The Alliance's primary task therefore was to benefit the churches that identified themselves with it. The churches feared the defections from prosperous congregations which innovations such as the Sunday car and increased commercial recreation threatened to produce. Once the Alliance's lobbying bore fruit, the churches hoped to effect moral reform and secure proper Sabbath observance through increased middle class attendance at public worship.

The problems and needs of working class people concerned the Alliance and its supporting churches only insofar as visible indifference to the Sabbath -- the patronage of excursions, or the purchase of a cigar or candy -- offended the sensibilities of church members. Once opportunities for such desecration were removed, offences would, it was hoped, cease. The churches remained unsympathetic toward the problem of working class recreation, although they recognized that "all efforts to stem the tide of pleasure-seeking and ultimately of labor" would be of no avail if the churches failed "to fill the day with some form of activity and vital usefulness."⁷⁵ Yet, despite this

⁷⁵PC, APGA, 1901, pp. 244-5; also Ibid., 1903, p. 231: "The Christian Church can never be content with securing the day as a day of rest. She must stimulate the conscience of the

realization, the churches made little concrete effort to find a solution to this problem. Instead, they expressed the belief that workingmen, having seen the advantages of cooperation with the churches to achieve a social reform, would defend "the sanctity of the Lord's Day also."⁷⁶

But, for its part, labour gave the Alliance no guarantee that, once legislation protected the weekly day of rest, workingmen would observe the Sabbath in a religious manner. It became increasingly obvious that, in the alliance between sabbatarianism and organized labour, sabbatarianism was the weaker ally. Sabbatarianism was dependent upon the labour movement to achieve its goal. Labour was not nearly as dependent upon sabbatarianism; in supporting the Alliance, the Trades and Labor Congress merely availed itself of convenient religious aid to achieve one part of its overall plan for a shorter work week. Labour's attitude in the Winnipeg Sunday car contest made it clear that, once the company guaranteed its employees a weekly day of rest, workingmen would vote for the cars. For instance, the Labor party, which favoured "a reasonable service of Sunday cars," agreed to resist their introduction only until the company consented to such an agreement.⁷⁷

people until the element of worship and religious effort dominates the day throughout the land."

⁷⁶ Ibid.

⁷⁷ Winnipeg Voice, 14 November 1902.

Other problems threatened the Alliance. Despite official assurances, it did not achieve a truly effective programme of enforcement. As the previous chapter has illustrated, the Ontario Attorney-General did as much as possible to evade the problem of enforcement. Other Attorneys-General followed a similar course. In the Northwest Territories, the Commissioner of the North West Mounted Police took little action and the police responded only when badgered by private citizens.⁷⁸ Of an average 2,359 criminal arrests brought annually before the courts by the Mounted Police between 1901 and 1903, only twenty-one cases a year dealt with breaches of the Sabbath.⁷⁹ Second, the national railways totally ignored the 1902 moral suasion campaign. The General Manager of the Grand Trunk Railway had clearly stated to Shearer in 1901 that "it was the right of railways to judge for themselves as to what is necessary and to act upon the judgment independent of the sentiment of the community or the law of the land."⁸⁰ Despite the 1902 Alliance deputation, railway management did not change its mind. Finally, the Alliance represented only Canada's English-speaking community. The membership of the Quebec Alliance, for example, centred in the

⁷⁸R.C. Macleod, The NWMP and Law Enforcement, 1873-1905 (Toronto: University of Toronto Press, 1976), p. 124.

⁷⁹Canada, Sessional Papers, 1902, No. 28, "Report of the Commissioner of the North West Mounted Police for the year 1901"; Ibid., 1903; Ibid., 1904.

⁸⁰Shearer to Rev. D.H. Drummond, 29 April 1901, LB 1899-1902, p. 577.

areas heavily populated by English Canadians.⁸¹ The French Catholic hierarchy displayed no interest in supporting the cause. The last attempt to establish contact with the hierarchy had been in 1899 when A.E. O'Meara had written Montreal Archbishop Paul Bruchesi to enquire if he would send "copies of any publications showing your views on the subject of the prevention of unnecessary labor on the Lord's Day."⁸² Bruchesi had not replied. When Sabbath labour concerned him, he wrote to Prime Minister Laurier direct;⁸³ otherwise, he and the other Catholic bishops resisted state intervention in an issue which they considered a matter of church discipline. In the west, there is nothing to indicate that members of non-British Protestant immigrant groups joined the provincial Alliances.⁸⁴

In 1903, therefore, the Lord's Day Alliance of Canada appeared to be a numerically well-supported lobby with an aggressive leadership and links with the leadership of other interested parties. Its principal weakness was its middle class, English Canadian bias. As long as the Alliance assumed that the fight for legislation would occur at the provincial level,

⁸¹This conclusion is based on an examination of the petitions presented to Parliament from the province of Quebec in February 1904. Canada, House of Commons, Journals, 1904, pp. 19-96.

⁸²O'Meara to P. Bruchesi, 9 January 1899, LB 1899-1900, p. 5.

⁸³Bruchesi to Laurier, 4 January 1900, PAC, LP, C771, p. 40729.

⁸⁴Canada, House of Commons, Journals, 1904, pp. 19-96.

it accepted this bias. In 1903, however, the Judicial Committee of the Privy Council declared provincial legislation ultra vires -- the Battle for the Sabbath entered its final phase.

Chapter VII: The Lobby in Action, 1903-1906

What was the nature of Sunday in the early 1900s?

Seventy years later, Lester B. Pearson, son of a Methodist minister, remembered the day as "oppressive": it began at ten with a round of Junior League, morning service followed at eleven, then Sunday School at half-past two, and evening service at seven.¹ At the time, however, the Lord's Day Alliance of Canada perceived the day as one of unceasing frivolity, as its description of an Ottawa Sunday illustrates:

Sunday baseball is in full swing just across the river in Hull. . . .

The Ottawa Electric Railway has not hesitated to take the low level of sordid greed in putting on at its park resorts, band concerts, moving pictures exhibitions, the refreshment business, etc., in order to "attract the crowd" to use its cars and contribute to its coffers. . . . (2)

As with most things, the truth probably lay somewhere in the middle. Doubtless, Sabbath labour and Sabbath pleasure were on the increase. The Alliance estimated that at least 100,000 men, about 10 percent of the labour force, worked on the Sabbath, and this figure seems plausible.³ Although regional

¹L.B. Pearson, Mike, The Memoirs of the Right Honourable Lester B. Pearson (Toronto: University of Toronto Press, 1972), vol. I, p. 10.

²Lord's Day Advocate (hereafter Advocate) (June 1905).

³PC, APGA, 1902, p. 271; For an estimate of the amount of Sunday labour, see Appendix I.

variations existed, Sunday work patterns were basically the same for the entire country. The transportation systems, railways, steamships, canals, street railways, and interurbans, continued to account for the greatest amount of labour, although industrial processes that needed to run continuously to achieve maximum efficiency were increasing the demand for Sunday labour. In the city of Sault Ste. Marie, for example, the Algoma Iron works repaired its machinery on Sunday and, according to the Alliance, the machine and blacksmith shops were "busier on Sunday than on any other day of the week."⁴ At the steel plant men worked to keep the blast furnaces and coke ovens running uninterruptedly. At the docks men unloaded iron ore from the boats and then loaded them with lumber. In other parts of Ontario, cement works, oil wells, sugar refining plants, and cheese factories employed at least half their staffs on Sunday. In Nova Scotia, Ontario, Quebec, and British Columbia, most miners worked on Sunday as if it were a weekday.

Pockets of Sunday labour occurred in other areas of Canadian society as well. Domestic servants continued to be the largest single sector of 'hidden' Sabbath labour, although servants might well receive another day in the week off. Policemen and firemen, for their part, worked a seven day week almost without a break. Most newspaper operations, with the exception of the three papers in British Columbia that did not print a

⁴Advocate (February 1905).

Monday edition, began preparations for the next day on Sunday evening after dinner. The Post Office was generally closed in the Maritimes (except for the city of Charlottetown where it remained open for an hour after church) and the older parts of Ontario, but was open for an hour in the morning in Quebec and either for the whole or major part of the day in New Ontario and the western provinces.⁵

Although most large retail businesses and manufacturing factories remained closed on Sundays by custom, considerable Sunday trade was done by small merchants in all parts of the country. Train stations were busy centres for the sale of newspapers, cigars, and light refreshments. Drug stores sold not only medicines but also all sorts of sundries -- postage stamps, candies, cigars, and so forth.⁶ In Winnipeg and Vancouver, Chinese and other ethnic communities were 'wide open,' "running laundries, shoe shine and ice-cream parlors, selling fruit and confectionery, cigars and tobacco, newspapers and magazines."⁷ In some parts of the country, saloons may well have been closed, but liquor was still freely available for consumption with one's friends. In British Columbia not only were saloons open on Sundays, but other forms of diversion were available as well: in the mining regions, "the lawless liquor bar, the brothel, the

⁵ Ibid. (March 1905).

⁶ Ibid. (August, September 1904).

⁷ Ibid. (November 1905).

gambling den or device, fly their nefarious trades unashamed and in some cases flaunt their flags as it were in the faces alike of the officers of the law and the heralds of grace and righteousness."⁸ In the city of Winnipeg, where no law existed to restrict the Sunday trade of the brothels, "they operated round the clock as the demand warranted, and the demand on week-ends consistently did so."⁹

Despite such Sunday trade, Sunday continued to be a day, indeed the only day, of leisure for the majority of Canadians. Precisely as the Alliance had always feared, the introduction of Sunday leisure transportation did spark the demand for more forms of Sunday recreation. As the demand increased, so too did the quality and quantity of available commercial recreation. Sunday excursions still attracted many patrons among groups such as labour unions and social clubs arranging outings for their memberships. In order to draw passengers, street railway companies continued to develop recreational areas near the large urban centres. In addition to refreshment stands, the companies often made provision for band concerts and other forms of entertainment. In North Vancouver, for example, there was apparently "a sort of Coney Island of the coast, with open bars, gambling,

⁸ Ibid. (October 1904); see also A.J. Hiebert, "Prohibition in British Columbia" (M.A. thesis, Simon Fraser University, 1969), p. 15.

⁹ James Gray, Red Lights on the Prairies (Scarborough, Ontario: New American Library, 1973), p. 51.

sports, balloon ascensions, etc., etc., on the Lord's Day."¹⁰ Within the cities, other distractions gradually appeared. Circuses often set up their tents on Sundays and crowds gathered to watch. Although not extensive, Sunday sports such as baseball attracted spectators, particularly in prairie cities.¹¹ More and more frequently, military parades tempted children away from the Sunday schools. In large cities such as Toronto and Montreal, theatres and concert halls began to offer regular Sunday evening performances.¹² In short, the churches found themselves in active competition with secular forms of recreation on Sundays and increasingly, at least in the churches' eyes, they were losing.

The Alliance leapt to the churches' defence. Although reconciled to the use of the Sunday car in "very large and congested centres of population," it still felt that the car was unnecessary in most parts of Canada. The Alliance continued to oppose Sunday service on the interurban systems on the grounds that the great majority of patrons were "mere pleasure seekers." All excursions, whether by train, steamship, or street railway, continued to be a "most fruitful source of vices."¹³

¹⁰ *Advocate* (August 1903); *Ibid.* (October 1904); *Ibid.* (March 1905); *Ibid.* (July 1905).

¹¹ *Ibid.* (January 1905).

¹² *Ibid.* (January 1904); *Ibid.* (June 1904); *Ibid.* (November 1905).

¹³ *Ibid.* (July 1905); *Ibid.* (February 1904); *Ibid.* (July 1904).

In attacking all forms of Sabbath desecration, the Alliance adopted nativist arguments already being heard at Protestant church meetings.¹⁴ Italians were responsible for railway construction; Orientals with "their idolatry, reeking vice, and generally 'wide-open town'" seriously lowered "the respect, not only for sacred things, but for law and order in general" in British Columbia.¹⁵ British remittance men, "lazy, listless, shiftless, strangers to religion, often moral derelicts or lepers," set a dreadful example to the community: "To them there is no 'Lord's Day,' and Sunday is a day of lounging or sport. Ball, tennis, hunting, fishing, are the best of their Sunday occupations."¹⁶ Refusing to acknowledge that English Canadians owned industries that operated on Sundays, the Alliance blamed the demand for Sabbath labour, whenever possible, upon the invasion of American capital and its soulless profit motive. American capital, for example, had "high-handedly thrust the Sunday car on the good people" of Cape Breton communities. A greedy American capitalist ran the Brookfield Mines in North Queen's, Nova Scotia, where men mined gold ore until 4 a.m. Sunday, and ran the steam mill to pulverize it for thir-

¹⁴See, for example, PC, APGA, 1902, p. 270. The Committee on Sabbath Observance and Legislation reported that it was "no small matter of church convenience and advantages, this of Sabbath Observance and legislation, but a large concern of national and even racial moment."

¹⁵Christian Guardian, 26 June 1901.

¹⁶Advocate (May 1904); Ibid. (October 1904); Ibid. (October 1905).

teen out of twenty-four hours. Workers regularly ran the cyanide plant to remove the 'tailings' from the gold and generally behaved as though Sunday were any day of the week.¹⁷

The use of nativist arguments was a convenient addition to the Alliance's arsenal of rhetoric. The Alliance's chief concern was to halt the tendency of church members "to drift into the practice" of Sabbath pleasure.¹⁸ As had been obvious since the introduction of bicycles and street cars in Ontario cities in the 1890s, English-speaking, native-born Canadians welcomed recreational opportunities on the Sabbath. The sabbatarian struggle against commercial (or non-commercial) recreation would have occurred without the immigrant: his arrival (be he European, British, or American) did not create a problem, but only exacerbated an existing one. By imposing Sunday as a day of rest upon the immigrant and banishing his pleasure-seeking example from the eyes of the churches' middle class constituency, the Alliance hoped to regain church-going as "the only show in town" on Sunday.¹⁹

* * * * *

¹⁷ Ibid. (July 1905).

¹⁸ Ibid. (June 1905): "They keep one end of the day holy by going to church, declaring their desire to obey God's laws and enjoy his blessing, then spend the rest of the day in setting at naught the Divine law, 'Remember the Sabbath Day to keep it holy.'"

¹⁹ Roger Hall and Gordon Dodds, A Picture History of Ontario (Edmonton: Hurtig Publishers, 1978), p. 109.

The final engagement of the Battle for the Sabbath was fought against this background of increasingly busy and lively Sundays.

The 1903 Privy Council decision was indeed a "sharp 'right-about face'" to the sabbatarian forces, as Albert Carman, Superintendent of the Methodist Church, wrote to Laurier.²⁰ In ruling the Ontario 1897 Act ultra vires the provincial jurisdiction, the Judicial Committee of the Privy Council reasoned that this legislation had been an amendment to the 1845 Act which, although it applied only to Upper Canada, was in reality a federal statute. Since provincial governments did not have the power to amend federal statutes, the entire bill of 1897 was invalid.²¹

This decision provoked a variety of responses from the protagonists in the Battle. Shearer and the Lord's Day Alliance executive interpreted the decision to mean that all provincial legislation affecting the Lord's Day, passed by the provinces since Confederation, was ultra vires.²² Wishing to spend no more valuable time on the endless judicial battles, Shearer proposed that the Alliance accept the decision as final and immediately prepare to do battle on the federal level.

²⁰A. Carman to W. Laurier, 19 February 1904, Carman Papers, United Church Archives (Toronto), 28A.

²¹A.C. (1903) 524.

²²By implication, this included all municipal legislation as well.

Launching the attack, he promptly wrote to Laurier to establish the Alliance's credentials as a lobby enjoying the "active support" of organized labour, the principal Protestant churches, and "the Roman Catholics so far as we have had the opportunity of submitting our purposes and plans to their judgments."²³ Portraying the provinces as bereft of all protection and "at the mercy of foreign as well as Canadian greed and selfishness," he insisted that the Alliance did not want:

the re-enactment of the Blue Laws of a by-gone age, but the preservation in its integrity of our National Sabbath against all unnecessary Sunday labor and business and all disturbance of the becoming quiet of the Day when the great mass of Canadians desire opportunity to worship God. . . (24)

Shearer also lobbied members of Laurier's cabinet, in particular Charles Fitzpatrick, the Minister of Justice and a Montreal Irish Catholic, who would be responsible for the introduction of any Lord's Day legislation. Shearer arranged an interview "to ascertain his views, and if possible, enlist his sympathetic co-operation."²⁵

Shearer realized that the support of the Roman Catholic hierarchy would be crucial in convincing Laurier that a Lord's Day Act was acceptable to the most powerful segments of Canadian society. Immediately after hearing of the Privy Council

²³Rev. J.G. Shearer to W. Laurier, 23 July 1903, PAC, LP, C892, p. 75336.

²⁴Ibid.

²⁵LDAC, Minutes of Legislation Drafting Committee, 7 November 1903, LDAC, CR 1902-1907.

decision, Shearer contacted Archbishop Bruchesi of Montreal. "Since this is the first time we have gone before the Dominion authorities," Shearer informed Bruchesi, "it is of the utmost consequence that our Delegation should be the most influential possible." Besides requesting him to appoint a deputy to accompany the delegation, he asked Bruchesi to write to Laurier personally, "urging that prompt measures be taken to avert the serious peril that threatens the Lord's Day in our country as a result of the Privy Council's decision."²⁶ Shearer concluded from an interview with Bruchesi late in August 1903 that the Alliance "might count upon his co-operation in seeking at least most of what we would think of asking from the Dominion Parliament." He immediately wrote to other members of the Catholic hierarchy, English and French, to inform them of Bruchesi's supposed support and to solicit theirs.²⁷

Shearer also directed his attention to structural changes in the Lord's Day Alliance. He organized a Legislation Drafting Committee and made plans to hire a solicitor, strengthen the Ottawa branch, and establish prestigious, politician-laden Legal and Legislative Committees.²⁸

²⁶ Shearer to Bruchesi, 8 August 1903, PAC, LP, C803, pp. 76039-40.

²⁷ Shearer to Rev. Dr. W. Caven, 20 August 1903, LB 1902-1904, p. 477; Shearer to Bishops Macdonnell, Begin, O'Brien, Gauthier, Casey, and Decelles, 24 August 1903, Ibid., p. 479.

²⁸ LDAC, Minutes of Executive Board, 12 & 13 August 1903, LDAC, MB 1901-1917; Rev. T.A. Moore to W. Steen, 5 September 1903, LB 1902-1904, p. 507; Moore to Rev. J.W.H. Milne, 16 September 1903, Ibid., p. 532.

Although the other provincial alliances supported Shearer's decision, the Ontario Alliance decided on a contrary course of action.²⁹ The Alliance's solicitor, A.E. O'Meara, had argued the case before the Judicial Committee and he interpreted the decision as dealing with a province's ability to amend a federal bill but not at all with the question of jurisdiction over Sabbath legislation.³⁰ He believed that, if the Ontario Legislature had passed the clause concerning the Sunday operation of street railways as a piece of new legislation in 1897 rather than as an amendment to the 1845 Act, the Judicial Committee would not have declared it ultra vires. O'Meara therefore argued that the Ontario Alliance ought to lobby the provincial government to pass legislation in those fields over which the provincial governments had, by Section 92 of the British North America Act, exclusive jurisdiction, namely civil rights, local undertakings, and local matters. Such legislation could restrict employment on Sundays in mines and factories, in shops and restaurants, and in companies incorporated by provincial charter such as street railway companies. Thus, although O'Meara was not sure if the provincial legislatures "could occupy the whole field by enacting complete and adequate legislation under 'civil rights'" or whether the Dominion Parliament would have to assume responsibility for legislation

²⁹Advocate (December 1903).

³⁰A.E. O'Meara, "The Privy Council Case," in *Ibid*.

concerning Dominion corporations such as the railways, he was optimistic that the provinces could enact the bulk of Sabbath legislation.³¹ O'Meara's arguments convinced the executive of the Ontario Alliance. At its annual convention in November 1903, it resolved to press for as much provincial legislation as possible before lobbying the federal government and it appointed a fulltime Secretary to take care of the Ontario campaign.³²

The federal government itself, the third party affected by the Privy Council decision, supported the Ontario Alliance's interpretation because it did not wish to accept responsibility for Sabbath observance legislation. Laurier had always maintained that the subject was a provincial concern, hoping in that way to avoid French and English religious conflict. Upon receipt of Shearer's letter in August 1903, Bruchesi had written to Laurier, expressing his concern about Shearer's lobbying:

Cette question d'une legislation concernant l'observance du dimanche est bien grave. Les protestants [vuent?] l'envisageant pas comme nous, je crois que nous devons y apporter la plus grande prudence. Dans tous les cas je fais répondre à M. Shearer que je vous ai écrit à ce sujet. Pour la moment je ne vois rien à faire. . . (33)

Laurier agreed completely with Bruchesi: "Je ne me rends pas compte de ce que désire M. Shearer," he confided:

³¹Ibid.

³²OLDA, "Annual Report, 1903," in Advocate (December 1903).

³³Bruchesi to Laurier, 10 August 1903, PAC, LP, C803, p. 76803.

Naturellement si l'effet de la décision du conseil était de laisser tout le pays sans aucune loi pour l'observation du dimanche, il y aurait certainement quelque chose à faire. La question serait simplement de s'arrêter à la limite acceptable: la législation que nous avons toujours eue jusqu'ici dans la province de Québec me paraît absolument suffisante. (34)

Charles Fitzpatrick supported Laurier's stand. Although he agreed with the Lord's Day Alliance executive that the Dominion possessed "full and unlimited jurisdiction to legislate on the question" if it chose to do so, he still considered concurrent legislation a viable method of dealing with the issue.³⁵ He believed that the provincial enactments for the preservation of civil rights and the control of local undertakings could cover a wide portion of the field of Lord's Day legislation. Before proceeding in this manner, however, Fitzpatrick announced his intention to seek clarification from Department of Justice lawyers. The Ontario Liberal government of Sir George Ross supported this idea and refused to enact legislation along the lines suggested by the Ontario Alliance. It agreed only to re-enact the street railway clauses of the 1897 Act by civil statute.³⁶

Frustrated in its campaign, the Ontario Alliance consented to aid the Lord's Day Alliance in its first national

³⁴Laurier to Bruchesi, 13 August 1903, PAC, LP, C803, p. 76041.

