

LABOR DAY.

Today is Not a Holiday in a Legal Sense.

Labor day will be observed today by the partial suspension of general business, and, as the railroads have given special rates, and special attractions have been provided at the beaches, travel to the seashore promises to be heavy. Contrary to the general belief, however, today is not a legal holiday, and will not be so observed by the banks and other public institutions.

All the trouble and misunderstanding were brought about by the recent act of Congress which declares that the first Monday in September shall be set apart as a holiday, and shall be known as Labor day. It was generally believed that an act of Congress of this character held good all over the United States, but it does not. Congress can only legislate on subjects expressly provided for by the Constitution. In the case of declaring holidays the States have sole power. An act of Congress like the one passed can only hold good in the case of the District of Columbia and the Territories.

As far as Labor day is concerned, the Legislature of California has set apart the first Monday in October for the observance of that day. Sec. 10 of the Code of Civil Procedure of the State of California as amended in 1893, provides that every Sunday, January 1, February 22, May 30, July 4, September 9, the first Monday in October, December 25, and every day appointed by the President or by the Governor of the State for a public fast or thanksgiving shall be a holiday, and in case any of the set holidays come on a Sunday then the holiday shall be on the following Monday.

In discussing these matters, the San Francisco Chronicle of Saturday says:

"These facts were not known generally yesterday, and preparations had been made all over the city to close government and municipal offices, as the misapprehension was so general. Even the Clearing-house gave out the word up to 2:30 p.m. that Monday was a legal holiday. At that hour it sent out notice of a directly opposite nature.

"It was officially announced that the sub-treasury would close. The doors of the Appraisers' building and of the custom-house were ordered shut from Saturday till Tuesday. The Harbor Commissioners' employees, deputies in city offices, and even the legal gentlemen who occupy Superior Court benches looked upon the matter as a thoroughly understood thing, and announced that there would be no court on Monday.

"Ch. of Clerk Barnett of the United States Mint was the skeptic who stirred up the excitement. He had his doubts as to the legality of Labor day and telegraphed to Washington for instructions. The answer he received was as follows:

WASHINGTON, Aug. 31, 1894.—Superintendent United States Mint, San Francisco: You will not recognize Monday as a legal holiday unless made so by the laws of the State. The act of Congress applies only to District of Columbia and Territories

R. E. PRESTON,

Director Mint.

"The news reached the Clearing-house and the advice of attorneys was secured. The Clearing-house immediately sent out the new order as above stated. President Alvord of the Bank of California telegraphed to Gov. Markham, asking him if he intended to declare Monday a legal holiday. The Governor replied that he had no such intention. The signs in all the bank windows then came down and the government and municipal officers are wondering who made the mistake anyhow. What the Superior Judges will do is not known, but it is rumored they will all take another vacation until the awful blunder is forgotten.

"F. A. Hyde, president of the Board of Education, announced at a committee meeting held yesterday afternoon that the schools would not close, the action of the Clearing-house being considered sufficient authority upon which to act. So school will be held as usual. To the school children and government and municipal employes there will be but a slight disappointment. Very serious business complications might have arisen, however, in case the banks had kept closed."