³⁵LDACP, "Report of Interview with the Honourable, the Minister of Justice, Charles Fitzpatrick," 29 December 1903.

³⁶OLDA, "Annual Report, 1904."

lobbying effort during the winter and spring of 1903-1904.³⁷ Hoping he could now exert maximum pressure on Laurier's government, Shearer mobilized all the resources so carefully cultivated over the past three years. He asked his leadership, particularly the hierarchies of the English Catholic and Anglican churches, to write letters of support to Laurier, and he pressed his allies to participate in all agitations for the bill.³⁸ In addition, he established contact with groups such as the lodges and the fraternal orders, (Masons, Oddfellows, Foresters, and Templars), asking them to authorize their officers to sign and forward petitions asking for "reasonable" legislation.³⁹ He approached organized business, addressing the 1904 Annual Convention of the Canadian Manufacturers' Association and requesting its support. In addition, he encouraged branch officers to arrange special canvasses "of the business and representative men of the cities, rather than trust to reaching them through the churches" as formerly.⁴⁰ Throughout the winter, he and T. Albert Moore, the new Ontario Alliance Secretary, travelled extensively, Shearer to the western provinces and Moore to Manitoba and New Ontario. They urged branch

³⁷ OLDA, Minutes of Legislative Committee, 2 February 1904, OLDA, Minutes and Reports of Legislation Committee 1903-12.

³⁸ See, for example, Trades and Labor Congress, Proceedings, 1903, p. 36.

³⁹ Advocate (January 1904).

⁴⁰ Industrial Canada (October 1904), p. 157; Shearer to Rev. W.J. Smith, 27 April 1904, LB 1902-04, p. 834.

executives to organize mass meetings and obtain as much local press coverage as possible. They also emphasized the possibilities of exerting pressure through a Lord's Day Week, arranged to coincide with Parliamentary sittings. Branches were exhorted to send as many delegates as possible to the Alliance's Triennial Convention, which was also scheduled to coincide with the Parliamentary session. Individual members were prodded to write "earnest letters" to their Senators and Members of Parliament.⁴¹ Finally, Shearer altered the format of the Advocate, changing it from a quarterly magazine primarily intended for the membership into a monthly whose content was aimed directly at the politicians. He filled its pages with quotations from prominent religious, labour, and industrial leaders, both domestic and international, and reprinted all favourable press comment from across the country. Copies were then sent to every member of the House and the Senate.⁴²

Throughout the campaign, the Alliance concentrated solely on the secular aim of the legislation, defined as the protection of "every man and woman in their right to rest and opportunity to worship."⁴³ Applauding those newspapers that presented the "humanitarian, economic and industrial arguments,"

⁴¹Advocate (March 1904); see Advocate (December 1903-March 1904) passim.

⁴²LDAC, Minutes of Executive Committee, 12 & 13 August 1903, LDAC, MB 1901-17.

⁴³Advocate (January 1904).

it agreed that "it was best to leave the theological side of the question to the pulpit."⁴⁴ As the climax of these efforts, Shearer organized a huge petition campaign, circulating petitions among all the groups whose interests the Alliance claimed to represent -- the branches, the trade associations, the church bodies, and the fraternal societies.⁴⁵

The support that rallied to the Alliance's cause could only be characterized as impressive. The leadership of the churches, both Protestant and English Catholic, sent letters to Laurier. The official bodies of the Presbyterian and Methodist churches passed resolutions of support.⁴⁶ Members of Parliament and of the Senate who were also members of Alliance executives attended the Triennial Convention held in March. All interested parties responded to the request for petitions: the Dominion Trades and Labor Congress delivered a petition representing 61,606 union men;⁴⁷ in total, the Alliance claimed that "more than 1,850 organizations, churches, branches of the Lord's Day

⁴⁴Ibid.; also Ibid. (March 1904).

⁴⁵Ibid. (April 1904). The Alliance Papers do not explain why the temperance organizations were not included.

⁴⁶W. Bond to Laurier, 18 February 1904, PAC, LP, C809, p. 82657; W.L. Mills to Laurier, 18 February 1904, Ibid., pp. 86258-60; Booth to Laurier, 1 March 1904, Ibid., p. 83000; Courtney to Laurier, 19 February 1904, Ibid., p. 82680; C. Hamilton to Laurier, 22 February 1904, Ibid., p. 82796; House to Laurier, 20 February 1904, Ibid., pp. 82692-4; A. Carman to Laurier, 19 February 1904, Carman Papers, United Church Archives (Toronto), 28 A; PC, APGA, 1904, p. 266. The English Catholics declared their support in public statements, see Advocate (January 1904).

⁴⁷P.M. Draper to Laurier, 20 February 1904, PAC, LP, C809, p. 82761.

Alliance, fraternal societies, and labour bodies, representing in all nearly 400,000 persons, joined in petitioning the Dominion Parliament for a Lord's Day Act for all Canada."⁴⁸ Newspaper editorials were generally favourable, and the popular press, in the past often hostile to Alliance goals, came out in support. The Ottawa Journal, for example, formerly critical of the cooperation between the Alliance and labour, urged "labor men and others. . . alive to their own best interest" to sign the petitions.⁴⁹

But lack of French Canadian support, particularly from the Catholic church, caused Laurier to hesitate and then to take evasive action. Bruchesi had not altered the opinion expressed in his August 1903 letter to Laurier, despite his meeting with Shearer. He preferred to keep Sabbath observance a subject of church discipline rather than a matter of civil law.⁵⁰ He did not authorize anyone to participate in Alliance deputations, nor did he make a public statement in support of the lobbying. Not one French Canadian member of Parliament or the Senate attended the Alliance's Triennial Convention and few,

⁴⁸Advocate (April 1904). The Alliance claimed 25,000 members and 550 branches. PC, APGA, 1904, p. 268.

⁴⁹Cited by Advocate (March 1904).

⁵⁰See J. Levitt, Henri Bourassa and the Golden Calf: The Social Program of the Nationalists of Quebec, 1900-1914 (Québec: Presses de l'Université de Laval, 1972), p. 12 re attitude of Catholic church towards state intervention on matters of moral behaviour.

if any, of the petitions originated from French Canadians.⁵¹ Moreover, the French Canadian press gave no indication of support for the agitation. Laurier's government therefore hedged, seeking ways to avoid the issue. When the Crown Officers of the Department of Justice confirmed Fitzpatrick's interpretation of the Judicial Committee's ruling, Fitzpatrick decided to submit a draft provincial Act to the Supreme Court. Then, if necessary, he could submit that decision to the Privy Council for a ruling on its constitutionality.⁵² Frustrated, Shearer depicted the situation to Advocate readers in these terms:

We shall have. . . the novel spectacle of the Dominion, through counsel, arguing before the courts in favor of Provincial jurisdiction, and quite likely some of the Provinces arguing in favor of Dominion jurisdiction. Charity, however, requires us to assume that in this the good politicians are but practising the scriptural injunction, to not "look each of you to his own things, but each of you also to the things of others." (53)

Between May 1904 and March 1906, however, Laurier did change his mind once again, finally consenting to introduce Sabbath observance legislation. As Shearer had recognized in 1903, the key to this change was the attitude of Archbishop Bruchesi and the French Catholic church. The basic conflict between the

⁵¹Canada, House of Commons, Journals, 1904, pp. 38-40. The one exception might be a petition signed by one Joseph Bourassa (p. 96).

⁵²Shearer to Rev. D.R. Drummond, 12 April 1904, LB 1902-1904, p. 783.

⁵³Advocate (May 1904).

Protestant and Catholic churches centred in their attitude towards amusements, for the Catholic church was less rigid in its definition of breaches of the Sabbath than were the evangelical Protestant churches.⁵⁴ The Catholic church did not consider it sinful to take a tram ride on a Sunday. Bruchesi, for example, did not wish to see the suppression of all trains and steamers on Sunday. "It behooves us to accord to our people," he wrote to Fitzpatrick, "and particularly to the labouring classes, facilities for leaving the city, and to making trips on Sunday which they could not perhaps make on any other day."⁵⁵ But the increasing commercialization of recreation and its ability to compete with the churches provided common ground for Catholics and Protestants. Bruchesi opposed theatrical representations, concerts, and tournaments given as public or paying entertainments.⁵⁶ Like other Catholic clergy, he felt that modern theatre-going, "with all of its tendencies to throw off restraints and become a constant menace to the morality of the country, must be held in check."⁵⁷ In addition, Bruchesi was "absolutely opposed to the organization of public excursions,

⁵⁴Both the Protestant and Catholic churches were united in their opposition to Sabbath labour. For a detailed examination of Catholic attitudes towards this problem, see W.F. Ryan, The Clergy and Economic Growth in Quebec (1896-1914) (Québec: Les Presses de l'Université Laval, 1966).

⁵⁵Advocate (June 1906).

⁵⁶Ibid.

⁵⁷Ibid. (May 1905).

organized for gain and amusement. Experience has shown that these excursions are the occasions of disorders and deplorable abuses."⁵⁸ By mid 1905, Bruchesi was finally recognizing that church mandements were insufficient to control the expanding recreational businesses in Montreal. In particular, the proliferation of beer gardens and quasi-theatres such as 'Le Stadium' and the Montreal Gymnasium, which operated as combination wine parlour, beer garden, amusement hall, and gambling den, aroused Bruchesi's anger. Since the Privy Council decision cast doubt on the validity of city by-laws to forbid such operations on Sunday, many amusement promoters were eager to test the waters. Bruchesi and his colleagues lent the weight of their influence to the fight for reinstatement of the municipal by-law. As one high ecclesiastic told the Montreal Star, "the Catholic church will be in the forefront of the ranks which will array themselves in opposition to the attempt which is about to be made to introduce legalized theatre-going on Sundays."⁵⁹

When the combined Protestant and Catholic forces emerged triumphant in June 1905, the French Roman Catholic church decided to promote further cooperation. Meeting with the other Catholic bishops in October 1905, Bruchesi assisted in drafting a report to be sent to the Minister of Justice concerning the

⁵⁸Bruchesi to C. Fitzpatrick, 29 March 1906, PAC, LP, C836, p. 111497.

⁵⁹Advocate (May 1905).

Canadian Catholic church's attitude towards Sabbath observance legislation. He agreed with the other bishops that the State did not have the power to make its citizens Christians, nor to purify their private lives by an Act of Parliament, but that it did have "the power and the duty of restraining those who would force its people to forego their right to bodily rest on Sunday."⁶⁰ The Report concluded by "urging on Parliament the desirability of enacting such legislation." In March 1906, Bruchesi set out his own views in a private letter to Fitzpatrick. "Contrary to what has been written in many newspapers," he assured Fitzpatrick, "I am of [the] opinion that the Government has the right and the duty to legislate in this matter." Believing personally that "nearly all our fellow citizens admit that legislation in this matter is necessary," he urged Fitzpatrick that it was "high time to act." "Without precise and firm legislation this Canada of ours will before long be as several countries of Europe; not a vestige will be found therein of the respect due to the Lord's Day."⁶¹ In particular, the French Catholic hierarchy approved of legislation dealing with labour and organized amusements, those "veritables fléaux," as Bruchesi called them.⁶² It would not, however, assent to legislation that would prohibit the general populace from pursuing

⁶⁰Ibid. (February 1906).

⁶¹Bruchesi to Fitzpatrick, 29 March 1906, PAC, LP, C836, p. 111497.

⁶²Bruchesi to Laurier, 3 June 1906, PAC, LP, C836, p. 111156.

innocent amusements such as walks and picnics.⁶³ When the Alliance offered the guarantee that the bill would only prohibit amusements "where there is an admission fee, or prize, or reward contended for," Laurier was satisfied that Canada's two "ethnic charter groups" agreed on the need for legislation.⁶⁴

Moreover, it had become clear that only the federal government could pass the necessary law. In March 1905, the Supreme Court of Canada rejected the claim that the provinces could pass Sabbath observance legislation as civil legislation: "Legislation having for its object the compulsory observance of such day or the fixing of rules of conduct. . . to be followed on that day, is legislation properly falling. . . within the jurisdiction of the Dominion Parliament."⁶⁵ When the federal government attempted to appeal this decision to the Privy Council, the judges of that court peremptorily refused to give leave to hear the appeal, declaring that they had "already expressed themselves on this Sunday business."⁶⁶

Shearer and his lobby were successful,⁶⁷ and Laurier sailed into the storm. On March 11, 1906, Fitzpatrick intro-

⁶³Bruchesi to Fitzpatrick, 29 March 1906, quoted in Advocate (June 1906).

⁶⁴See Robert Presthus, Elite Accommodation in Canadian Politics (Toronto: Macmillan of Canada, 1973), pp. 3-19.

⁶⁵"In re Jurisdiction of a Province to Legislate Respecting Abstention from Labour on Sunday," 35 S.C.R. (1905), 581.

⁶⁶LDAC, Minutes of Executive Committee, (n.d., circa August 1905), LDACP.

⁶⁷Richard Van Loon and Michael Whittington, The Canadian

duced the Lord's Day Bill, drafted by the Alliance, to the House of Commons. The House of Commons gave second reading to the bill in April and duly referred it to a Select Committee. The bill returned to the House in late June. On July 9, it was delivered to the Senate and on the 13th, when the House passed the Senate's amendments, the Lord's Day Act became a federal statute. In all three forums, furious debate raged over the bill's social and moral implications. Conflict developed along ethno-religious and economic lines. The major economic battles took place in the Select Committee hearings, while the ethno-religious battle raged in the House of Commons and the Senate. In all, they were "some of the most acrimonious public discussions ever witnessed in Canada up to that time."⁶⁸

Shearer knew he was in for a fight. "There may be much public opposition," he wrote to his members when the bill was introduced to the House. "The deadly work will be done when the measure is in committee."⁶⁹ And so it was. The purpose of Select Committee hearings into the bill was to air "all the honest criticism that may be offered of its provisions and to meet the reasonable needs of the community."⁷⁰ Shearer and

Political System (Toronto: McGraw-Hill Ryerson, 1976), pp. 302-3. The Alliance had displayed the requisite "determinants of success," namely, a cohesive organization and an application of pressure on government on all fronts.

⁶⁸Ontario Law Reform Commission, Report on Sunday Observance^I Legislation (Toronto: Department of Justice, 1970), p. 44.

⁶⁹Advocate (March 1904).

⁷⁰Canada, House of Commons, Debates, 1906, c. 1010.

R.U. Macpherson, the Alliance's solicitor, were in constant attendance at the Committee hearings to rebut accusations. As the most critical sector, the business community was well represented by the hostile testimony of sixty corporations. The economic battle centred on the clauses restricting the operations of railways, steamships, and industrial processes such as mining, and steel and iron works. As proposed by the Alliance, the bill allowed only trains in transit when the Lord's Day began and trains that contained either livestock, perishable goods, or grain to continue to their destination. Ships could proceed to their nearest port of call if they too were in transit when the Lord's Day began. But the bill did not allow the unloading of such freight on arrival at its destination. Industrial concerns could perform only incidental repairs of an emergency nature.⁷¹

The transportation corporations insisted that, as essential services, they needed the right to operate twenty-four hours a day seven days a week. Competition from the United States, the short duration of the wheat harvest and the navigation season, as well as the perishable nature of much of the freight, were other arguments advanced. In addition, the railways maintained that their men enjoyed a weekly day of rest. Industrial corporations such as the steel and iron industries and the mining industry alleged that they must continue opera-

⁷¹Advocate (April 1906). For bill drafted by the Alliance, see Appendix VI.

tions throughout Sunday or suffer ruin.⁷²

On advice of the Committee, the Alliance and representatives of these businesses met in private sessions. As a result, the Alliance agreed to modifications with regard to industrial operations. As amended, the clause let such corporations start or maintain fires, make repairs, and do:

any other work when such fires, repairs or work are essential to any industrial process of such a continuous nature that it cannot be stopped without serious injury to its product or to the plant or property used in such process. (73)

With regard to transportation needs, the Alliance consented to exemptions that allowed steamship companies to avoid the ice that closed navigation and to unload perishable stock at its destination on Sundays. It granted railways the right to unload freight from passenger trains at stopping points along the route as well and do some work in railway yards both Sunday morning and evening. In addition, the Alliance finally assented to the principle of a weekly rest day. As amended, the bill made it unlawful for any person to permit an employee to work on Sunday "unless such employee is given during the next six days of such week twenty-four consecutive hours without labor."⁷⁴

The modifications produced mixed reactions among opponents to the bill. The industrial concerns were pleased, for

⁷²Canada, House of Commons, Select Committee on the Lord's Day Bill, Minutes of Evidence, pp. 68-116, p. 180.

⁷³Advocate (June 1906).

⁷⁴Ibid.

they realized that the Alliance had handed them "a virtual blank check. . . to claim exemption from the bill."⁷⁵ The steamship companies were also reasonably satisfied. The railway corporations, however, unceremoniously left the meeting with the Alliance with the intention of directly lobbying members of the House and Senate to obtain further modifications. As a result, the House amended the bill, granting the Board of Railway Commissioners permission to allow exceptions to the bill which they unanimously deemed "necessary. . . in connection with the freight of any railway."⁷⁶ The House refused further amendments proposed by the Senate that would have given the railways total liberty to perform all general repair work on Sundays, assuming instead that the Railway Commissioners would make the necessary alterations when the bill went into effect.

The Alliance in fact scored only two minor victories in the economic field. The Select Committee rejected the application from Grimsby Park, the lone amusement business to appear before it. The park owner asked permission to continue charging admission on Sunday on the grounds that he provided religious services and not frivolous entertainment. The Committee also supported the insertion of a clause directly for-

⁷⁵A.M.C. Waterman, "The Lord's Day in a Secular Society: A Historical Comment on the Canadian Lord's Day Act of 1906," Canadian Journal of Theology XI (1965), p. 118.

⁷⁶Advocate (May 1906); Ibid. (June 1906).

bidding the importation of foreign newspapers on Sundays, a restriction directly aimed at the American Sunday paper.

Although ethno-religious tensions simmered throughout the Select Committee hearings, no full-blown conflict took place until the bill went before the House in late June. The two issues concerned were a sabbatarian exemption to Jews and Seventh Day Adventists, and the so-called 'amusement' clauses that forbade any amusement business, which charged an entrance fee, to operate on Sunday.

In 1891 John Charlton had been amenable to providing an exemption from his proposed bills to the Jews,⁷⁷ but by 1906 the sabbatarian attitude towards the Jews had hardened into rigid opposition. The size of the Jewish community in Canada had increased significantly, more than doubling from its 1901 total of 16,401 to approximately 40,000 in 1906.⁷⁸ To the Alliance it seemed that the Jewish community was responsible for most Sunday trading in the larger cities, especially in Montreal. In 1905, when the Montreal Jewish community sought permission to carry on Sunday trade, the Alliance responded:

While we sympathize with those who suffer for conscience sake, yet it is better that a few should so suffer than that the many toilers

⁷⁷Canada, House of Commons, Debates, 1891, c. 761. Charlton had proposed a sabbatarian exemption clause.

⁷⁸Canada, Select Committee, Minutes, p. 187. Shearer disputed these figures, but the Canada Census 1911 figures would seem to confirm the accuracy of the figures Rabbi Jacobs presented to the House. In 1911 the Census recorded 74,564 Jews in Canada. Canada Year Book, 1912, p. 28.

should lose their Sabbath rest for the benefit of these few

. . . Our national Rest Day, in a Christian country like Canada, must be on the Lord's Day which is the Sabbath of the vast majority of Canadians. And all those who come into our country to share its great wealth must also accept its institutions. It is the foreigners who most frequently break our laws. (79)

Addressing the annual meeting of the Quebec Alliance in the same year, the President, Dr. E. Hill, whined: "Why should aliens be encouraged and tolerated, who trample upon our rights and institutions, when we make them sharers in our heritage of law, liberty and equality? Surely it is ungrateful of them to assume other than their legitimate rights."⁸⁰

Jewish community leaders argued that both British and American legislation regarding employment on the Sabbath granted exemptions to the Jews. Since Canada had conferred full civil, political, and religious liberty upon Jewish citizens in 1832, it should grant similar exemptions in all such legislation.⁸¹ When the Jews adopted the same lobbying techniques as the Alliance -- interviewing the Prime Minister and his Minister of Justice, circulating petitions, and giving testimony before the Select Committee -- it tried to discredit their claims. Shearer mobilized his forces to defeat the exemption measure, exhorting

⁷⁹Advocate (August, September 1905).

⁸⁰Ibid.

⁸¹Canada, Select Committee, Minutes, p. 13. Jacobs cited the British Factories Act of 1878 and 1901 as giving special privileges to Jews.

his branches to send resolutions to Members of Parliament and Senators "strongly urging against the exemptions clause for Jews and others" and organizing a mass deputation to Laurier and Fitzpatrick.⁸²

Jewish testimony impressed the members of the Select Committee, and it passed the exempting clause by a majority of one. In the House, the debate on the issue "saw party lines wiped out and provincial voting blocs disregarded."⁸³ Laurier himself supported the exemption for, "par instinct et par tradition," he was inclined to protect minority rights although, as he assured the Alliance, he would certainly not approve of Jews "being allowed to do general business or traffic or anything that would be a scandal to their neighbours."⁸⁴ Two members of Laurier's cabinet, Fielding and Lemieux, also supported the exemption, as did Robert Borden. But opposition to the exemption centred in Aylesworth, Laurier's new Minister of Justice, and Henri Bourassa and his followers.⁸⁵ Despite Laurier's support, the House defeated the amendment.

Forgotten in the fight over the sabbatarian exemption, traditional patterns of English Canadian, French Canadian conflict reasserted themselves in the debate over the amusement clauses. How did Laurier, usually so shrewd in effecting com-

⁸²Advocate (April 1906).

⁸³Toronto Globe, 28 June 1906.

⁸⁴Advocate (April 1906); Laurier to Bruchesi, 16 June 1906, PAC, LP, C835, p. 111161; Laurier to H.H. Miller, 4 June 1906, *Ibid.*, p. 110834.

⁸⁵Canada, House of Commons, Debates, 1906, c. 5637.

promise between the English and the French, make the mistake of assuming that conflict over the bill would focus on the economic clauses and that the amusement and labour clauses would pass the House with little comment? It would seem that he believed that French Canadian views on these subjects differed little from those of the French Roman Catholic hierarchy. Laurier thought that once French Canadian public opinion understood that the bill did not prohibit steamship or train excursions, or amusement parks, but rather forbade "des speculations qui pourraient être faites sous couvert d'exhibitions de jeux athlétiques, de représentations ou d'excursions," it would support the bill. French Canadian members of Parliament would then echo this public support by voting for the clauses that banned commercial recreation but left untouched the individual's right "de se recreer, de se distraire, de se délasser, de respirer l'air pur et d'entretenir ses relations familiales."⁸⁶

Instead, much to Laurier's discomfiture, the bill provoked enormous and vocal protests from Quebecers both outside and inside Parliament. Outside Parliament, the powerful Montreal Board of Trade, the Protestant Mayor of Montreal and his City Council had already expressed their opposition to the bill in strongly worded letters to Laurier and memorials to the

⁸⁶Laurier to G. Langlois, 3 April 1906, LP (Prang transcript).

Select Committee.⁸⁷ The French Canadian press was hostile; a March editorial in Le Canada, an otherwise loyal Liberal paper, especially distressed Laurier. Arguing that the bill "ne pouvait convenir ni au temperament ni à la mentalité de la province de Québec," the editorial implied that French Canadian members of Parliament should vote against the bill in full knowledge that their electors backed them. Other papers joined the attack.⁸⁸ "We hope," cried Israel Tarte's La Patrie late in June, "that such a Draconic measure will never be adopted!":

Never has the liberty of the subject been so disregarded. As a matter of fact such a Bill would not be accepted in a country governed by the most autocratic methods. There is no Government or public man capable of carrying such a measure into force. We are asked how Sir Wilfrid Laurier ever became a champion of so retrograde a measure. (89)

Inside the House of Commons, Henri Bourassa directed the attack. To Bourassa, as H. Blair Neatby comments, the Lord's Day Bill "meant forcing on Quebec the puritan ideals of the province of Ontario" and was but one more example, on the heels of the Autonomy Bills, of Laurier's willingness to sacrifice Quebec's interests. "Bourassa was able to argue that he, not Laurier, was defending the Liberal principle of freedom of con-

⁸⁷G. Hadrill to Laurier, 23 March 1906, LP (Prang Transcript); Canada, House of Commons, Select Committee, Minutes, p. 7.

⁸⁸Le Canada, 28 March 1906, copy in LP; Laurier to Godfroy Langlois, 3 April 1906, LP (Prang transcript), "Je suis en effet très mécontent de l'article que le "Canada" a publié sur la question du bill du dimanche. . ."

⁸⁹Quoted in J. Castell Hopkins, Canadian Annual Review, 1906, p. 560.

science against this 'most illiberal measure ever advocated in the Canadian parliament.'"⁹⁰ Armand Lavergne and the three Liberal Montreal members, Honoré Gervais, Camille Piché, and Louis Rivet, supported Bourassa, arguing that the Lord's Day Bill contradicted provincial autonomy. Directing the attack first at the labour clause, Camille Piché introduced an amendment to make it subject to provincial laws "now or hereafter in force."⁹¹ In late June, these French Canadians arranged a massive demonstration against the bill, to be larger, they claimed, than those of March 1885 protesting Riel's hanging.⁹²

Laurier capitulated to this French Canadian hostility. The night before the planned demonstration in Montreal, the government not only accepted the provincial autonomy amendment to the labour clause, but also made known its intention to delay enactment of the bill until April 1, 1907.⁹³ Although the government attempted to resist demands to make the amusement clauses subject to the same proviso, continued French Canadian pressure forced additional amendments. Ten thousand workers and small merchants attended Bourassa's mass demonstration, at which he submitted "resolutions for the assembly's approval, petitioning parliament to respect provincial rights by submit-

⁹⁰H. Blair Neatby, Laurier and a Liberal Quebec (Toronto: McClelland and Stewart, 1973), p. 163.

⁹¹Canada, House of Commons, Debates, 1906, c. 5647.

⁹²D. Monet to Laurier, 28 June 1906, PAC, LP, C835, p. 111649.

⁹³Canada, House of Commons, Debates, 1906, cc. 5651, 6590, 6675.

ting the application of the law in each province to the decision of the legislature."⁹⁴ The Quebec Assembly responded by voting his resolutions by acclamation and adopting a resolution "which deplored the intention to impose on Quebec a law contrary to the customs, the sentiments, the interests and civil rights of its inhabitants."⁹⁵ While Bourassa insisted there would be no outright revolt, he threatened, in the same breath, that the people of Quebec would not "swallow tamely this piece of legislation."⁹⁶ Editorials in the Ottawa press spoke of the dangers of "a semi-revolution in that province" should the bill pass.⁹⁷

Under pressure from the Liberal caucus, the Liberal Senators agreed to additional modifications of the bill. Not only did the Senate add the provincial autonomy amendment to clauses five and six, but in addition, it introduced a discretionary "opting out" clause by which legal proceedings under the Act could not be commenced "without the leave of the Attorney General for the province in which the offence is alleged to have been committed."⁹⁸ Amid howls from Alliance supporters that "with this amendment carried, the Bill is dead -- dead as Julius Caesar," the amendment passed by a vote of 32 to 19, with all

⁹⁴Mason Wade, The French Canadians, 1760-1967 (Toronto: Macmillan of Canada, 1968), vol. I, p. 547.

⁹⁵Canada, House of Commons, Debates, 1906, c. 7330.

⁹⁶*Ibid.*, c. 7315.

⁹⁷Ottawa Free Press, 5 July 1906, cited by Bourassa in *Ibid.*, c. 7332.

⁹⁸Canada, Senate, Debates, 1906, cc. 1163, 1201.

Liberal Senators supporting it.⁹⁹

The French Canadians were most satisfied with these amendments, particularly the "opting-out" clause. Bourassa was jubilant:

I think the government are to be congratulated on having accepted the very good amendments that have been made to this Bill by the Senate. . . I do not think that, with the Bill in its present form, the disfavour will be quite what it was. I think probably the people of Quebec will regard this law as some Americans said they regarded Indians. The saying there was that the only good Indian was a dead Indian. I think the people of Quebec will regard this as a good law because it is a dead law. (100)

* * * * *

Commentators in the 1970s have called the Lord's Day Alliance "one of the most effective legislative lobbies in Canadian history."¹⁰¹ The Alliance's influence, however, peaked with the introduction of the Bill. The subsequent hearings and debate revealed the declining influence of the Alliance against the increasing strength of its economic and ethno-religious opponents.

Shearer himself must assume responsibility for numerous mistakes.¹⁰² His testimony before the Select Committee revealed

⁹⁹Ibid. c. 1201-6; Ontario Law Reform Commission, Report on Sunday Observance Legislation, p. 56.

¹⁰⁰Canada, House of Commons, Debates, 1906, c. 7689.

¹⁰¹Ontario Law Reform Commission, op. cit., p. 44.

¹⁰²Shearer to Rev. W. Rochester, 5 May 1906, LB 1905-1906, p. 527: "This fight at Ottawa breaks all records in my experi-

a general ignorance of Canada's economic development. He disregarded advice that ran contrary to his own attitudes: for example, when D.W. Bole, the Liberal member from Boissevan and an Executive member of the Manitoba Alliance, advised Shearer to modify restrictions on the hauling of freight, Shearer concluded that Bole had been "stuffed" by his advisers and that he was "wrong in his statement of the impracticability of the proposed legislation."¹⁰³ Instead, Shearer relied on arguments supplied by American sabbatarian groups without verifying their validity. He claimed, for instance, that some American railways had completely ceased Sunday operations. But his opponents easily punctured this argument. By contacting the American companies cited by Shearer, railway lawyers could testify that American companies had curtailed only non-profitable passenger services, not freight traffic. Canadian companies desired no more.¹⁰⁴

Shearer made other errors of the same kind. Before the Select Committee he claimed to have received "a considerable number of communications" from the railway brotherhoods, 89 per-

ence and is, in a sense, a whole education to one, but the way the difficulties have been met and overcome, in the good providence of God, is wonderful." In late June, however, Shearer admitted to "having a desperate fight." See Shearer to W. Hendson, 23 June 1906, *Ibid.*, p. 586.

¹⁰³ Shearer to J.B. Mitchell, 3 March 1906, *Ibid.*, p. 468.

¹⁰⁴ Canada, House of Commons, Select Committee, Minutes, 1906, p. 178, pp. 192-8. This lack of serious investigation seems to have been a common failing among Canadian reformers. See John Weaver, "'Tomorrow's Metropolis' Revisited: A Critical Assessment of Urban Reform in Canada," in The Canadian City: Essays in Urban History, ed., G.A. Stelter and A. Artibise (Toronto: McClelland and Stewart, 1977), pp. 393, 413, n.2.

cent of whom had declared support for the bill. Cross-examination, however, forced him to admit that of the 225 brotherhoods to whom he had sent copies of the bill, he had received only twenty-four favourable replies, that is, 10 percent.¹⁰⁵ Later, when the House made the bill's labour clause subject to provincial authority, Shearer foolishly commented to the press that since the provincial autonomy amendment only applied to the one clause, it did not invalidate the entire bill. This comment prompted Bourassa to propose similar amendments to the amusement clauses, and Shearer lost any advantage he might have gained.¹⁰⁶

The cohesion of the Alliance broke down as it became obvious that many men had consented to support the Alliance without fully exploring the ramifications of its aims.¹⁰⁷ The debate exposed various facets of Alliance policy: on one hand, its inflexibility on issues such as the sabbatarian exemption; on the other hand, its ability to compromise with secular groups such as organized labour in order to achieve its desired goal. Alliance members, forced by the heat of battle to come to terms

¹⁰⁵ Canada, House of Commons, Select Committee, Minutes, p. 174-5.

¹⁰⁶ Montreal Witness, 2 July 1906, cited by H. Bourassa, Canada, House of Commons, Debates, 1906, cc. 7314-5.

¹⁰⁷ D. Truman, The Governmental Process (New York: A.A. Knopf, 1950), p. 156: "Complete stability within any interest group is a fiction. . . All groups experience continuous alterations over policies, involving both means and end. . . [The] internal political life of the group is made up of a continuous effort to maintain leaders and followers in some measure of harmonious relationship." Also *Ibid.*, p. 535.

with their own religious convictions and commitment to moral reform, responded in varying ways, none of which materially aided Shearer. Robert Borden, for example, opposed compromising sabbatarianism's moral aims. Membership in the Alliance, he declared, did not allow him to waive his own judgement, and his conduct throughout the debate was consistently at odds with Shearer's wishes.¹⁰⁸ In order to provide provinces with the opportunity to pass stricter laws if they so wished, Borden supported the provincial autonomy amendments and proposed one of his own (which failed) to make the playing of games, whether for profit or not, an offence.¹⁰⁹

Other executive members opposed Shearer's inflexibility on the economic clauses and the sabbatarian exemption clause. E.M. Macdonald, a member of the Select Committee, was also a member of the Alliance's Legislation Committee. A Presbyterian, "imbued strongly. . . from early training and association with the idea that the Sabbath day should be kept holy," Macdonald was "most sympathetic to all reasonable propositions. . . made for the purpose of bringing this about." But the Committee hearings forced him to realize:

that the proposal to legislate on the subject was a matter of wider importance and affected a great many more interests than one would have thought

¹⁰⁸Canada, House of Commons, Debates, 1906, c. 7353.

¹⁰⁹*Ibid.*, c. 5753.

who had not previously delved into the subject with some degree of care. (110)

Testimony by the Jewish leaders impressed him greatly and it was his vote that gave the sabbatarian exemption clause its one vote majority. As the hearings continued, Macdonald came to resent Shearer's bullying tactics, specifically his habit of lurking in the halls to accost members after sessions.¹¹¹ Another Alliance member, J.R. Dougall, editor of the Montreal Witness, expressed his surprise at the scope of the bill and its restrictions on "personal work that did not require the work of others."¹¹² Requested by Laurier to voice his opinion on the sabbatarian exemption clause, Dougall emphatically supported it.¹¹³ Other Alliance members avoided commitment by absenting themselves from the debate.¹¹⁴ F.L. Schaffner, Conservative Member of Parliament for Souris, Manitoba, concluded midway through the debate that Parliament had no right to pass the bill and stayed away thereafter.¹¹⁵ In all, fourteen of the twenty-

¹¹⁰E.M. Macdonald, Recollections, Political and Personal (Toronto: The Ryerson Press, 1938), p. 98.

¹¹¹Ibid. Macdonald told Shearer he would report him to the Speaker and have him excluded if he continued this bullying.

¹¹²J.R. Dougall to Laurier, 6 April 1906, PAC, LP, C834, p. 109260.

¹¹³Ibid.

¹¹⁴H.R. Emmerson, the one cabinet minister on the Alliance Executive Board, was experiencing such difficulties with his personal "dissolute living" that he was unable to render effective aid to the Alliance. See J. Schull, Laurier (Toronto: Macmillan of Canada, 1965), p. 459.

¹¹⁵Canada, House of Commons, Debates, 1906, cc. 6335-8.

six politicians on the Alliance's Legislation Committee were absent from the final votes.

In addition to internal strains, tensions developed between the Alliance and its secular supporters. One, the Canadian Manufacturers' Association, repudiated its cooperation with the Alliance. Finding the proposed bill utterly "objectionable," the Association actively lobbied against the bill in Committee hearings.¹¹⁶ Organized labour also hindered as much as it helped: on one hand, the Trades and Labor Congress of Canada forwarded its resolution "that this Congress take all possible means to secure the abolition of all Labor on Sundays"; with the same petition, however, it included a letter explaining that the resolution "must not be understood as passed in the sense of in any way wishing to interfere with the normal laws of recreation, to which working people feel themselves entitled."¹¹⁷ Moreover, the Trades and Labor Congress's Solicitor was unprepared to give testimony before the Select Committee hearings and, only when pressed by the Committee chairman, did he submit a formal statement of support for the bill.¹¹⁸ In direct opposition to Congress support, the Railway Employees' Union, the union most

¹¹⁶ Industrial Canada (October 1906), p. 214; Canada, House of Commons, Select Committee, Minutes, p. 200.

¹¹⁷ Trades and Labor Congress of Canada to Laurier, 16 April 1906, LP (Prang transcript).

¹¹⁸ Canada, House of Commons, Select Committee, Minutes, p. 30.

affected by the bill, authorized its representative, J. Hall, to protest the bill vigorously. Hall therefore emphasized how the bill would adversely affect the railway men by decreasing their earning power while increasing their work, owing to the congestion built up over a twenty-four hour Sunday stoppage.¹¹⁹ Labour support in the House did little to aid the bill. Ralph Smith defended the bill and the Alliance loyally, but another Member of Parliament, Armand Verville, who, Shearer hoped, would be one of the Alliance's "best friends in fighting through the proposed legislation,"¹²⁰ consistently opposed the bill. He participated in Bourassa's mass meeting and voted for all provincial autonomy amendments.¹²¹

Not only did Shearer's alliances break down, but his dependence on Laurier's ability to 'whip' his party into line¹²² and the influence of the French Catholic hierarchy also proved vain. By assuming responsibility for the bill, Laurier's government only guaranteed its passage through the House.¹²³ It offered no assurance that the bill would emerge

¹¹⁹Ibid., p. 116.

¹²⁰Shearer to A. Verville, 27 February 1906, LB 1905-1906, p. 457.

¹²¹Wade, The French Canadians, p. 547; Levitt, Henri Bourassa and the Golden Calf, p. 104; Canada, House of Commons, Debates, 1906, c. 7348,

¹²²Shearer to Rochester, 5 May 1906, LB 1905-1906, p. 527.

¹²³Cf. van Loon and Whittington, The Canadian Political System, p. 26: "There has never been a piece of government legislation defeated by the House of Commons in a majority situation, and even with a minority government, government legislation has only been defeated on rare occasions."

intact. Thus, after initial attempts to enforce party discipline in support of the bill as introduced, Laurier acceded to French Canadian demands. Not only did he agree to the amendments proposed by Piché and Bourassa, but he exerted pressure on Liberal Senators to introduce important modifications such as the opting-out clause.¹²⁴ After the introduction of the bill, the French Catholic hierarchy was unable to render further aid to the Alliance. Laurier rejected Bruchesi's request that he oppose the sabbatarian exemption clause.¹²⁵ Despite Bourassa's loyalty to the teachings of the Catholic church, his fight against Laurier was more important. "I take my theology from Rome," he stated, "but my politics from home."¹²⁶ Bourassa and his supporters completely ignored the Catholic hierarchy's support of the Bill

The Lord's Day Act as passed by Parliament on July 13, 1906¹²⁷ was but an emasculated version of the original Lord's Day Bill.¹²⁸ The chief clause forbade the sale of property or goods, the pursuit of one's "ordinary calling," or the employ-

¹²⁴Canada, Senate, Debates, 1906, c. 1163; R.W. Scott, Secretary of State, responsible for shepherding the Bill through the Senate, acknowledged this in his comment about the amendment to the amusement clause: "The people of Quebec think the first clause is not broad enough. I think it is. But if it is going to gratify them and secure their co-operation in the Bill I have no objection." (Ibid., c. 1193)

¹²⁵Bruchesi to Laurier, 3 June 1906, PAC, LP, C836, pp. 111157-58; Laurier to Bruchesi, 16 June 1906, Ibid., pp. 111161-62.

¹²⁶Cited by Levitt, Henri Bourassa and the Golden Calf, pp. 23-4.

¹²⁷7 Ed. VII, c.4. See Appendix VII.

¹²⁸See also Appendix VI.

ment of another person to do any work, business, or labour on Sunday.¹²⁹ Provincial laws "now or hereafter in force" could supersede the Act and a Provincial Attorney-General had to consent in writing to any prosecution. Exemptions to the Act were so numerous that one Conservative Member of Parliament labelled it "an Act to legalize practices heretofore prohibited on the Lord's Day," while another critic described it as "an Act for the benefit of the legal profession."¹³⁰ But in an open letter to the press, Shearer defended the Act:

Already very different estimates have appeared in the public press. Some have said the Act is dead, others that it is useless, on the one hand; and on the other, there are those who consider it the best Lord's Day Act on the Statute books of any country; others that it is in many particulars over-stringent. The truth lies between the two extremes. We have not secured all we sought. The Act has been weakened in certain particulars, but on the whole it is a good Act. It is an immense gain over what we had before. It covers the points that were left uncovered in our old Provincial Acts, which still remain in force. It is much more sweeping than, perhaps, many people recognize. (131)

The law had been passed, but had the Alliance in fact won the battle and lost the war? With this piece of social legislation would it be able to achieve moral reform?

¹²⁹R.S.C. (1906), c.153.

¹³⁰Castell Hopkins, Canadian Annual Review, 1906, p. 562.

¹³¹Ibid., p. 563.

Chapter VIII: The Alliance as Clerical Policeman, 1907-1912.

On March 1, 1907, the Lord's Day Act came into effect. The first offender convicted was the "redoubtable" Louis Birk, a Hamilton newspaper vendor who had already demonstrated "some means and ingenuity" in defying the 1845 Upper Canada Act: not only had he offered city authorities a \$600 bribe to avert their eyes, but he had also sought legal advice about obtaining a Dominion charter to evade the Ontario law. The Alliance rejoiced when a police magistrate fined Birk \$30 and costs.¹ In other cities, police took similar action against persistent, and usually immigrant, offenders -- Syrian merchants in St. John, New Brunswick, and Hebrew, Syrian, Italian, and other foreign shop owners in Winnipeg were charged with violating the Sabbath.²

Such action pleased the Alliance, for it intended to advocate enforcement of the Act as vigorously as it had pursued its enactment. As Shearer wrote to members, the Alliance had no intention of "dispersing its forces or even stacking arms."³

¹Lord's Day Advocate (hereafter Advocate), (August, September 1905); Ibid. (April 1907). For fines and other sentences levied under the Act, see Appendix VII.

²Advocate (April 1907).

³Ibid. (October 1907). The Alliance enforcement campaign contradicts the theory advanced by Murray Edelman that the symbolic value of legislation may deflate the impetus of a social movement. See M. Edelman, "Symbols and Political Quiescence,"

Instead, the Alliance Executive intended, through "impartial enforcement" of the Act, to arouse "the Christian conscience to the right use of the Lord's Day."⁴

In its pursuit of enforcement, the Alliance assumed without question its right to do so. Accordingly, it made plans to strengthen its own organization. In 1905, it appointed for the first time a Western Secretary, Reverend William Rochester, an Ontario Presbyterian minister. In 1907, when Shearer resigned to become Secretary of the newly formed Social and Moral Reform Department of the Presbyterian church, T. Albert Moore became General Secretary. Between 1907 and 1912, the Executive appointed Associate Secretaries, all Presbyterian ministers, for the other major regions of the country. That these men worked tirelessly is illustrated by Moore's report to the 1909 annual meeting. During the previous year, he reported, he had:

delivered 424 addresses and sermons; attended 55 meetings of Committees of Provincial Alliances and 213 Branch Executives; interviewed 217 employers of labor; conferred with several hundred individual workingmen, and met 39 labor unions; interviewed Ministers of the Crown, Provincial and Federal, 38

American Political Science Review LIV (September 1960), p. 695. When Joseph Gusfield applied this idea to the American temperance movement, he concluded that the prohibitionists, having attained symbolic victory, were unwilling to press for a more tangible kind of change and thus did not pursue a vigorous enforcement of the law. Joseph R. Gusfield, Symbolic Crusade: Status Politics and the American Temperance Movement (Urbana, Illinois: University of Illinois Press, 1972), p. 122.

⁴Advocate (August, September 1906); Rev. J.G. Shearer to A. Macgillivray, 17 August 1906, LB 1905-1906, p. 656.

times; travelled 41,813 miles, and along with this . . . conducted the necessary correspondence and given attention to other duties devolving upon the office. (5)

As the enforcement campaign proceeded, the Alliance maintained old and developed new publicizing techniques. On an informal level, the Alliance continued to rely heavily on the Protestant churches for the circulation of petitions, letter campaigns to politicians, and so forth.⁶ The Secretaries also depended on ministers to set a good example to their flocks, pleading with them, for instance, not to patronize the Sunday street car.⁷ The Alliance retained the practice of supplying both the religious and secular press with items of interest but, as it considered the Advocate the only reliable source of information, it made plans for its expansion. In addition the Alliance authorized the printing of posters for display in public places, which would inform the public of the laws (both federal and provincial) in force in each province.⁸ The printing of the posters in German, Italian, Scandinavian, Ruthenian, Icelandic, and Galician as well as English reflected the Alliance's recognition that immigrants, "the children of Sabbathless ancestors," could not "in a few days unlearn the teaching of

⁵LDAC, "Annual Report, 1909."

⁶Rev. T.A. Moore to A.J. Cadman, 29 November 1909, LDACP. Moore pleaded with ministers not to throw his missives into the wastebasket upon receipt. See Moore, circular to ministers, 3 May 1909, LDACP.

⁷Advocate (February 1908).

⁸OLDA, "Annual Report, 1908."

generations, nor understand and appreciate the benefits" of institutions such as the Sabbath, which Anglo-Saxons prized as "among the mightiest factors in the formation of character."⁹ Finally, the Executive suggested that Alliance branches make their meetings "real, live [and] electric" through the addition of "an attractive programme of addresses and music" to the usual business discussions. People would then realize that the Alliance was "alive, active, and accomplishing results."¹⁰

The Alliance also continued, with modifications, its association with the churches and organized labour. On one hand, the Alliance formally attempted to alter its close relation with the Protestant churches: since emphasis on civil rights had facilitated cooperation between the Alliance and labour in the legislative campaign, it seemed only logical to continue in this vein. The formation of a Department of Moral and Social Reform by the Presbyterian Church's 1907 General Assembly, and Shearer's subsequent appointment as Department Secretary, provided the Alliance with an opportunity to define its sphere of activity vis à vis the churches. The Alliance would preserve the Lord's Day as a day of rest through legal enactment and law enforcement. The churches would then secure the right use of the day through religious instruction and the or-

⁹LDAC, Minutes of Executive Committee, 10 December 1908, LDAC, MB 1901-17, p. 82; Advocate (December 1908).

¹⁰Ibid. (October 1907).

dinances of worship.¹¹ With regard to organized labour, the Alliance's need for its active support had disappeared with the passage of the Lord's Day Act. The Alliance therefore no longer lobbied Trades and Labor Congress meetings, although it continued to support labour's campaign for the Saturday half-holiday and to portray the cooperation between labour and religion as the positive impetus to the bill.¹²

Concerning actual enforcement procedures, the Alliance intended to employ policies developed by the Ontario Alliance prior to 1906. To avoid creating a public image of a petty prosecuting agency, the Alliance assumed responsibility for settling as many cases as possible out of court by "persuasive and conciliatory methods."¹³ By such methods as "friendly" letters of warning to offending parties or public admonitions from church pulpits,¹⁴ the Alliance addressed not only shopkeepers and factory owners, but also a religious group such as the Salvation Army to protest its Sunday afternoon light shows.

¹¹LDAC, "Annual Report, 1908"; Ibid., 1909.

¹²Advocate (May 1907). The Alliance also supported labour's demand that the Act's fourth clause be amended. As passed, the Act forbade an employer "to require" an employee to work on Sunday. Labour wanted this changed to "to permit." LDAC, "Triennial Report, 1907."

¹³LDAC, "Annual Report, 1908."

¹⁴See, for example, the Winnipeg Telegram of 20 January 1910 (LDACP) which reprinted an Alliance Circular: "We have no desire to cause you trouble or expense although we are expected to report the complaint to the authorities for prosecution and are writing you without prejudice, this friendly letter to ask you to have all such work on the Lord's Day discontinued. We

Assuring the Army's commissioner that the Alliance appreciated "in the highest degree the noble work" the Army was doing, Shearer nonetheless felt he must point out that "even more harm is likely to come from a body of the best people, like the Army, committing a violation of the Sunday laws, than if the violation were committed by some godless troupe or purely secular industry."¹⁵

The Alliance promoted enforcement of the law against three forms of Sunday activity: against employment of labour; against petty sales by merchants in fruit stores, cigar shops, confectioneries, and news-stands; and against operation of commercial recreational businesses such as athletic events, motion pictures, and any other form of entertainment that appeared. To justify its assault, the Alliance continued to use the "thin edge of the wedge argument," that Sunday trade in one sector would lead to a "plea for liberty to do Sunday business in all classes of trade."¹⁶ If the small confectionery shop remained open, then the butcher and the baker might legitimately claim their right to maintain a competitive position in the market through Sunday trade.

will be pleased to hear from you by return mail and beg to assure you that if you will state this Sunday work will not be carried on hereafter, we will not report the complaint."

¹⁵Shearer to Commissioner Coombes, 20 December 1906, LB 1905-1906, p. 799. The Alliance did not publicly or privately criticize the Methodist Pleasant Sunday afternoons, presumably because of the strong support which the Methodist church gave to the Alliance, and also because such afternoon meetings were held in churches, and not in public.

¹⁶Advocate (July, August 1906).

To obtain information about violations of the law, the Alliance depended on its membership to supply precise details concerning who sold what to whom or who worked where, and to secure reliable witnesses.¹⁷ The Secretaries continued to urge members to spy on others. In 1907, for instance, shortly after the Act went into effect, T.A. Moore suggested to branch presidents that they have "some intelligent young man, or men" meet the Sunday arrivals of transcontinental trains to ascertain whether or not the agent was on the train and doing business. If possible, the youths were to buy a cigar from the agent, "or see him sell something to somebody else, which would be better," and then report to Moore.¹⁸

When necessary, the Alliance expected full cooperation of federal, provincial, and local authorities. From the federal government, it demanded cooperation in bringing industrial corporations to heel. It wanted notification of any applications from railway companies to the Board of Railway Commissioners, and it expected to be officially represented at any hearings on such applications.¹⁹ The major area of concern, however, was the role of provincial governments in enforcing the Act. The Act stipulated that consent of the provincial Attorney-General

¹⁷ Moore, circular to ministers, 6 November 1907, LDACP.

¹⁸ Moore to Dr. Bayne, 12 April 1907, LDACP; also Moore, circular to ministers, 6 November 1907; F. Hooper to Moore, 21 January 1908, LDACP.

¹⁹ OLDA, Minutes of Legal Committee, 26 September 1906; LDACP, Minutes of Executive Committee, 29 November 1906, LDAC, MB 1901-1917, p. 39.

had to be obtained before a prosecution could occur. The Alliance found the proviso absurd:

It is ridiculous in the highest degree for Parliament solemnly to enact that before the police of Montreal or Toronto or Winnipeg can close a candy shop or saloon under this Act they must write the Attorney-General and get his formal approval of the action. It is unreasonable for a self-respecting Parliament to enact that before a gang of Italian navvies doing construction work in open contravention of this Act can be stopped, either in the streets of a great city or in a quiet rural community to the scandal of all decent Christian people who see it being done, the Attorney-General must be written to and his consent obtained. (20)

While prepared to tolerate the clause, the Alliance expected full cooperation of provincial Attorneys-General, anticipating difficulties only in Quebec. Immediately following the passage of the Act, two plans had apparently been afoot in Quebec, the one to lobby for legislation to nullify the Act, the other to enforce the Act with such "rigor in a vexatious spirit" that it would fall into total disrepute, forcing Laurier, who already felt that the bill had cost him dearly, to consent to even more amendments.²¹ The Alliance, however, hoped the eight-month delay between enactment and enforcement would give "the little rebellion" in Quebec a chance to subside.²²

To the courts, the Alliance assigned three functions. If and when moral suasion tactics failed, the Alliance expected provincial authorities to prosecute offenders, and it advised

²⁰ Advocate (August, September 1906).

²¹ Shearer to Rev. F.G. Scott, 17 July 1906, LB 1905-1906, p. 605; Shearer to Rev. E. Hill, 16 July 1906, *Ibid.*, p. 596.

²² Shearer to J.B. Mitchell, 14 July 1906, *Ibid.*, p. 592.

its branches to ensure that municipal or provincial authorities did the actual arrest.²³ It further insisted that the provincial Attorneys-General assume financial and legal responsibility for all court cases. Further, the Alliance expected the courts to settle contentious points of the law through test cases. For example, the Act allowed restaurants to serve meals as an act of necessity, but it was not clear if ice-cream could be considered a food and therefore exempt under the Act. If considered a food, a further question arose as to whether it could be consumed independently of a meal inside a restaurant or away from the place of purchase altogether. Finally, the Alliance expected the courts, through the imposition of hefty fines, to force industrial corporations, most particularly the railways, to obey the law.

Throughout the enforcement campaign, nativist arguments assumed an ever larger role in Alliance rhetoric, as it sought to project the image that "everywhere in Canada it is the foreigner who leads in this illegal opening of stores on the Lord's Day."²⁴ Proprietors of fruit stands, confectionery shops, and ice-cream parlours were all, it assumed, "Italians, Jews and other foreigners," as were the newsagents and newsboys who "loudly cry their papers, often even in the proximity of a church while Divine worship is being conducted."²⁵ Such trade,

²³Advocate (February 1907).

²⁴Ibid. (January 1913).

²⁵Moore to J.J. Foy, 1 February 1906, LDACP.

the Alliance claimed, forced Canadians to keep their shops open in competition.²⁶

The realization, however, that larger numbers than could be accounted for by immigration were participating in the pursuit of Sabbath pleasure meant that the Alliance could not concentrate solely on the nativist element. Since the "worm in the bud" was indeed "the seeming decay among Christian people of that regard for the sacredness of the Day . . . , and the apathy with which they view the many encroachments made upon it," the Alliance therefore emphasized the purchase's effects on the buyer rather than on the vendor.²⁷ It stressed the distracting influence such purchases might have on the individual's church attendance. Thousands who might otherwise go to church would stay at home to read the "unwholesome stuff" spread before them in the Sunday newspaper. The ice-cream parlour might attract young and old to while away a Sunday afternoon partaking of the "delicious luxury" in its "various forms, flavors and fixtures."²⁸

The "pernicious influence" of Sunday sales was most deleterious in its effect on youth. Young children waiting at the station to collect Sunday papers for their parents were ex-

²⁶See Advocate (July, August 1909).

²⁷Ibid.

²⁸Ibid. (May 1909).

posed to "vile stories" told by their elders.²⁹ City parks and playgrounds in the summer, and tobogganing and skating in the winter seduced young people away from the quiet and culture of home life. The "insidious lure of the candy shop" persuaded children "to spend the money, entrusted to them for sacred purposes, on the delights of the confectioner's shop." In short, if the idea of entertainment became "uppermost in the mind of youth, disintegration in the fibre of his soul" would ensue.³⁰ God, the Alliance warned, would have no mercy.

Alliance rhetoric made obvious its continuing preoccupation with reform of an individual's behaviour rather than with reform of industrial society's nagging ills. It could not resist attacking individual pursuit of pleasure that had little or nothing to do with trade or labour. A Sunday spend "indolently in bed," Sunday rambles and visiting were self indulgent activities; golfing, boating, or motoring seriously endangered home life. Even if a man spent the day at home with his wife, not only would he sink down into degradation, but he would drag the fair sex down with him.³¹

The Alliance was reluctant to temper its rigid stand on what constituted proper Sabbath observance, modifying its ideas

²⁹ Ibid. (July, August 1911); OLDA, "Annual Report, 1912."

³⁰ Advocate (September 1911); Ibid. (July, August 1911); Ibid. (February 1912).

³¹ Ibid. (March 1907); Ibid. (July 1907); Ibid. (May 1910); Ibid. (January 1913).

only slightly by adopting the Methodist belief in doing good works, "deeds of kindly thoughtfulness," on the Sabbath.³² Although it maintained that the day was not to be one of "wry faces and gloomy spirit or a day of punctilious observance of a daily round of religious forms,"³³ the Alliance offered nothing else to the working class on its one day of leisure. Instead, it continued to reflect the conservative attitudes of its supporting churches; proper Sabbath observance still meant attendance at public worship morning and evening in addition to private contemplation.

By its outright rejection of any form of recreation on Sunday, the Alliance articulated the persistent conservative nature of its aim, that is, to defend a traditional value threatened by competition from secular attractions. Its stand on the question of recreation expressed its constant fear of losing the financial support of the churches' middle class membership for, with such a loss, the churches' social and economic status would decline. Pleasure jeopardized the "water-supply" of all mission and church work.³⁴ Such statements as "the Lord's Day is the right arm of the church; if paralysed, she is helpless," or "Let them secularize Sunday and they sign the death warrant of public worship" expressed the

³²Ibid. (May 1908).

³³Ibid. (February 1910).

³⁴Ibid. (March 1908).

Alliance's concern.³⁵ Thus it reacted with antagonism to middle class opposition to its ideals, which revealed itself in the formation of groups such as the short-lived Canadian Rational Sunday League. The League, organized in 1907 on the British model, sought to promote programmes of Sunday recreation with open museums, art galleries, and concerts. Faced with such opposition, the Alliance dropped any pretence of fighting for the Sabbath on secular and civil grounds. "Religion must be the soul of the day," it demanded:

That constitutes a sensible Sunday. How unjust the demands of secularism! To religion we owe the boon of weekly rest, and to no secular source, yet now secularism, given by religion surcease from toil on the first day of the week, would dethrone religion and imperil both the physical and spiritual welfare of mankind. (36)

* * * * *

In the first five years after enactment of the Lord's Day Act, the Alliance enjoyed some success in achieving its goals. The extent of success it might hope to attain, however, always depended more heavily upon the support of secular groups such as government, business, and labour organizations than upon its own efforts, energetic though they were.

³⁵Ibid. (January 1907); Ibid. (November 1910).

³⁶Ibid. (October 1912).

The support of the provincial Attorneys-General proved limited. On one hand, those of the Maritimes, Ontario, Alberta, and Saskatchewan responded favourably when the Alliance requested prosecutions.³⁷ Saskatchewan's Premier Scott was most enthusiastic to enforce the law "vigorously."³⁸ Further, the expected hostility in Quebec failed to materialize, and instead the Quebec legislature passed a provincial "Sunday Observance Bill" just prior to the enactment of the federal Bill.³⁹ This Bill reflected the French Catholic hierarchy's attitude towards the subject, an attitude with which the Alliance was already in accord. The Act's main clause banned all Sunday trading and business, organized pleasure excursions, and theatrical performances. Not only did Quebec Attorney-General Gouin announce his intention to enforce this provincial law with vigour, but he agreed to prosecute violations by railway companies or other dominion corporations under the federal Act.⁴⁰

As it happened, then, official hostility to enforcement developed not in Quebec but in two western provinces, Manitoba and British Columbia. In Manitoba, contradictory official opinions on the strictness of policy resulted in erratic enforcement. Although the Attorney-General expressed his willingness

³⁷ Ibid. (October 1906); Ibid. (March 1907); Manitoba Free Press, 2 March 1907.

³⁸ Ibid.

³⁹ 7 Ed. VII (1907), c.42 (Que.).

⁴⁰ Advocate (June 1907).

to prosecute violations, those who had to arrest the offenders balked at applying the law too rigidly. The Winnipeg police, for example, resisted arresting merchants for offences such as news-stand and cigar shop sales in hotels and railway stations. Conservative Premier Roblin, unsympathetic to all "reform" programmes, not only approved of such an interpretation, but further modified it in order to allow restaurants to sell candies, nuts, tobacco, ice-cream, and other sundries. Piqued by such interference, the Attorney-General refused to give his consent to any prosecutions until the matter was clarified.⁴¹

The matter did not simply end there. In February 1908, the Winnipeg police, apparently "goaded by the taunts of the Sabbatarians," swooped down on the city's North End on two successive Sundays and, with special notebooks in hand, noted some five hundred violations.⁴² In addition to two hundred Russians, Galicians, Hebrews, and Ruthenians who customarily kept open their groceries and confectioneries, the police noted down the names of a Hebrew wedding party, the officiating clergy, members of the band, and the cab drivers who had driven the party to the Synagogue.⁴³ When the Attorney-General consented

⁴¹Montreal Witness, 29 April 1907, LDACP; Advocate (March 1908). The Alliance found this behaviour "unjust and un-British." Ibid. (May 1907).

⁴²Manitoba Free Press, 11 February 1908; Ibid. 17 February 1908.

⁴³Winnipeg Telegram, 8 February 1908, LDACP; Ibid., 12 February 1908, LDACP; Manitoba Free Press, 11 February 1908.

to the prosecution of over two hundred cases, the congestion threatened both to clog the courts for weeks -- on one Saturday, the presiding magistrate could handle only thirteen of his assigned thirty-six cases⁴⁴ -- and to cost tax-payers an impressive sum. In the light of these events, the authorities concerned, the Attorney-General, the provincial Police Commissioner, and Winnipeg's Chief of Police, agreed to prosecute only "open and flagrant violations of the law."⁴⁵ The Alliance's opinion that the authorities had "assumed a prerogative of interpreting the Act which was not theirs to exercise" had no influence on the authorities, who continued this policy.⁴⁶

In British Columbia, the Attorney-General refused to enforce the Act altogether when a surge of opposition from both business and labour greeted enactment of the bill in March 1907. The Victoria Colonist and Vancouver Province openly declared their opposition, while various Boards of Trade throughout the province passed resolutions against the Act.⁴⁷ Lumber and mining interests in the interior, both employers and employees, demanded that enforcement be delayed "until the opportunity is afforded those whose livelihood and industries are directly affected of

⁴⁴Manitoba Free Press, 8 February 1908, LDACP.

⁴⁵Winnipeg Telegram, 17 February 1908; Winnipeg Tribune, 17 February 1908, LDACP.

⁴⁶Advocate (April 1909).

⁴⁷Ibid. (April 1907); Victoria Daily Colonist, 2 March 1907; Ibid., 3 March 1907; Ibid., 20 March 1907.

expressing an opinion."⁴⁸ Both the Vancouver and Victoria Trades and Labor Councils opposed the bill's inefficiency, attacking its many loopholes. Since the law made no provision for effective fines, they argued, employers could keep their employees "at work at will . . . which means for the worker absolutely nothing but the further curtailment of his freedom."⁴⁹ Responding to this opposition, British Columbia's Attorney-General announced in May 1907 that he would refuse assent to any prosecutions.⁵⁰ Although he slightly modified his stand by 1912, few convictions were made under the Act.

The uneven quality of provincial support was but a prelude to that given by other groups to the Alliance's three-phase enforcement campaign. The campaign against Sunday trade was the only phase to enjoy a wide measure of acceptance.

The courts provided essential support for the restriction of Sunday trade. Once the bill became law, judicial decisions confirmed several key interpretations of the Act. A 1907 ruling by the Ontario Appeal Court restricted the sale and consumption of ice-cream, popcorn, peanuts, and soft drinks to restaurant premises.⁵¹ A 1911 decision ruled that only bona fide restaurant owners who furnished meals and not just snacks

⁴⁸Ibid., 10 March 1907; Advocate (April 1907).

⁴⁹Vancouver Daily Province, 8 March 1907, LDACP.

⁵⁰Advocate (May 1907).

⁵¹Rex. v. Weatherall, 11 O.W.R. 946; 18 C.C.C. 327.

could sell ice-cream, candies, and other sundries on Sundays. This ruling made it clear that ice-cream parlours, fruit stores, cigar and confectionery shops were breaking the law if they sold such items on Sundays.⁵² The prestigious Canada Law Journal, whose editor, Henry O'Brien, had been a founding member of the Ontario Alliance, supported these interpretations. In the June 15, 1907 issue, O'Brien concluded that a restaurant owner might not sell articles that clearly appeared to be conveniences rather than necessities. Candies and ice-cream might "chemically contain food elements" and might "therefore scientifically be food", but the question is, O'Brien continued:

are they food under the principle of "works of necessity" and all that such involves? Will any man seriously contend that it is necessary to sell such toothsome confections to satisfy hunger? for that is really what it comes to. We must on Sunday, without doubt, feed the hungry, but must we cater to the fanciful taste and delicate palate with what are called dainties? But it is answered, -- after all, it is only a dish of ice-cream and a package of innocent candies. That is not an answer. If candies must be bought, and we may without prejudice admit that they are necessary articles of commerce, and pleasant to the eye and gratifying to the palate, whether they belong to the glucose group or the saccharose group, . . . let those who desire those carbohydrates hie to the emporium on Saturday and lay in a Sunday stock; this safe practice would not in the slightest degree acidulate the honeyed speeches that often accompany chocolates on Sunday afternoon. (53)

In addition to support from the legal profession, law enforcement officers seemed willing to cooperate in restraining

⁵²Rex. v. Wells, 24 O.L.R. 77.

⁵³Canada Law Journal, LXVIII/12 (1907), p. 432.

the Sunday trade of ice-cream parlours and cigar shops.⁵⁴ To make examples of the offenders, police magistrates levied hefty fines, often as much as \$20.⁵⁵ In one incident in Toronto, Senior Police Magistrate George Denison went so far as to rule that it was "illegal even for a machine to sell chewing gum on the Lord's Day," and he ordered three shopkeepers to remove the offending articles from their doorways on Sundays.⁵⁶ A police magistrate in Winnipeg ruled that, although a cigar could be purchased as part of a meal, he must fine a man because he had walked around a bit before buying the "digestive weed."⁵⁷ Once Justice Middleton's ruling in 1911 made it clear that ice-cream parlours could not operate on Sunday because they did not offer full meals, both police officers and magistrates proceeded to eradicate the problem. On one Sunday in the summer of 1912, Calgary police arrested thirty-two shopkeepers and merchants for illegal sales.⁵⁸ When magistrates consistently ruled against parlour owners, the shops closed.

Influential economic groups supported constraints on Sunday trading as a means of limiting undesirable competition. The unsolicited support of the Canadian Press Association at

⁵⁴Advocate (October 1907-1910) passim.

⁵⁵Ibid. (June 1909). In one case a magistrate fined a man \$50 for selling liquor to a policeman. Ibid. (September 1909).

⁵⁶Ibid. (May 1909).

⁵⁷Winnipeg Tribune, 2 March 1909, LDACP.

⁵⁸Advocate (April 1912); Ibid. (July, August 1912).

the 1906 Select Committee hearings, for example, ensured the prohibition on American Sunday papers. When the Act went into effect, the governments tolerated only a small amount of importation.⁵⁹ Express companies refused to bring the papers into the country, and the larger railway companies removed their newsagents from railway stations.⁶⁰ Eight months after the Act went into effect, the Alliance claimed to have stopped the entry of 100,000 American Sunday papers;⁶¹ and by 1909, the importation of these newspapers had been reduced to about 2 percent of its pre-1907 level of 50,000 papers per week.⁶²

Pharmacists, one of the larger English Canadian groups involved in Sunday trading, also generally supported the ban on Sunday sales. In cities, druggists arranged rotational methods of serving customer needs by opening only one hour in the afternoons and another hour in the evening.⁶³ In smaller towns, druggists either rotated opening hours or left a card in their window indicating where they might be found in an emergency.⁶⁴ Professional associations supported these moves: in

⁵⁹Advocate (March 1907). E. Bayley to Rev. W.G. Hanna, 2 October 1909, LDACP. Bayley, the Deputy Attorney-General of Ontario, allowed a minor amount of importation to avoid the confusion of those who were determined to have the paper crossing to Detroit by ferry and back again.

⁶⁰Advocate (April 1907).

⁶¹LDAC, "Triennial Report, 1907."

⁶²1906 figure from Moore to Foy, 1 February 1906. 1909 figures from Hanna to Foy, 28 September 1909, LDACP.

⁶³Advocate (June 1907).

⁶⁴Ibid. (July, August 1909).

Toronto, the druggists' section of the Retail Merchants' Association urged its members to discourage customers by placing placards in their windows citing the law and its penalties, by respectfully asking shoppers not to request illegal articles, and by covering showcases for the day.⁶⁵

The Alliance's nativist rhetoric against Sunday trade complemented the increasing hostility of Canadian society, both French and English, to the influx of immigrants, particularly the Jews.⁶⁶ The Saskatchewan Premier, W. Scott, welcomed the Act, as he wrote to Laurier, for "western Canada, more than the eastern provinces, feels the need of careful measures and strict administration in the matter of the observance of the Lord's Day owing to the less settled conditions which prevail out here as a result of the comparatively enormous additions which are being made now year by year to our population."⁶⁷ In 1908 Scott refused to grant any indulgence to the colony of Jews that had settled in the southern part of the province.⁶⁸ In

⁶⁵ Ibid. (May 1907). In Toronto, according to the Alliance, the Druggists' Association also refused to support the court case of a druggist who argued that a cigar was a drug and therefore necessary. Ibid. (July, August 1909).

⁶⁶ By 1911, there were 76,564 Jews in Canada in comparison to 16,000 in 1901. Although concentrated in Toronto and Montreal, other provinces (excluding P.E.I. and the Yukon) had received significant increases. Canada Year Book, 1912.

⁶⁷ W. Scott to W. Laurier, 8 February 1906, PAC, LP, C831, p. 106942; also Advocate (January 1909).

⁶⁸ Ibid. (September 1908).

1909, when the Manitoba Free Press published a series of editorials urging a massive Canadianization programme for these immigrants, the Alliance eagerly advocated proper Sabbath observance as an integral part of any such campaign:

If they [the immigrants] are permitted on that day to keep their stores open, or to follow their usual occupations, it will be found an almost impossibility to elevate them into the true Canadian character. If on the other hand, they can be given the Lord's Day as a day of rest, and then induced to spend that day in such pursuits as will benefit them physically, mentally, socially and morally, there will soon appear an improvement in their conduct, their character, their homes, and all their surroundings. . . . Give these people the freedom of this good country, and with it the school, the Bible, the Lord's Day, and such other uplifting agencies as are associated with these institutions, and it will not be very long until they will show the benefit of such treatment. (69)

Quebec shopkeepers similarly reacted to the Jewish practice of open Sunday. In 1908 and 1909 the Montreal Retail Grocers' Association petitioned the city to secure better enforcement of the law. The courts supported this demand. During the summer of 1908, the Court Recorder fined a score of Jewish merchants either \$5 or one month's imprisonment, warning that fines would increase if the selling did not stop.⁷⁰

By 1912 most "promiscuous Sunday sales" had ceased ex-

⁶⁹Ibid. (June 1909).

⁷⁰Ibid. (March 1908); Ibid. (July, August 1908); Ibid. (December 1909).

cept in Winnipeg's North End⁷¹ and the cities of British Columbia. In British Columbia, Attorney-General Fulton, supported by a strong measure of public opinion, still resisted Alliance pressure to enforce the law on any uniform basis. Drugstores maintained a "stubborn attitude of resistance," while on an average Sunday a Victoria Alliance member might report a total of forty-eight stores open, in addition to Chinatown carrying on a "regular weekday business."⁷²

* * * * *

Consent to the cessation of Sunday trade came from many segments of the population. Similar support, however, was not forthcoming for the Alliance's crusade against Sunday industrial labour and Sunday pleasure; without strong secular sanction, the Alliance's efforts in these areas proved futile.

It is difficult to assess the Alliance's success in decreasing or retarding the amount of Sabbath labour. Although it could legitimately claim to have reduced the amount of Sabbath trade, the numbers involved in this activity, albeit highly

⁷¹In most other parts of Winnipeg, Sunday trading did cease. See James Gray, Red Lights on the Prairies (Scarborough, Ontario: New America Library (Signet) Ltd., 1973), p. 67. He concludes that Sunday trade closed down so much that "the only available recreation for the populace was going for a stroll. Annabella and McFarlane Streets became the mecca for Winnipeg sightseers on a Sunday afternoon. The women of the houses sunned themselves on their front steps, clad only in flimsy kimonos, and exchanged obscenities with such passersby as spurned their proffered wares."

⁷²Advocate (March 1912); Ibid. (April 1912).

visible, did not account for a significant portion of those working on Sundays.⁷³

The Alliance talked constantly about the 150,000 Sabbath toilers, but neither the Alliance official papers nor Shearer's correspondence indicates how such a figure was established. Aside from one brief and unsuccessful attempt in 1902 to document the amount of Sunday railway work, the Alliance never attempted a systematic investigation of the actual amount of Sabbath labour in Canada.⁷⁴ The Alliance's attitude towards Sabbath labour is also problematic. The Alliance accepted the Act's symbolic value: it should free 150,000 toilers; therefore it did so. At its 1907 Triennial Convention, the Alliance proudly claimed:

Out of 150,000 Canadian workmen that before the new law came into force were deprived of their weekly rest day, with the privileges it carries with it, 75,000 have already been given back these privileges, and when the law is generally observed, throughout the country, and by all the corporations, this number will increase to 100,000, and the remaining 50,000,

⁷³See Appendix I.

⁷⁴It would seem, in fact, that the Alliance may have adopted as its figure the membership number represented by the Trades and Labor Congress which, in 1906, was 150,000. The Alliance may have laboured under the misapprehension that the Congress represented those who did work on Sunday or it may have believed that until a Lord's Day Act legally guaranteed these men their weekly day of rest, they were potential Sabbath labourers. Members of the Select Committee seemed unaware or confused about this point. See Canada, House of Commons, Select Committee, Minutes, 1906, p. 122: Question to Mr. Draper: "At the present time those whom you represent are not called upon to labour on Sunday?" A. - (Mr. Draper): "No, they are not." Q. "There is no complaint in that regard from the people you represent?" A. "There are not very many of them called upon to

occupied at work which from its nature has to be continued over Sunday, will be protected against having to work seven days in the week. (75)

By 1911, it claimed to have freed the entire 100,000.⁷⁶ Yet again, Alliance papers do not suggest that a systematic examination of the labour situation took place at any time during those years to support this claim.

It is possible that industries ceased Sunday operations or partially reduced them, but it is more probable that they continued Sunday operations and guaranteed their employees a weekly day of rest. With few exceptions, industry accepted the principle of a weekly day of rest: management and employees alike were looking towards further reduction of the work week through the Saturday half-holiday and the eight-hour workday. By reducing manpower needs, continuing technological advances would facilitate this development.

labour on Sunday." The only other source of statistics might be the 1901 Census returns. By assuming that all 80,756 transportation employees and all 45,375 steel and iron workers worked every Sunday, Shearer would have a total of 126,131. To this he might have added another 25,000 to represent cement plant, pulp and paper, and other industrial workers, plus an assortment of service workers -- restaurants, druggists, and so forth. Canada, Census, 1901. This seems unlikely.

⁷⁵LDAC, "Triennial Report, 1907."

⁷⁶Ibid., 1911. See Appendix I. The estimate tends to confirm the Alliance's claim. Although the numbers involved in Sunday labour increased in absolute terms between 1901 and 1911, the percentage involved decreased. If 20 percent of the 1911 workforce had worked on Sunday as it had in 1901, 545,000 men would have been working. As it was, the estimate indicates that 444,246 (i.e., 100,000 less) were working.

The Alliance might well have claimed credit for securing Sundays to unorganized labour. Yet the Alliance had little or no contact with unorganized labour and indeed seemed totally unaware of those sectors of the economy (such as domestic service and sweatshop labour), in which men, women, and even children, had been working seven days a week unnoticed for years. The period 1907-1912 could be characterized as a period of education for the Alliance, during which it discovered the realities of the Canadian economic structure and the demands it made for continuous labour. The most ironic of many such instances arose as the Alliance embarked on its nation-wide enforcement campaign. It readily became apparent that policemen themselves were breaking the law as no police force in Canada recognized the principle of the weekly rest day.⁷⁷ In Toronto, for example, a new man on the force worked his entire first year without a break; thereafter he might receive one or two days a month, and they might or might not fall on a Sunday.⁷⁸ Although the Alliance gradually turned its attention to such areas, by 1912 only the cities of Toronto and Ottawa granted their forces a weekly rest day. In both instances, other groups such as the press and civic authorities could claim the credit for the achievement rather than the Alliance.⁷⁹ In 1912, the

⁷⁷ Manitoba Free Press, 18 March 1907; LDAC, "Annual Report, 1909."

⁷⁸ Advocate (May 1909); Ibid. (March 1910); LDAC, "Triennial Report, 1911."

⁷⁹ Advocate (September 1910); Ibid. (October 1910); Ibid. (January 1912).

Royal North West Mounted Police were still working a seven day week.

The Alliance, however, never flagged in its efforts to enforce the law against transportation and industrial concerns. It fancied that with the Act it would be possible to make corporations "submit to the laws of this country just as other citizens do."⁸⁰ The Alliance attempted to make corporations submit to the law by court challenges and appeals to the Board of Railway Commissioners. All these efforts failed, defeated by the combined strength of the corporations themselves, the federal government, and railway employees.

After passage of the Act, the railway companies made no attempt to curtail essential services on Sunday: between one-third and one-half of railway staffs worked on Sundays and had another day in the week as their day of rest. The companies either relied on the Board of Railway Commissioners to grant them exemptions as necessity arose, or may well have adopted the policy suspected by the Alliance:

The policy of the railways seems clearly to be to ignore the law till it is enforced, then deliberately allow a general blockade in the hope of raising an outcry among commercial men against the Lord's Day Act, and then to go to Parliament and ask for the repeal of the clauses affecting railways. (81)

⁸⁰Ibid. (April 1907); see also Shearer to J.B. Mitchell, 14 August 1906, LB 1905-1906, p. 592: ". . . we have reason to know that the railway men are about the maddest crowd that you could find in this Dominion. It is something new for them to be beaten, and to be beaten by preachers and their like is too humiliating altogether."

⁸¹Advocate (April 1907).

As it was, the Railway Commissioners gradually extended railway privileges to the two large companies, the Grand Trunk Railway and the Canadian Pacific Railway. In its rulings the Board allowed the companies greater flexibility in defining what a necessity was, particularly when applied to the shipping of the grain harvest.⁸² By 1912, the Alliance was forced to recognize that "the enormous amount of traffic and congestion that is inevitable because of this and the limited railroad facilities" put an incredible strain on the railroad facilities and posed an almost insurmountable obstacle to any vigorous action on its part.⁸³

During this period as well, railway companies calmly expanded their passenger services. In 1909, the C.P.R. started passenger services on all its New Brunswick lines;⁸⁴ these operations forced the Intercolonial Railway into offering a competitive service.⁸⁵ By 1912 as well, passenger trains were running in all the western provinces, and the Saskatoon Evening Capital commented that the well-filled trains showed "that the travelling public appreciate a Sunday train."⁸⁶ The federal government also sanctioned this expansion. When the Alliance complained, the Minister of Railways refused to take action,

⁸²Ibid. (December 1908); Ibid. (June 1909).

⁸³Ibid. (April 1912); Ibid. (January 1913).

⁸⁴LDAC, "Annual Report, 1909."

⁸⁵Advocate (December 1912).

⁸⁶18 October 1909, LDACP; see also LDAC, "Annual Report, 1909"; Advocate (December 1912).

stating that the time had come when business interests demanded the service.⁸⁷

Finally, with regard to the railways in particular and the Lord's Day in general, the Alliance received little help from those on whose behalf it claimed to work. The Union of Railway Employees, for example, offered the Alliance no support in representations to the Board of Railway Commissioners.⁸⁸ In Toronto, without reference to the Alliance, the Union of Street Railway Employees prepared its own demands for reduction of Sunday hours from ten to eight.⁸⁹ As the campaign for enforcement continued, labour's indifference to the Alliance grew more pronounced. By 1912, the Dominion Trades and Labor Congress had resumed independent lobbying of the government to oppose Sunday labour, as it had done in pre-Alliance days.⁹⁰

Labour hostility was most evident in the western provinces, and mention has already been made of the actions taken by the Vancouver and Victoria Trades and Labor Councils. In Manitoba, where labour had cooperated with the Alliance until 1906 in preventing the Sunday street car, the relationship soured steadily thereafter. Once the street railway company guaranteed its employees a weekly day of rest, organized labour

⁸⁷Ibid. (December 1912).

⁸⁸Ibid. (June 1908).

⁸⁹Ibid. (June 1912).

⁹⁰Manitoba Free Press, 9 January 1912.

approved the Sunday car.⁹¹ By 1908, the Canadian Labor Party and the Winnipeg Trades and Labor Council were denouncing the Lord's Day Act as "class legislation procured by emasculated and effeminate preachers."⁹² This condemnation reflected the influence of a visit by prominent European socialist Emma Goldmann who, in a fiery speech to Winnipeg workingmen in March 1908, denounced the Act as "of no use to the working man."⁹³ In her opinion, Winnipeg's theatres, lecture halls, music parlours, and all places of recreation should be open on Sunday "as it was the only day the working man got a chance to broaden his mind."

By 1912, then, business and labour enmity to the Act was well established. Violations were frequent and the railways operated as they pleased. In the area of curbing Sunday labour the Alliance could take credit for few victories. Its efforts to halt the spread of Sunday pleasure were equally ineffective.

First, its old enemy, the Sunday street car, became ubiquitous. Since the federal law made street railway legislation a matter of provincial jurisdiction,⁹⁴ Manitoba and Ontario re-enacted their statutes, and in 1907 the Alberta Legislature

⁹¹Winnipeg Voice, 8 December 1906.

⁹²Manitoba Free Press, 6 April 1908; Advocate (April 1908).

⁹³Manitoba Free Press, 16 March 1908.

⁹⁴5-6 Edw. VII (1906), c.51, s.22A (Man.); 6 Edw. VII (1906), c.30, ss.193, 197(4), (Ont.).

passed a Railway Act that included a clause forbidding Sunday operations of street railway companies.⁹⁵ Despite these statutes, the Sunday car continued its conquest of Canadian cities. Several Ontario street railway companies that had been operating on Sundays since the 1903 Privy Council decision received government approval for their operations. The federal government took no action against the Grand Valley Railway Company when the Alliance failed to find someone to act as an informer against the Company.⁹⁶ In 1908, the Port Arthur Railway Company organized two plebiscites on the Sunday car issue in Port Arthur and Fort William.⁹⁷ When the citizens expressed their wish to have the convenience, the Ontario Railway and Municipal Board reinforced the public support by refusing to press charges against the company. "The comfort, convenience, and necessities of the people," reasoned the Board, demanded Sunday cars. The cars were operated by the people for the people, and the people were "almost a unit in demanding a Sunday service." Therefore, the Board concluded, "if street cars should be operated on Sunday at any place in Ontario, they should be operated between Port Arthur and Fort William."⁹⁸

⁹⁵ Edw. VII (1907), c.8, s.241 (Alb.).

⁹⁶ LDAC, "Triennial Report, 1907"; OLDA, "Annual Report, 1909."

⁹⁷ OLDA, Minutes of Legislation Committee, 28 March 1907, 9 January 1908.

⁹⁸ Advocate (September 1908); also Ibid. (July, August 1908); Ibid. (October 1908).

The story was the same in other provinces. The 1906 charter of the Charlottetown Electric Transit and Power Corporation required the company to operate every day of the week,⁹⁹ and the City Council rejected, by a vote of eighteen to eight, a proposed amendment to prohibit Sunday operations.¹⁰⁰ In the same year, Winnipeg citizens, satisfied that the company had guaranteed its employees a fair deal, joined labour in voting for the Sunday car. In addition, the Manitoba Legislature gave other municipalities the right to vote on the issue.¹⁰¹ Alberta followed suit by amending its Railway Act to permit the cities of Edmonton, Strathcona, and Calgary to vote on the question.¹⁰² Edmonton and Calgary immediately organized plebiscites and Sunday service began.¹⁰³ In the face of such an onslaught, the Alliance could claim but two slim and fleeting victories: in 1909, the Ontario Legislature adopted the local option principle as official policy, restricting the right to vote to cities with a minimum population of 50,000 inhabitants.¹⁰⁴ In 1911, the Saskatchewan Legislature amended

⁹⁹6 Edw. VII (1906), c.30, s.33 (P.E.I.).

¹⁰⁰Advocate (June 1906).

¹⁰¹5-6 Edw. VII (1906), c.41, s.22A (Man.); also 6-7 Edw. VII (1907), c.27, s.12 (Man.).

¹⁰²9 Edw. VII, c.4, s.16 (Alb.).

¹⁰³LDAC, "Annual Report, 1909."

¹⁰⁴9 Edw. VII (1909), c.68 (Ont.). All Ontario cities with that population already had Sunday car service. London, with a population of 46,300, failed to obtain a vote on the issue before 1912.

its Railway Act to prohibit Sunday operations by street railway companies.¹⁰⁵

With regard to the new Sunday car, the automobile, the Alliance seemed naively unaware of the threat it posed to future Sunday behavioural patterns. Although mentioned in the 1906 House of Commons debates, there was little concern to enact a clause to deal with it specifically. Between 1907 and 1912, the Alliance newsletter made only one direct reference to the potential threat. "The Sunday car," the editor wrote in April, 1912, "has introduced a new Sunday problem":

There is, of course, a reasonable, an ideal use of such a modern convenience on the Lord's Day, but the actual facts of Sunday motoring may well create alarm. . . (106)

As with the Sunday street car, the Alliance was equally unsuccessful in its war against other forms of Sunday entertainment. Commercial sport was only gradually appearing on the Canadian landscape and as yet posed little threat to Sunday. In places where it did appear, however, it continued despite Alliance protests. Baseball teams in British Columbia, for

¹⁰⁵ Geo. V (1910-11), c.41, s.3 (Sask.). This situation did not last long. By 1913, Saskatchewan had agreed to let urban ratepayers decide on the issue for themselves. In Regina, 425 ratepayers voted in favour of a Sunday car service while only 85 were against such a move. The morning newspaper declared that "altogether the first day's operation has more than justified the decisions of the citizens to have the convenience every day of the week." It was clear that most patrons were using the cars to go to the parks rather than to church. See Colin K. Hatcher, Saskatchewan Pioneer Streetcars: The Story of the Regina Municipal Railway (Montreal: A Railfare Book, 1971), pp. 26-7.

¹⁰⁶ Advocate (April 1912).

example, simply adopted the method already employed by the churches of collecting voluntary contributions from spectators rather than charging an admission fee.¹⁰⁷ Promoters of Sunday concerts adopted the same method.¹⁰⁸ In both cases, secular authorities endorsed these actions. A Winnipeg court dismissed charges against the Walker Theatre Band for performing Sunday afternoon concerts of light classical works, and in some instances, City Councils and Park Boards themselves sponsored such events as free concerts.¹⁰⁹ In the summer of 1912, for example, the Edmonton council "authorized a grant to the City Band for the purpose of playing during the week, and in the summer season, on Sunday afternoons."¹¹⁰ Upon being informed that this was illegal, the council stated its willingness to assume all responsibility and ordered the band to proceed. The Alliance could do little but howl:

The public bodies seem to be governed by the thought that Sunday entertainment is a special necessity of our time, and that in harmony with a broad-minded, progressive public policy provision should accordingly be made. In whatever form these Sunday entertainments come, by whomsoever promoted, or with whatever motive,

¹⁰⁷ Ibid.; also Ibid. (July 1912). For a general discussion of the Lord's Day Alliance's problems with sports in these and later years, see Barbara Schrodtt, "Sabbatarianism and Sport in Canadian Society," Journal of Sport History IV/1 (Spring 1977), pp. 22-33.

¹⁰⁸ Advocate (April 1911).

¹⁰⁹ Manitoba Lord's Day Alliance, "Annual Report, 1910." See Winnipeg Evening Tribune, 26 October 1909, LDACP; Manitoba Free Press, 6 January 1912, LDACP.

¹¹⁰ Advocate (January 1913).

they constitute an alarming feature of our time. No thoughtful person can fail to see that, judged in the best light, the advocates of these Sunday concerts, etc., misread the times and fail to appreciate the function of the Lord's Day; and it is not difficult for one of ordinary discernment to note the fact that under a plea of philanthropy business in a subtle form is seeking to appropriate our day of rest. (111)

In Montreal, the seventy motion picture house proprietors spearheaded opposition to the Quebec Sunday observance law. Dispensing with formal admission fees, they relied instead on donations from their approximately 150,000 weekly customers.¹¹² Those convicted in the lower courts paid the \$100 fines, and only five theatres had to close their doors.¹¹³ In addition, theatre owners successfully challenged the validity of the provincial Act. In 1912, Charles Fitzpatrick, former Minister of Justice, now Chief Justice of the Supreme Court, declared Quebec's Act ultra vires.¹¹⁴ Little hope existed that the Alliance might prosecute under the federal Act. Thus, after a five year pursuit of law enforcement against Sabbath pleasure, it was clear that the Alliance was fighting a rearguard action.

* * * * *

Canadian sabbatarianism was a conservative and defen-

¹¹¹ Ibid.

¹¹² Montreal Witness, 25 January 1909; Ibid., 15 July 1909, LDACP.

¹¹³ London Free Press, 18 January 1909, LDACP.

¹¹⁴ Advocate (January 1913).

sive movement that hoped to achieve a moral reform through the legislative guarantee of a social reform. With its long tradition within Canadian society, it tried to merge into the "generous reform impulse" of the early twentieth century which sought ways of ameliorating the injustices, inequalities, and sufferings of a society undergoing rapid change.¹¹⁵ To do this, it forged a temporary link with organized labour, disguising its moral intent behind the rhetoric of social reform. But the sabbatarian alliance with labour was but a strategic tactic, signifying the lobby's dilemma. It was the labour movement that stood to gain from the partnership, not the sabbatarian. Once the allies had achieved the political goal, the guarantee of the weekly rest day, the two allies parted company. In the ensuing struggle for enforcement of the Lord's Day Act, labour became one of the Alliance's chief critics, arguing on behalf of increased sport and recreation on Sunday.

Sabbatarians for their part remained rooted to the world of traditional, evangelical religious convictions that had little contact, despite the rhetoric adopted, with Canada's emerging industrial and urban society. Sabbatarians had, moreover, little to offer to the discussions taking place within the Protestant churches (especially the Methodist) about new approaches to social problems. All that they could contribute were organizational and administrative skills; both John G.

¹¹⁵R. Craig Brown and Ramsay Cook, Canada, A Nation Transformed, 1896-1921 (Toronto: McClelland and Stewart, 1974), p. 25.

Shearer and T. Albert Moore subsequently headed the Moral and Social Reform Council of Canada. But these men did not contribute to the intellectual ferment of the Social Gospel nor to its programme of action. Men who were truly impelled to confront the social problems of Canada as it was transformed before, during, and after the First World War, and who were willing to adopt less conservative and more radical measures to solve society's ills, had little time to devote to the sabbatarian lobby. Both Salem Bland and J.S. Woodsworth, for example, flirted briefly with the Alliance in the early 1890s, but then passed on to other activities. Bland, after serving as branch president in Smith's Falls, Ontario, in the hope of benefitting railway workers in his area, did not serve actively with the Alliance once he moved to Manitoba. Woodsworth, a branch officer for a brief period in Keewatin, had little regard for the Alliance's aim when he became involved with the All Peoples' Mission in Winnipeg. His Sunday afternoon programmes in the Winnipeg Grand Theatre attracted up to 1,200 people weekly, while 800 or more might attend an evening function.¹¹⁶ Save for the hymns, these gatherings were devoid of religious content. A.W. Puttee, a member of the Manitoba Alliance executive during the 1902 fight against the Sunday car, resigned his seat once the street railway company guaranteed its workers a weekly day of rest. More radical representatives of the Social Gospel, William

¹¹⁶G. Emery, "Methodism on the Canadian Prairies, 1895-1914: The Dynamics of an Institution in a New Environment" (Ph.D. thesis, University of British Columbia, 1970), p. 250.

Ivens and William Irvine, had nothing at all to do with the sabbatarian lobby at any time.

The sabbatarian movement of the early 1900s was therefore but a continuance of an older world of Christian social expression of which the concern for personal and moral vice was a prominent characteristic.¹¹⁷ It proved unable to adjust to the need of a people of an urban and industrial society for recreation on their one day of leisure. Undeniably, the Presbyterian church, the body still most closely identified with the Alliance, recognized the problem it faced. In 1912, it admitted that attendance at divine services was falling off "while the number bent on mere pleasure-seeking appears to increase." Moreover, it admitted that orthodox methods of attracting new members, adapted to "ordinary communities of intelligent, religious people," had failed to "get hold upon these incoming thousands."¹¹⁸ Membership figures of both the Presbyterian and Methodist churches confirm this failure. Although both churches increased their overall membership between 1901 and 1911, the proportion of Canada's total population professing to follow Presbyterian or Methodist teachings declined as non-British Protestant immigration increased.¹¹⁹ Further, of those who specified

¹¹⁷ Richard Allen, The Social Passion: Religion and Social Reform in Canada, 1914-1928 (Toronto: University of Toronto Press, 1973), p. 17.

¹¹⁸ PC, APGA, 1912, pp. 320-1.

¹¹⁹ Number of Professed Methodists and Presbyterians as a percentage of Canada's population, 1901 and 1911 (Canada, Census, 1911):

	1901	1911
Methodist	17.07	14.98
Presbyterian	15.68	15.48

their allegiance to the Presbyterian church in 1911, only 25 percent were members, while 75 percent were at best irregular church attenders.¹²⁰ The churches' plight was most noticeable in the prairie provinces, where they had hoped to make great gains among the incoming population. The 1911 Census indicated that only 24 percent of the region's population professed to be Presbyterian, 14 percent Methodist.¹²¹ This represented just over one-third of the population. These figures were high, moreover, in comparison with actual church membership or church attendance. By 1913 the Protestant churches were informed that over half the adults classified by the 1911 Census as Protestant really belonged to no church at all.¹²² The growth recorded by the churches came mainly from within, from the children of the membership.¹²³

To solve the problem, the Presbyterian church recommended the adoption of "exceptional methods."¹²⁴ It was clear that the Lord's Day Act had not helped; it seemed equally clear that it would not help in the future. The Battle for the Sabbath might continue, but new and exceptional methods would be critical to save the day for the churches.

¹²⁰PC, APGA, 1912, p. 551; also Canada, Census, 1911.

¹²¹Ibid.

¹²²A.J. Hiebert, "Prohibition in British Columbia" (M.A. thesis, Simon Fraser University, 1969), p. 22.

¹²³G. Emery, "Ontario Denied: The Methodist Church on the Prairies, 1896-1914," in Aspects of Nineteenth-Century Ontario, ed., F.H. Armstrong, H.A. Stevenson, and J.D. Wilson (Toronto: University of Toronto Press, 1974), p. 320.

¹²⁴PC, APGA, 1912, p. 551.

Epilogue

Modern commentators have called the Lord's Day Alliance of Canada "one of the most successful lobbies in Canadian history."¹ And indeed, throughout its long career, under circumstances to which a weaker-willed group would probably have succumbed, the Alliance proved resilient and tenacious in pursuit of its legislative goal. In 1899, when the Sunday car was poised to defeat the Ontario Alliance, the Alliance was able to transform itself from a single issue group to an institutionalized lobby, and to adapt pressure techniques more influential and suited to contemporary society. When, in 1903, the hope that Sabbath observance legislation was a provincial responsibility was shattered, the Alliance quickly recovered, proceeding to lobby the federal government immediately. When, for two years, the federal government hedged, Shearer and his provincial alliances managed to maintain a cohesive organization and to pressure the government on all fronts -- two key determinants to a lobby's success.² When the French Catholic church, for reasons of its own, decided to support the Alliance, Laurier, convinced that this support assured the acceptance of legislation by French Cana-

¹Ontario Law Reform Commission, Report on Sunday Observance Legislation (Toronto: Department of Justice, 1970), p. 44.

²R. van Loon and M. Whittington, The Canadian Political System: Environment, Structure and Process (Toronto: McGraw-Hill Ryerson, 1971), pp. 302-3.

dian citizens, agreed to introduce the Alliance's Sabbath observance bill.

The Alliance's effectiveness as a lobby peaked, however, with the introduction of its bill in the House of Commons on March 11, 1906. Laurier could guarantee passage of the bill, but could offer no assurance that it would emerge in the same state in which it had been introduced. As the intensity of opposition led by Henri Bourassa mounted, Laurier capitulated to French Canadian demands. Further, the spokesmen for economic interests proved more effective at lobbying during the debate than did Shearer, who saw much of his support vanish by the end of the debate. When the bill emerged from Parliament in July 1906, it was but an emasculated version of its former self.

The government may have hoped that passage of legislation would defuse the aggression of the sabbatarian lobby. Yet the Alliance shifted the focus of its lobbying once again, this time to demand scrupulous enforcement of the law. An examination of law enforcement over the subsequent five year period, however, reveals the ineffectiveness of the Alliance's efforts and details its dependence upon the support of secular groups for the victories it did achieve. Thus, of its three-pronged campaign against Sabbath trading, labour, and pleasure, the Alliance was only able to restrain Sunday trading, and then only because other groups in Canadian society desired it. To

its dismay, the Alliance learned that social legislation guaranteeing a weekly day of rest did not guarantee a reform of morals. In its ongoing competition with Sunday pleasure, the Alliance was fighting a losing battle.

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APPENDIX I: WHO WORKED ON SUNDAYS: ESTIMATES FOR PRE- AND POST LORD'S DAY ACT OF 1906.

CATEGORY	PRE-LORD'S DAY ACT						POST LORD'S DAY ACT	
	1881 No.	Percent ¹	1891 No.	Percent ¹	1901 No.	Percent ¹	1911 No.	Percent ¹
Domestics	90,085	100.0	139,929	100.0	163,670	100.0	192,611	90.0
Policemen	1,313	100.0	3,880	100.0	2,411	100.0	3,734	100.0
Fishing & Hunting	14,250	50.0	15,023	50.0	13,613	50.0	6,962	20.0 ²
Forestry	8,116	100.0	12,812	100.0	16,764	100.0	8,582	20.0 ²
Cement Workers	1,511	100.0	4,065	100.0	4,162	100.0	2,625	50.0 ³
Bakers	4,013	100.0	5,161	100.0	6,370	100.0	1,746	20.0 ²
Milk & Cream	---	---	1,801	100.0	3,970	100.0	1,006	20.0 ²
Iron & Steel	4,711	100.0	13,261	100.0	11,730	100.0	12,873	50.0 ³
Pulp & Paper	---	---	1,042	100.0	2,072	100.0	3,865	100.0
Mining	7,160	100.0	16,127	100.0	28,650	100.0	31,384	50.0 ³
Photographers	765	100.0	1,278	100.0	1,573	100.0	0	0.0
Religious Workers	6,329	100.0	7,164	100.0	9,027	100.0	11,772	100.0
Journalists & Editors	---	---	786	100.0	1,306	100.0	1,098	100.0
Trade & Merchandising	789	1.0	1,096	1.0	1,604	1.0	2,830	1.0
Transportation	40,741	100.0	69,048	100.0	80,756	100.0	163,158	75.0
Number Working Sundays	179,783		292,473		347,678		444,246	
Total Workers, All Occupations	1,377,585		1,606,369		1,782,832		2,723,634	
Sunday Workers as a Percentage		13.1		18.2		19.5		16.3
Total Population	4,306,118		4,801,071		5,318,606		7,179,650	
Sunday Workers as a Percentage		4.2		6.1		6.5		6.2

SOURCE: Census of Canada, 1911. Vol. IV. Occupations of the People.

Notes to Appendix I

¹Percentage of workers (as listed by category in Census) deemed to be working on Sunday.

²Twenty percent was chosen as the number considered acceptable by the Alliance.

³Fifty percent considered a conservative estimate in those areas known to have extensive Sunday labour.

APPENDIX II: The Lord's Day Alliance of Canada: Profile
of Leadership, 1888-1906.

As a political interest group, the Lord's Day Alliance of Canada explored all avenues of influencing public policy. One of the most obvious avenues was the recruitment of an influential leadership for then, as now, a group's leadership was an important indicator of its prestige. Political scientists such as Richard van Loon and Michael Whittington note that:

The prestige of a group is important, for when it talks to decision makers, they may be impressed by the group's ideas in direct proportion to how impressed they are by its members as individuals. . . . Thus the prestige of a group . . . will play an important part in determining the effectiveness of the group in influencing policy. (1)

The upper levels of society had shunned affiliation with moral reform movements in the earlier nineteenth century, and the Alliance was at pains to demonstrate that such was no longer the case with the sabbatarian lobby.² An examination of the Alliance leadership therefore begins with a consideration of

¹R. van Loon and M.S. Whittington, The Canadian Political System: Environment, Structure and Process (Toronto: McGraw-Hill Ryerson, 1971), p. 316.

²J. Burnet, "The Urban Community and Changing Moral Standards," in Canadian Social History, ed., M. Horn and R. Sabourin (Toronto: McClelland and Stewart, 1974), p. 301, reprinted from Urbanism and the Changing Canadian Society, ed., S.D. Clark (Toronto: University of Toronto Press, 1961).

the principles that guided the recruitment of leadership. The detailed biographical analysis which follows evaluates the success of the recruitment procedures and also suggests some motivations for the support given by these men.

* * * * *

The active minority of the LDAC Executive -- Shearer, the General Secretary, W. Caven, Principal of Knox College, J.K. Macdonald, Managing Director of Confederation Life Insurance Company, and John Paterson, a lawyer -- established recruitment procedures.³ All of these men were Presbyterian, lived in Toronto, and had been active in the Ontario Alliance since its formation in 1895. They aimed at recruiting two distinct types of individuals to leadership positions in the Alliance: first, representatives of the interested parties with which the Alliance hoped to ally itself;⁴ and second, prominent individuals of church councils who were also prominent in the secular community. The Alliance's constitution reflected the importance the Executive attached to leadership recruitment: the fifty-two

³See H.W. Ehrmann, "Introduction," in Interest Groups on Four Continents (Pittsburgh: University of Pittsburgh Press, 1965), p. 2.

⁴A. Potter, Organized Groups in British National Politics (London: Faber and Faber, 1961), p. 134: "Among the members of a promotional group, an interested party may be defined as a member one of whose particular interests is related to the cause of the group in such a way that it is 'in his interest' to belong. His opposite is a do-gooder."

man national executive consisted of representatives of the provincial alliances, and each provincial executive recruited approximately twenty-five men to its board. (The Ontario Alliance, which had more extensive sub-committees than the other provinces, recruited approximately seventy men to its board.) In 1906, therefore, approximately 256 men participated in the leadership of the Alliance. The Executive was primarily interested in the recruitment of males. Although it professed to need the "quickenning influence of woman's presence" on its boards,⁵ the only women encouraged to participate were key workers in the temperance movements such as Annie Rutherford, President of the Women's Christian Temperance Union.

The annual meetings of the provincial alliances elected the boards, and it was customary to re-elect the same board each year.⁶ If a vacancy did occur, the same criteria guided the selection of a replacement as had guided original recruitment; thus, for example, when John McIntosh, a Conservative Member of Parliament on the Quebec board, died in 1904, Herbert Ames, another Conservative Member of Parliament, replaced him.⁷ Occasionally, it became prudent to suggest that a board member

⁵T. Albert Moore to Mrs. A.M. Bascom, 15 November 1904, LDACP.

⁶That is, they were elected and informed of the election afterwards; see, for example, Rev. J.G. Shearer to Chester Massey, 12 November 1900, LB 1899-1902, p. 371.

⁷LDAC, "Annual Meeting of Executive Board, 1904," Lord's Day Advocate (February 1905).

resign when potential conflicts of interest arose, such as, for example, in 1905 when an important test case involving Sabbath legislation came before a magistrate who was also a member of an Alliance board.⁸

The interested parties whose representation the Executive sought were the British Protestant churches, organized labour, and the temperance organizations. Shearer paid particular attention to the Anglican church by inviting the Bishop of Montreal to be Honorary President. Fearing rejection, Shearer did not approach the French Catholic hierarchy although he did approve of efforts made by the Maritime alliances to enlist English Catholic support. With regard to organized labour, he advised those provinces, the Maritimes, Ontario, Manitoba, and British Columbia, in which labour was strong to seek cooperation. In establishing contact with temperance organizations, however, Shearer restricted himself to the women's associations in Ontario.

Shearer always stressed the need of strong lay representation on the boards. Sensitive to public and press criticism that the Alliance was but "a collection of cranks and ministers without congregations," Shearer sought to belie these accusations by having "all men of outstanding position and influence," judges, lawyers, doctors, editors, sheriffs, mayors, and Members

⁸ Shearer to Rev. W.B. Crowell, 4 July 1905, LB 1905-1906, p. 33.

of Parliament, publicly identify themselves with the Alliance cause.⁹ Presumably these men would be involved in a number of public activities and would thus represent other sources of influence in the community. It was important, however, that they be Christian activists, prominent in the official councils of the Protestant churches. Since Shearer's own bias was to restrict membership to the British Protestant churches, he never advised venturing outside the socio-economic classes represented by these churches. Neither he nor the Quebec executive, for example, made an attempt to secure lay representatives of the French Canadian community; nor did he approach older immigrant groups such as the Ontario German Lutherans.

Shearer encouraged the recruitment of individual clergy representing important sources of influence in the community such as educational institutions, the religious press, Sabbath School and Young People's associations, or fashionable and prestigious congregations in the major urban centres. He also welcomed clergy active in the deliberations of the church assemblies on the local, provincial, or national level.

Participation on the Alliance board was an active commitment. Shearer expected his recruits to make use of any access they possessed, either in their public or private capacity, to

⁹ A. MacKillop to Editor, Harriston Tribune, 22 November 1900, OLDA, SB 1892-1900; Shearer to Rev. A. Rogers, 28 July 1900, LB 1899-1902, p. 211.

the legislative bodies.¹⁰ Annual meetings coincided with the sittings of provincial and federal parliaments and Shearer expected board members to participate in deputations to and interviews with members of the government, to communicate with the federal cabinet and if possible the Prime Minister, to defend the Alliance's cause in committees and debate, and to arouse public opinion whenever possible, either by exercising editorial influence or by writing letters to the editor. Within the Alliance structure itself, the Executive expected board members, particularly the lawyers, to donate their professional talents gratis to the exhausting committee work;¹¹ moreover, it hoped that board members would also contribute handsomely to Alliance funds.¹²

A biographical analysis of the 430 men involved in Alliance leadership in the years 1899-1906 documents its success in recruiting the desired type of man to executive positions. This sample includes, for the purposes of comparison, the executive of the first Lord's Day Alliance in 1888, the

¹⁰ See, for example, Shearer to Rev. N.A. McLeod, 6 July 1901, LB 1899-1902, p. 741: "If you could get men like the Bronsons, or other prominent Liberals in Ottawa to write good stiff letters to the Attorney-General . . . it would be helpful in stiffening his backbone."

¹¹ See Lord's Day Advocate (August, September 1906), and the remark concerning J. Paterson who as Convenor of the Legal Committee "has given in the aggregate weeks and, indeed, months of his valuable professional time, for which he has never received nor been willing to receive a single dollar of remuneration."

¹² Rev. T.A. Moore to Rev. W. Sparling, 2 January 1904, LB 1902-1904, p. 584.

organizers of the Ontario, New Brunswick, Quebec, and Manitoba Alliances in the years 1895-1900 as well as the executive boards of all provincial alliances in the year 1906 when the Lord's Day Act was passed. The extent of biographical detail available for such a group varies considerably: for example, in the case of eighty (19 percent) of the sample, only one variable, that of lay or clerical status, was established. In most cases, however, at least three variables were ascertained: lay or clerical status, place of dwelling, and religious affiliation. To these were added, whenever possible, birthdate, birthplace, ethnic background, socio-economic background, education, occupation, political affiliation, and other public service interests. Although the sample was most often analysed in the aggregate, regional and temporal breakdowns were employed to facilitate comparisons, the isolation of significant exceptions, or the identification of persistent patterns.¹³

All interested parties responded well. The Moderator of the Presbyterian church, the General Secretary of the Methodist church as well as the Secretaries of Education, and Moral and Temperance Reform, joined the Ontario Alliance. The Anglican hierarchy responded particularly well: Bishop Bond of Montreal

¹³The structure of this analysis was influenced by Brian Harrison's examination of the Teetotal leadership in the British temperance movement. See Brian Harrison, Drink and the Victorians: The Temperance Question in England, 1815-1872 (London: Faber and Faber, 1971), pp. 147-78; also B. Harrison, "The British Prohibitionists 1853-1872: A Biographical Analysis," in International Review of Social History XV (1970), pp. 375-467.

accepted the position of Honorary President of the national Alliance, and other bishops accepted positions on provincial boards; in all, seventeen members of the Anglican hierarchy were involved in the 1906 leadership profile. In the Maritimes, the Catholic church did respond to requests for cooperation and in 1905-1906 appointed three priests to each of the Nova Scotia and Prince Edward Island boards.¹⁴ The Trades and Labor Congress also extended its cooperation: in 1905, the provincial Congress of Nova Scotia appointed its secretary, Ira Mason, to the Alliance board;¹⁵ in Ontario, John Tweed, national Congress President and four of his executive members, as well as D.J. O'Donoghue, were organizers of the Ontario Alliance in 1895, and O'Donoghue continued to act as the representative of organized labour on that board; in Manitoba, A.W. Puttee, editor of the influential Winnipeg Voice, joined the Alliance board in 1902; and in British Columbia, Ralph Smith, former President of the national executive of the Trades and Labor Congress (1898-1902), and Liberal Member of Parliament for Nanaimo, became President of the British Columbia Alliance in 1904. In addition, the Presidents of both the national and Ontario W.C.T.U. sat on the Ontario board.

As the following tables illustrate, Shearer succeeded in

¹⁴Advocate (June 1905); Ibid. (January 1906).

¹⁵Ibid. (May 1905).

recruiting an urban-based, highly educated, British Protestant leadership. Lay representation was strong, particularly in the Prairie provinces and British Columbia. Prominent representatives of the secular world included a federal Cabinet Minister, H.R. Emmerson, Minister of Railways in the Laurier Government, Senator J.D. McGregor, former Lieutenant-Governor of Nova Scotia, influential men of the legal community such as Dr. Silas Alward, Dean of the Law Faculty at King's College (New Brunswick), and Judge S.A. Chesley of Halifax. Industrialists and merchants also lent the support of their own positions and of their connections with other interests in the business community: Andrew Bell, for example, President of the Nova Scotia Alliance in 1906, was at the same time President of the Halifax Board of Trade; W.A. Marsh was President of the Quebec branch of the Canadian Manufacturers' Association when he became a member of the Quebec Alliance in 1900 and continued to be active in both associations.

These were also the Christian activists Shearer desired, as many of them were involved not only in the church assemblies but also in Sabbath School and Young People's Associations: for example, B.H. Eaton, a Halifax lawyer, was the former President of the Baptist Convention, as was H.R. Emmerson; Judge S.A. Chesley of Halifax was a member of the Methodist church's committee on church union, while Judge Forbes was superintendent of the Presbyterian Sunday Schools in St. John, New Brunswick. Moreover, through their overlapping memberships in numerous

other promotional causes and charitable organizations, they established informal connections with other interested parties: Dr. J.J. Maclaren, a Toronto lawyer, was also Vice-President of the Dominion Alliance for the Total Suppression of the Liquor Traffic; J.K. Macdonald, Managing Director of the Confederation Life Insurance Company, had been one of the founders of the Y.M.C.A.; and Hugh Graham, editor of the Montreal Star, was active in the Society for the Suppression of Cruelty to Animals. It is to be noted that certain contemporary interests are absent from this list, especially the cause of woman's suffrage.

Clergy dominated the Ontario executive, owing to the presence of many church officials and prominent churchmen in that province -- men such as A.C. Courtice, editor of the Christian Guardian, Reverend J.A. Macdonald, editor of the Toronto Globe, or Chancellor Wallace of McMaster University, or Reverend R.P. Bowles, pastor of the fashionable Sherbourne Street Methodist Church in Toronto, attended by, among others, H.H. Fudger, A.E. Ames, and Joseph Flavelle.

Many of the leadership were politically active. Although biographical details rarely revealed the political affiliation of a clergyman, other factors indicated political involvement: for example, several of the Ontario and Quebec executives had been active in the Equal Rights Association of the 1890s. As mentioned in an earlier chapter, Dr. William Caven, Principal of Knox College, had chaired the Ontario branch, and among others on his 1891 executive had been the Reverends A.C.

Courtice, John Potts, G.M. Milligan, and John Langtry, all future members of the Ontario Alliance. Several laymen had also been active in the Equal Rights Association, and Caven's 1891 executive had included John Charlton, Dr. J.J. Maclaren, J.K. Macdonald, and Henry O'Brien, all members of the first Ontario Alliance board. In Quebec, L.S. Channell, editor of the Sherbrooke Daily Record, and Major E.L. Bond of Montreal had helped organize the Equal Rights Association of that province and had joined the 1900 Quebec Alliance board. By the turn of the century the Alliance attracted men of both political parties. Of the 127 men whose political affiliation was identified, over half were Liberal, the traditional supporters of sabbatarian legislation, but 30 percent were Conservative, including the leader of the party, Robert Borden. Many were noted by biographers to be staunch Imperialists. Many were also involved in local politics as forty men were identified who had been elected at some level as mayor, alderman, councillor, school trustee, or harbour commissioner. Some, such as Toronto lawyer Henry O'Brien, had campaigned actively for the election of reform candidates such as William Howland. Others were active in citizen urban reform groups: Sherriff Sweetland, for example, had been President of the Ottawa Reform Association; Hugh Graham, editor of the Montreal Star, had helped organize the Good Government Association; while J.R. Dougall, editor of the Montreal Witness, L.H. Davidson, Dean of the McGill Law Faculty, and C.S.J. Phillips, a prominent businessman, had all been active

in the Montreal Citizens' League.

Unlike the temperance movement which received a large measure of secular support from those who desired a sober, productive work force,¹⁶ the Lord's Day Alliance received support from laymen motivated primarily by the evangelical teachings of the Protestant churches. These men formed the first elite of an urban, industrialized Canada, identified by T.W. Acheson in his article, "The Social Origins of the Canadian Industrial Elite, 1880-1885."¹⁷ Older, mature men (in 1906 the average age of executive members was fifty-three years¹⁸), their religious duties were "a matter of conviction," and they were devoted "in varying degrees to this symbol [the church] of their traditional culture."¹⁹ Moreover, as men of a rural background (only 14 percent of the sample was born in cities of more than 10,000 inhabitants), they tended to think, as S.D. Clark has commented in his Church and Sect in Canada, "in terms of a rural

¹⁶See J. Gusfield, The Symbolic Crusade: Status Politics and the American Temperance Movement (Urbana, Illinois: University of Illinois Press, 1972), p. 118; also M.G. Decarie, "The Prohibition Movement in Ontario, 1896-1916" (Ph.D. thesis, Queen's University, 1972), pp. 62-3; also T. Morrison, "'Their Proper Sphere': Feminism, the Family and Child-Centered Social Reform in Ontario, 1875-1900," Ontario History LVII (March 1976), pp. 54-5.

¹⁷T.W. Acheson, "The Social Origins of the Canadian Industrial Elite, 1880-1885," in Canadian Business History, ed., David S. Macmillan (Toronto: McClelland and Stewart, 1972).

¹⁸Only on the Alberta Executive did the average age fall below fifty years (to forty-five years). Fifty-six percent of the total sample of 236 were over fifty years of age; 85 percent were over forty.

¹⁹Acheson, op.cit., p. 158.

society."²⁰ These men may well have recognized that a weekly day of rest was beneficial to the employees as well as essential to the orderly progress of an industrial society. But it was the desecration by those very employees who sought pleasure on the Sabbath that prompted them to support the Alliance as a political interest group. Many lent the prestige of their names in the secular world without questioning the social and economic implications of the proposed legislation. Unfortunately the solution proposed by the Alliance and supported by these men went but a little way to fulfilling the needs of an industrial and urban population.

²⁰S.D. Clark, Church and Sect in Canada (Toronto: University of Toronto Press, 1948), p. 390.

TABLE I
RELIGIOUS AFFILIATION OF THE LDAC LEADERSHIP BY PROVINCE, 1888-1906

DENOMINATION	LDAC 1888	ONT.	QUE.	N.B.	N.S.	P.E.I.	MAN.	SASK.	ALTA.	B.C.	TOTAL	PERCENT
PRESBYTERIAN	11	40	14	5	11	5	8	2	7	3	106	32.7
METHODIST	7	41	14	10	4	3	12	2	7	4	104	32.1
ANGLICAN	7	15	16	6	4	2	3	1	2	2	58	17.9
BAPTIST	--	7	6	5	5	--	3	1	2	--	29	9.0
ROMAN CATHOLIC	--	2	--	1	4	3	--	--	--	1	11	3.4
CONGREGATION- ALIST	--	2	6	1	--	--	1	--	--	--	10	0.9
REFORMED EPISCOPALIAN	1	1	--	--	--	--	1	--	--	--	3	0.3
UNITARIAN	--	--	--	--	--	--	1	--	--	--	1	0.3
QUAKER	--	1	--	--	--	--	--	--	--	--	1	0.3
LATTER DAY SAINT	--	--	--	--	--	--	--	--	1	--	1	0.3
RELIGION KNOWN	26	109	56	28	28	13	29	6	19	10	324	100.0
RELIGION UNKNOWN	8	27	20	24	7	3	8	4	3	2	106	---
TOTAL	34	136	76	52	35	16	37	10	22	12	430	---

TABLE II
ETHNIC ORIGINS OF THE LDAC LEADERSHIP, 1888-1906

ETHNIC ORIGIN	NUMBER	PERCENT
Scottish	70	46.7
English	38	25.3
Irish	22	14.7
Welsh	2	1.3
United Empire Loyalist	11	7.3
Australian ¹	1	0.7
European	3	2.0
Unknown	3	2.0
TOTAL	150	100.0

¹Assumed to be of British ethnic origin.

TABLE III
EDUCATIONAL PROFILE OF THE LDAC LEADERSHIP, 1888-1906

	NUMBER	PERCENT
POST-SECONDARY EDUCATION		
University	190	44.2
College, Seminary, Law School, etc.	21	4.9
TOTAL	211	
SECONDARY EDUCATION ¹		
GRAMMAR SCHOOL	14	3.3
PRIVATE TUITION	2	0.5
TOTAL	240	
EDUCATION UNKNOWN ²	190	44.2
TOTAL	430	

¹Included in this number are those whose profession assumes secondary education, (i.e., lawyers and several of the Anglican church hierarchy) although biographical descriptions have not included details.

²Among those for whom no details concerning education were available were 42 ministers, 7 manufacturers, 15 bankers and businessmen, 3 journalists, 7 labour leaders, 5 temperance workers, and 6 politicians.

TABLE IV

REPRESENTATION ON LORD'S DAY ALLIANCE PROVINCIAL BOARDS FROM
CANADA'S MAJOR CITIES, (POPULATION EXCEEDING 20,000), 1906¹

PROVINCE	NO. ON BOARD RESIDENCE KNOWN	CITY	NO. FROM CITY	CITY AS A PERCENT OF PROVINCE
P.E.I.	12	Charlottetown	8	66.7
Nova Scotia	30	Halifax	12	40.0
New Brunswick	24	St. John	11	45.8
Quebec	34	Montreal	20	58.8
		Quebec City	3	8.8
Ontario	69	Toronto	46	66.7
		Ottawa	2	2.9
		Hamilton	1	1.4
		London	1	1.4
		Brantford	--	--
Manitoba	19	Winnipeg	12	63.2
Alberta	20	Edmonton	5	25.0
		Calgary	7	35.0
British Columbia	13	Victoria	5	38.5
		Vancouver	3	23.1
TOTAL	221		136	61.5

¹Although Charlottetown did not have a population of 20,000, it is listed because of its capital city status.

SOURCE: Census of Canada, 1901.

TABLE V

LAY OCCUPATIONAL PROFILE, LDAC LEADERSHIP BY PROVINCE, 1888-1906

OCCUPATION	TOTAL SAMPLE	LDAC 1888	P.E.I.	N.S.	N.B.	QUE.	ONT.	MAN.	SASK.	ALTA.	B.C.
Active Politicians:											
Cabinet Minister	1				1						
Senator	8	2	1	3	1						1
Lieutenant-Governor	1									1	
Provincial Premier	1									1	
M.P.	13	2		1	1	2	2	4			1
M.P.P.	15		2	2	2	3	1	2		3	
Mayor/Alderman	7						2	1	2	1	1
Judges	11		1	2	2	3	1			1	1
Lawyers, Barristers	34		1	3	1	6	16	2	1	2	2
Doctors	10	3				1	1	2	1	2	
Professor	1			1							
Educationist	1							1			
Businessman	11					6	3			1	1
Merchant	24	1	1	3	1	5	5	2	1	4	1
Manufacturer	6	1					3	2			
Druggist	1							1			
Editor	10	1				5	4				
Farmer	0										
Mechanic	1							1			
Labour Representative	8			1			5	1			1
Temperance Rep.	6	1					5				
TOTAL:											
Occupation Known	170 ¹										
Unknown	65										
TOTAL	235										

¹The occupation of a man has been counted under the category for which he was recruited; that is, most politicians have been counted as politicians rather than as businessman.

TABLE VI
CLERICAL OCCUPATIONAL PROFILE, LDAC LEADERSHIP BY PROVINCE, 1888-1906

OCCUPATION	TOTAL SAMPLE	LDAC 1888	P.E.I.	N.S.	N.B.	QUE.	ONT.	MAN.	SASK.	ALTA.	B.C.
Clerical Sample	194	16	9	18	20	26	76	14	3	8	4
Religious Institutions:											
Chancellor	1						1				
Principal	6			1		1	1	3			
Dean/Rector	1			1							
Professor	6			2	1	1		2			
Church Officials:											
Anglican	19	2		3	3	4	3	1	1	2	
Presbyterian	1						1				
Methodist	3						3				
Editors/Religious Press	7			2	2	1	2				
Pastors	150	14	9	9	14	19	65	8	2	6	4

TABLE VII

LAY/CLERICAL REPRESENTATION IN LORD'S DAY ALLIANCE LEADERSHIP

	1888-1906	PERCENT	1906	PERCENT
Total	430	100.0	256	100.0
Lay Representation	236	54.9	125	48.8
Clerical	194	45.1	131	51.2

TABLE VIII

LAY/CLERICAL REPRESENTATION

IN LORD'S DAY ALLIANCE LEADERSHIP BY PROVINCE, 1906

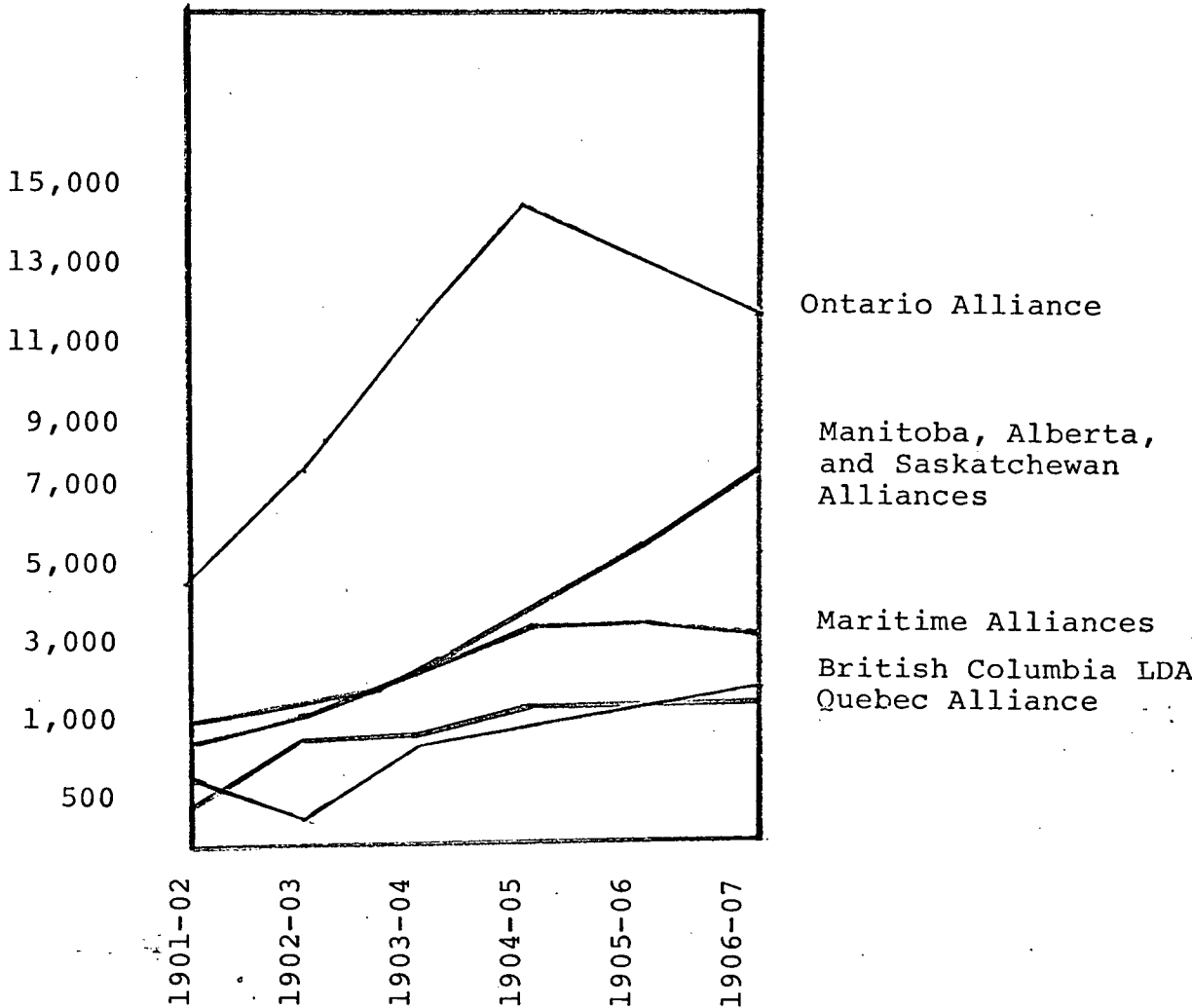
PROVINCE	TOTAL SAMPLE	LAY NUMBER	PERCENT	CLERICAL NUMBER	PERCENT
P.E.I.	16	7	43.7	9	56.3
Nova Scotia	35	17	48.6	18	51.4
New Brunswick	33	15	45.5	18	54.5
Quebec	36	20	55.6	16	44.4
Ontario	69	23	33.3	46	66.7
Manitoba	21	12	57.1	9	42.9
Saskatchewan	10	7	66.7	3	33.3
Alberta	23	14	60.9	9	39.1
British Columbia	13	9	69.2	4	30.8
TOTAL	256	125	48.8	131	51.2

TABLE IX

OTHER REFORMING ACTIVITIES OF
LORD'S DAY ALLIANCE LEADERSHIP, 1888-1906

NAME	NUMBER
Woman's Christian Temperance Union	5
Dominion Prohibitory Alliance	6
Royal Templars of Temperance	2
Ontario Temperance Alliance	1
White Ribboners	1
Ontario Society for the Reform of Inebriates	1
Society for the Prevention of Cruelty to Animals	4
Toronto Humane Society	1
Society for the Protection of Women and Children	1
Society for the Suppression of Vice	1
Citizens' Moral Reform Association	1
Montreal Social Union	1
Citizens' Central Anti-Sunday Car Committee	1
Y.M.C.A.	16
Prisoner's Aid	5
Boys' Home (Montreal)	4
Toronto City Mission	3
Boys' Brigade	2
Toronto Association of Charities	2
United Charities (Quebec)	1
House of Industry	1
House of Refuge	1
Children's Aid	1
Protestant Orphanage (Victoria)	1
Boys' Farm and Training School	1
Toronto Mechanic's Institute	1
Red Cross	1
TOTAL NUMBER OF MEN INVOLVED	48

APPENDIX III: Claimed Membership in the Lord's Day Alliance
of Canada by Province, 1901-1906.



Notes:

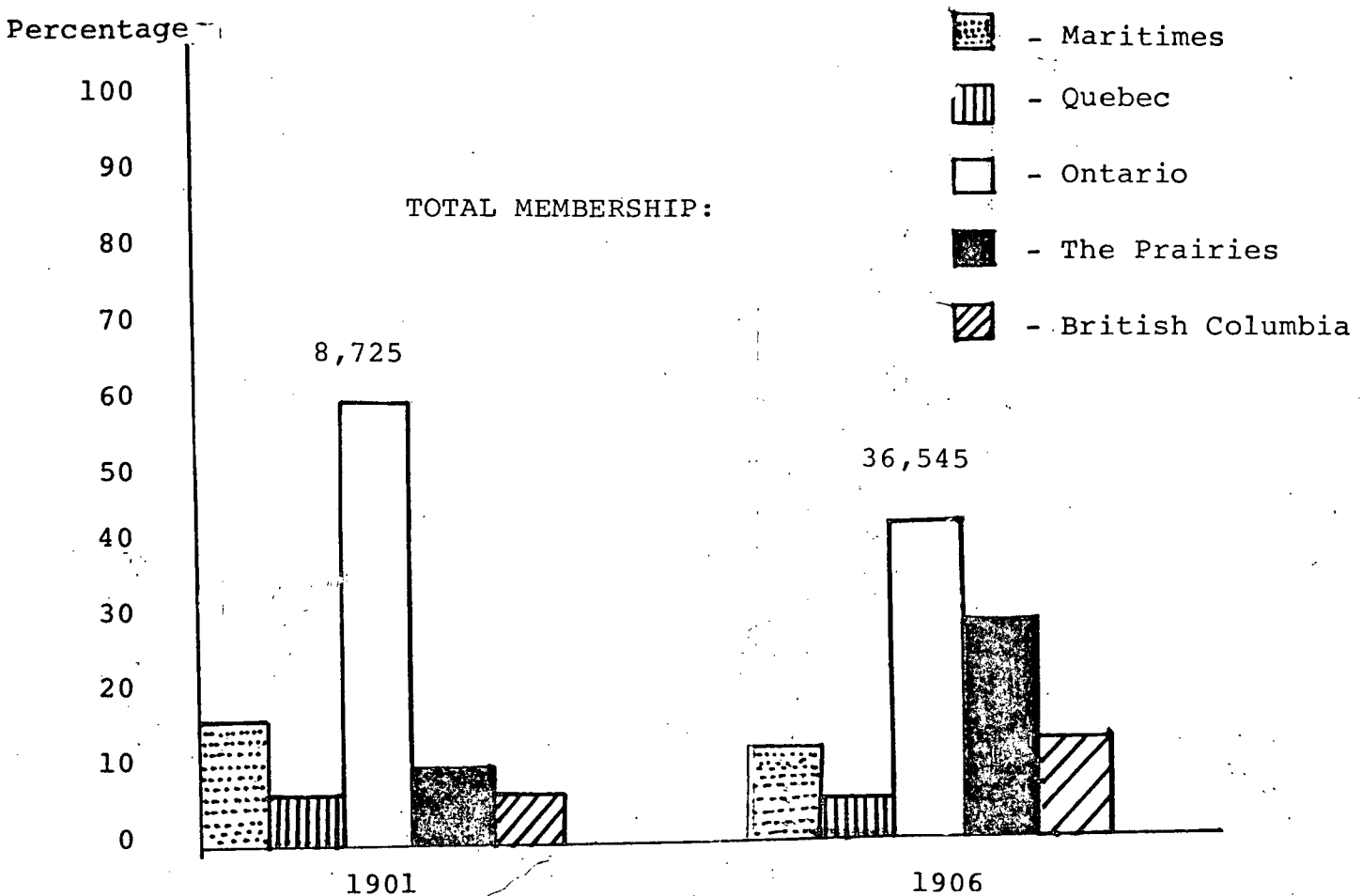
1. All figures are approximate, calculated from the financial statements of the provincial alliances when available and LDAC reports where necessary. All figures calculated on the basis of \$0.50 = one member, according to all Alliance constitutions except those of New Brunswick and Quebec. In the former case, members were calculated on the basis of \$0.25 = one member, while in the case of Quebec, \$1.00 = one member.

2. Total membership in the LDAC:

1901-1902:	8,725	1904-1905:	27,314
1902-1903:	12,830	1905-1906:	36,545
1903-1904:	19,343		

Source: LDACP.

APPENDIX IV: Regional Proportions of Claimed Lord's Day
Alliance of Canada Membership in the Years
1901 and 1906.



Notes:

1. Membership figures were taken from Annual Reports of the provincial alliances. On the "receipts from branches" were considered, as the total receipts might include other monies such as bank loans.
2. Only where no provincial Annual Report was available were figures taken from the financial statements of the LDAC Annual Reports. This was the case for British Columbia in both years, and for Nova Scotia, New Brunswick, Prince Edward Island, Manitoba, and the Territories in 1901.

3. Figures were computed on the basis of fifty cents = one member for all provinces except New Brunswick and Quebec. By its constitutions (OLDA, SB 1892-1900), the New Brunswick Alliance established a membership fee of twenty-five cents and Quebec set a fee of one dollar; figures were calculated accordingly. These figures do not allow for juvenile members (at ten cents) or group membership from labour unions, since membership figures do not provide such a breakdown.
All figures are therefore approximate.

Source: LDACP.

APPENDIX V: The Lord's Day Act of Upper Canada, 1845.

An Act to prevent the Profanation of the Lord's Day,
in Upper Canada.

WHEREAS it is expedient to enact a Law against the Profanation of the Lord's Day, commonly called Sunday, which day ought to be duly observed and kept holy: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It is not lawful for any Merchant, Tradesman, Artificer, Mechanic, Workman, Labourer or other person whatsoever, on the Lord's Day to sell or publicly shew forth, or expose, or offer for sale, or to purchase, any goods, chattels, or other personal property, or any real estate whatsoever, or to do or exercise any worldly labour, business or work of his ordinary calling, (conveying Travellers or Her Majesty's Mail, by land or by water, selling Drugs and Medicines, and other works of necessity, and works of charity, only excepted). 8 V. c. 45, s. 1. No sale to take place on Sunday.
2. It is not lawful for any person on that day to hold, convene or to attend any public political meeting, or to tipple, or to allow or permit tippling in any Inn, Tavern, Grocery or House of Public Entertainment, or to revel, or publicly exhibit himself in a state of intoxication, or to brawl or use profane language in the public streets or open air, so as to create any riot or disturbance, or annoyance to Her Majesty's peaceable subjects. Political meetings, tippling, &c., prohibited on Sunday.
3. It is not lawful for any person on that day to play at skittles, ball, foot-ball, racket, or any other noisy game, or to gamble with dice or otherwise, or to run races on foot, or on horseback, or in carriages, or in vehicles of any sort. 8 V. c. 45, s. 1. Games and amusements, prohibited.
4. Except in defence of his property, from any wolf or other ravenous beast or a bird of prey, it is not lawful for any person on that day to go out hunting or shooting, or in quest of, or to take, kill or destroy, any deer or other game, or any wild animal, or any wild fowl or bird, or to use any dog, gun, rifle or other engine, net or trap, for the above mentioned purpose. Exception. Hunting and shooting.
8 V. c. 45, s. 1.

Fishing.

5. It is not lawful for any person on that day to go out fishing or to take, kill or destroy any fish, or to use any gun, fishing rod, net or other engine for that purpose. 8 V. c. 45, s. 1.

Bathing.

6. It is not lawful for any person on that day to bathe in any exposed situation in any water within the limits of any incorporated City or Town, or within view of any place of Public Worship, or private residence. 8 V. c. 45, s. 1.

Penalty.

7. Any person convicted before a Justice of the Peace of any act hereinbefore declared not to be lawful, upon the oath or affirmation of one or more than one credible witness, or upon view had of the offence by the said Justice himself, shall, for every such offence, be fined in a sum not exceeding forty dollars, nor less than one dollar, together with the costs and charges attending the proceedings and conviction. 8 V. c. 45, s. 3.

Sales and
agreements
made on Sun-
day to be void.

8. All sales and purchases, and all contracts and agreements for sale or purchase, of any real or personal property whatsoever, made by any person or persons on the Lord's Day, shall be utterly null and void. 8 V. c. 45, s. 2.

Justice to sum-
mon accused
party.

9. When any person has been charged upon oath or otherwise, in writing, before any Justice of the Peace, with any offence against this Act, the said Justice shall summon the person so charged to appear before him, at a time and place to be named in such Summons, and if such person fails or neglects to appear accordingly, then (upon proof of due service of the Summons upon such person, by delivering or leaving a copy thereof at his house, or usual or last place of abode, or by reading the same over to him personally,) the said Justice may either proceed to hear and determine the case *ex parte*, or issue his Warrant for apprehending such person, and bringing him before himself, or some other Justice of the Peace having jurisdiction within the same County or Municipality; and the Justice before whom the person charged appears or is brought, shall proceed to hear and determine the case, or the said Justice, on view of the offence, may verbally order, or if on the complaint of a third party, then may, in writing, order the offender to be at once committed (although it be on the Lord's Day) to the common gaol of the place, or into other safe custody, there to remain until the morrow, or some other day, according to circumstances, until the case be heard and disposed of. 8 V. c. 45, s. 4.

Commitment.

Form of con-
viction.

10. The Justice before whom any person is convicted of any offence against this Act, may cause the conviction to be drawn up in the following form, or in any other form of words to the same effect, as the case may require, that is to say: 8 V. c. 45, s. 5.

Be it remembered, that on the . . . day of . . . ,
 in the year of our Lord, eighteen . . . , at . . . ,
 in the County of . . . , (or at the City of . . . ,
as the case may be,) A. B., of . . . , is convicted
 before me, C. D., one of Her Majesty's Justices of the Peace
 for the said County, (or City, *as the case may be,*) for that he
 the said A. B. did (*specify the offence, and the time and place,*
when and where the same was committed, as the case may be ;)
 and I, the said C. D., adjudge the said A. B., for his offence
 to pay (immediately, or on or before the . . . day of
 . . .) the sum of . . . , and also the sum
 of . . . , for costs ; and in default of payment of the
 said sums respectively, to be imprisoned in the common
 gaol of the said County (or City, *as the case may be,*) for the
 space of . . . months, unless the said sums be sooner
 paid ; and I direct that the said sum of
 (the penalty) shall be paid as follows, that is to say : one
 moiety thereof to the party charging the offence, and the
 other moiety to the Treasurer of the County, (*naming*
the one in which the offence was committed, or Chamberlain,
 of the said City, *as the case may be,*) to be by him applied
 according to the provisions of the Act, (*insert the title of this*
Act).

Given under my hand and seal, the day and year first
 above mentioned..

C. D., J. P.. [L. S.]

11. A conviction under this Act shall not be quashed for
 want of form ; nor shall any Warrant of Commitment be held
 void by reason of any defect therein, if it be therein alleged
 that the party has been convicted, and there be a good and
 valid conviction to sustain the commitment. 8 V. c. 45, s. 6.

Conviction and
 commitment
 not to be void
 for want of
 form.

12. In default of payment of any fine imposed under this
 Act, together with the costs attending the same, within the
 period by the Justice of the Peace before whom such conviction
 takes place, specified for the payment thereof at the time of
 conviction, such Justice of the Peace (if he deems it expedient
 so to do) may issue his Warrant directed to any Constable to
 levy the amount of such fine and costs within a certain time, to
 be in the said Warrant expressed ; and in case no distress
 sufficient to satisfy the amount be found, he may commit the
 offender to the Common Gaol of the County wherein the
 offence was committed, for any term not exceeding three
 months, unless the fine and costs be sooner paid. 8 V. c.
 45, s. 7.

In default, may
 levy fine.

Commitment.

13. The prosecution for any offence punishable under this
 Act, must be commenced within one month after the com-
 mission of the offence, and not afterwards ; and the evidence
 of any inhabitant of the County or Municipality in which the
 offence

Limitation of
 time for prose-
 cution.

Who may be witnesses.

offence has been committed, shall be admitted and receivable notwithstanding the fine incurred by the offence may be payable for the benefit of such Municipality ; but the party who makes the charge in writing before the Justice, shall not be admitted as a witness in the case. 8 V. c. 45, s. 8.

Appeal to the Quarter Sessions.

14. In case a person thinks himself aggrieved by any conviction or decision under this Act, then, in case such person, within six days after such conviction or decision, and ten days at least before the first Court of General Quarter Sessions of the Peace, or in Cities before the first Recorder's Court, (if there be a Recorder's Court) to be held not sooner than twelve days next after such conviction or decision, may appeal in the manner provided in and subject to the provisions of the Act respecting Appeals in cases of Summary Conviction. 8 V. c. 45, s. 9.

Justices to transmit the conviction to the Quarter Sessions.

15. Every Justice of the Peace before whom any person is convicted of any offence against this Act, shall transmit the conviction to the next Court of General Quarter Sessions, or Recorder's Court (as the case may be) to be holden for the County or City wherein the offence was committed, there to be kept by the proper officer among the records of the Court. 8 V. c. 45, s. 10.

Where actions, &c., are to be tried.

16. All actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act, shall be laid and tried in the County where the fact was committed, and must be commenced within six months after the fact committed, and not afterwards; and notice in writing, of such action, and of the cause thereof, must be given to the Defendant one month at least before the action; and in any such action the Defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon. 8 V. c. 45, s. 11.

Defendant may plead general issue.

Tender of amends, &c.

17. No Plaintiff shall recover in such action, if tender of sufficient amends be made before such action brought, or if a sufficient sum of money be paid into Court after such action brought, by or on behalf of the Defendant; and if a verdict passes for the Defendant, or the Plaintiff becomes non-suit, or discontinues any such action after issue joined, or if upon demurrer or otherwise judgment be given against the Plaintiff, the Defendant may recover his full costs, as between Attorney and Client, and have the like remedy for the same as any Defendant hath by law in other cases. 8 V. c. 45, s. 11.

Defendant if successful to have full costs.

Distribution of penalties.

18. All sums of money awarded or imposed as fines or penalties, by virtue of this Act, shall be paid as follows, that is to say: one moiety thereof shall be paid to the party charging the offence in writing before the Justice, and the other moiety to the Treasurer of the County or City wherein

the offence was committed, to be by him accounted for in the same manner as for other moneys deposited with or paid over to him. 8 V. c. 45, s. 12.

19. This Act is not to extend to the people called Indians. 8 V. c. 45, s. 14. Not to extend to Indians.

APPENDIX VI: The Lord's Day Bill drafted by the Lord's Day Alliance of Canada, and introduced to the House of Commons, March 11, 1906.

THE GOVERNMENT'S LORD'S DAY BILL

The following is Bill No. 12 (proposed Lord's Day Act) with proposed amendments agreed upon by a conference of some 75 Senators and Members of Parliament as suggestions for consideration of Government and Parliament. These are indicated within brackets.

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 twelve o'clock on Saturday afternoon and ends at twelve 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 or boat used for conveying passengers or freight by water (substitute "mode of" for "kind of vessel or boat used for");

(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.

2. It shall not be lawful for any person on the Lord's Day 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 to do or employ any other person to do on that day any work, business, or labor, in connection with such calling (add "or for gain") except as herein provided.

3. Nothing herein contained shall be taken or held to make unlawful in the Province of Quebec such sales at church doors of country parishes as are permitted under the law of that province.

4. 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) Selling drugs and medicines (add "by retail in cases of urgency");

(c) The work of physicians and surgeons for the relief of sickness and suffering (omit "the" and "of physicians and surgeons");

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

(e) The conveying of travellers and His Majesty's mails;

(f) Maintaining fires, or doing urgent repairs in cases of emergency or other work of a like incidental character when such fires, repairs or work are essential to any manufacturing process actually in operation when the Lord's Day begins, which is of such a nature that without the doing of such work on the Lord's Day such process cannot be carried on during the other six days of the week;

(g) The continuance to their destination of railway trains in transit when the Lord's Day begins, which are loaded exclusively either with live stock destined for immediate shipment at any ocean port, or with perishable goods (add "or grain") or with both (substitute "or with such live stock, perishable goods and grain");

(h) The carriage to the next divisional point on any railway or to the next regular port of call of any vessel, of any freight which is in transit by such railway or vessel when the Lord's Day begins.

*(add (i) "The hiring of horses and carriages for any purpose not prohibited by this act.")

5. It shall not be lawful for any person on that day to engage in any game or contest for gain or for any

*Since Conference, Mr. R. U. McPherson, LL.B., suggests that after "hiring" the words be added, "for the personal use of hirer or his family." This would shut out Tally-Ho's, which really carry excursions.

prize or reward, or to be present thereat, or to provide, engage in, or be present at any performance at which any fee is charged directly or indirectly, either for admission to such performance, or for any service or privilege thereat.

2. When any performance at which an admission fee or any other fee is so charged is provided in any building or place to which persons are conveyed for hire by the proprietors or managers of such performance, or by any one acting as their agents or under their control, the charge for such conveyance shall be deemed an indirect payment of such fee within the meaning of this section.

6. It shall not be lawful for any person on the Lord's Day to run, conduct, or convey by any mode of conveyance any excursion on which passengers are conveyed for hire, and having for its principal or only object the carriage on that day of such passengers for amusement or pleasure, and passengers so conveyed shall not be deemed to be travellers within the meaning of this Act.

7. It shall not be lawful for any person on the Lord's Day to open to the public any park or pleasure ground or other place maintained for gain, to which an admission fee is charged directly or indirectly, or within which a fee is charged for any service or privilege.

8. It shall not be lawful for any person to advertise in any manner whatsoever any performance or other thing prohibited by this Act.

2. It shall not be lawful for any person to advertise in Canada in any manner whatsoever any performance or other thing which if given or done in Canada would be a violation of this Act.

9. It shall not be lawful for any person on that day (add "to engage in hunting or fishing") to shoot at any target, mark or other object, or to use any (add "appliance") gun, rifle or other engine for that purpose.

10. Every constable or other peace officer who suspects that a violation of this Act is being committed in or upon any premises other than a dwelling house shall, within the limits for which he is such constable or

peace officer, have the right at any time to enter into or upon and to search such premises for the purpose of ascertaining whether such offence is being committed.

2. Every person who obstructs such constable or peace officer acting under the authority of this section, shall be guilty of a violation of this Act.

11. Every person who violates any of the provisions of this Act shall for each offence be liable, on summary conviction, to a fine, not less than one dollar and not exceeding forty dollars, together with the cost of prosecution.

12. Every employer who authorizes or directs anything to be done in violation of any provisions of this Act, shall for each offence be liable, on summary conviction, to a fine not exceeding one hundred dollars and not less than twenty dollars, in addition to any other penalty prescribed by law for the same offence.

13. Every corporation which authorizes, directs or permits its employees to carry on any part of the business of such corporation in violation of any of the provisions of this Act, shall be liable, on summary conviction before two justices of the peace, for the first offence to a penalty not exceeding two hundred and fifty dollars, and not less than ("fifty dollars,") and for each subsequent offence to a penalty not exceeding five hundred dollars, and not less than ("one hundred dollars") in addition to any other penalty prescribed by law for the same offence.

14. Nothing herein shall prevent the operation of any Act now or hereafter in force in any province of Canada regarding any railway subject as such to the legislative authority of such province.

15. Nothing herein shall be construed to repeal or in any way affect the provisions of any Act respecting the Lord's Day in force in any province of Canada when this Act is passed; and where any person violates any of the provisions of this Act, and such offence is also a violation of any other Act, the offender may be proceeded against either under the provisions of this Act or under the provisions of any other Act applicable to the offence charged.

APPENDIX VII: The Lord's Day Act of Canada, 1906.



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An Act respecting the Lord's Day.

[Assented to 13th July, 1906.]

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 ^{Definitions.} "Lord's Day." begins at twelve o'clock on Saturday afternoon and ends at twelve o'clock on the following afternoon;
 - (b.) "Person" has the meaning which it has in the Criminal ^{"Person."} Code, 1892;
 - (c.) "Vessel" includes any kind of vessel or boat used for ^{"Vessel."} conveying passengers or freight by water;
 - (d.) "Railway" includes steam railway, electric railway, ^{"Railway."} street railway and tramway;
 - (e.) "Performance" includes any game, match, sport, con- <sup>"Perform-
ance."</sup> test, exhibition or entertainment;
 - (f.) "Employer" includes every person to whose orders or ^{"Employer."} directions any other person is by his employment bound to conform.
 - (g.) "Provincial Act" means the charter of any municipality <sup>"Provincial
Act."</sup> 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, <sup>No sales to
be made or
business or
work done on
Lord's Day.</sup> except as provided herein 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 labour.

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Works of
necessity and
mercy not
prohibited.

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, when such fires, repairs or work are essential to any industry or industrial process of such a continuous nature that it cannot be stopped without serious injury to such industry or its product or to the plant or property used in such process;

(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 work incidental thereto;

(h.) The continuance to their destination of trains 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 on 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 vessel which otherwise would be unduly delayed after her scheduled time of sailing, or any vessel which otherwise would be in imminent 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 carrying vessel after the fifteenth of September;

(m.) The caring for milk, cheese, and live animals, and the unloading of and caring for perishable products and live animals, arriving at any point during the Lord's Day;

(n.) The operation of any toll or drawbridge, or any ferry or boat, authorized by competent authority to carry passengers on the Lord's Day;

(o.) The hiring of horses and carriages or small boats for the personal use of the hirer or his family for any purpose not prohibited by this Act;

(p.) Any unavoidable work after six o'clock in the afternoon of the Lord's Day, in the preparation of the regular Monday morning edition of a daily newspaper;

(q.) The conveying His Majesty's mails and work incidental thereto;

(r.) The delivery of milk for domestic use, and the work of domestic servants and of watchmen;

(s.) The operation by any Canadian electric street railway company, whose line is interprovincial or international, of its cars, for passenger traffic, on the Lord's Day, on any line or branch now regularly so operated.

(t.) Work done by any person in the public service of His Majesty while acting therein under any regulation or direction of any Department of the Government;

(u.) Any unavoidable work by fishermen after six o'clock in the afternoon of the Lord's Day in the taking of fish;

(v.) All operations connected with the making of maple sugar and maple syrup in the maple grove;

(w.) Any unavoidable work on the Lord's Day to save property in cases of emergency or where such property is in imminent danger of destruction or serious injury;

(x.) Any work which the Board of Railway Commissioners for Canada, having regard to the object of this Act and with the object of preventing undue delay, deem necessary to permit in connection with the freight traffic of any railway. The costs of all applications to the Board under this paragraph shall be borne by the applicant, and, if more than one, in such proportions as the Board determines. Notice of application, in which the reasons to be relied on shall be fully set out, shall be given to the Department of Railways and Canals. In all other respects the procedure under *The Railway Act, 1903*, shall, so far as applicable, apply.

4. Except in cases of emergency, it shall not be lawful for any person to require any employee engaged in any work described in paragraph (c) of section 3 of this Act or in the work of any industrial process or in connection with transportation, to do on the Lord's Day the usual work of his ordinary calling, unless such employee is allowed during the next six days of such week, twenty-four consecutive hours without labour.

Substitution of another holiday for the Lord's Day.

2. This section shall not apply to any employee engaged in the work of any industrial process in which the regular day's labour of such employee is not of more than eight hours' duration.

Restriction.

5. It shall not be lawful for any person, on the Lord's Day, except as provided in any Provincial Act or law now or hereafter in force, to engage in any public game or contest for gain, or for

Games and performances where admission fee is charged.

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any prize or reward, or to be present thereat, or to provide, engage in, or be present at any performance or public meeting, elsewhere than in a church, at which any fee is charged, directly or indirectly, either for admission to such performance or meeting, or to any place within which the same is provided, or for any service or privilege thereat.

Charges for conveyance to performance.

2. When any performance at which an admission fee or any other fee is so charged is provided in any building or place to which persons are conveyed for hire by the proprietors or managers of such performance or by any one acting as their agent or under their control, the charge for such conveyance shall be deemed an indirect payment of such fee within the meaning of this section.

Excursions by conveyances where fee is charged.

6. It shall not be lawful for any person on the Lord's Day, except as provided by any Provincial Act or law now or hereafter in force, to run, conduct, or convey by any mode of conveyance any excursion on which passengers are conveyed for hire, and having for its principal or only object the carriage on that day of such passengers for amusement or pleasure, and passengers so conveyed shall not be deemed to be travellers within the meaning of this Act.

Advertisements of prohibited performances etc., wherever taking place.

7. It shall not be lawful for any person to advertise in any manner whatsoever any performance or other thing prohibited by this Act.

2. It shall not be lawful for any person to advertise in Canada in any manner whatsoever any performance or other thing which if given or done in Canada would be a violation of this Act.

Shooting.

8. It shall not be lawful for any person on the Lord's Day to shoot with or use any gun, rifle or other similar engine, either for gain or in such a manner or in such places as to disturb other persons in attendance at public worship or in the observance of that day.

Sale of foreign newspapers on Sunday.

9. It shall not be lawful for any person to bring into Canada for sale or distribution, or to sell or distribute within Canada, on the Lord's Day, any foreign newspaper or publication classified as a newspaper.

Penalty for infraction of Act.

10. Every person who violates any of the provisions of this Act shall for each offence be liable, on summary conviction, to a fine, not less than one dollar and not exceeding forty dollars, together with the cost of prosecution.

Employer's liability for unlawful acts.

11. Every employer who authorizes or directs anything to be done in violation of any provision of this Act, shall for each offence be liable, on summary conviction, to a fine not exceeding one

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one hundred dollars and not less than twenty dollars, in addition to any other penalty prescribed by law for the same offence.

12. Every corporation which authorizes, directs or permits its employees to carry on any part of the business of such corporation in violation of any of the provisions of this Act, shall be liable, on summary conviction before two justices of the peace, for the first offence to a penalty not exceeding two hundred and fifty dollars and not less than fifty dollars, and for each subsequent offence to a penalty not exceeding five hundred dollars and not less than one hundred dollars, in addition to any other penalty prescribed by law for the same offence.

Liability of
corporation
permitting
unlawful
acts.

13. Nothing herein shall prevent the operation on the Lord's Day for passenger traffic of any railway subject to the legislative authority of any province unless such railway is prohibited by provincial authority from so operating.

Operation of
railways.

2. Nothing herein shall prevent the operation on the Lord's Day for passenger traffic by any railway company incorporated by or subject to the legislative authority of the Parliament of Canada of its railway where such operation is not otherwise prohibited.

14. Nothing herein shall be construed to repeal or in any way affect any provisions of any Act or law relating in any way to the observance of the Lord's Day in force in any province of Canada when this Act comes into force; and where any person violates any of the provisions of this Act, and such offence is also a violation of any other Act or law, the offender may be proceeded against either under the provisions of this Act or under the provisions of any other Act or law applicable to the offence charged.

Provincial
Lord's Day
Acts not
affected.

15. 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 offence is alleged to have been committed, nor after the expiration of sixty days from the time of the commission of the alleged offence.

Limitation
of actions.

16. This Act shall come into force on the first day of March, one thousand nine hundred and seven.

Commence-
ment of Act.