

The Sentinel

OF CHRISTIAN LIBERTY

VOL. XVIII

WASHINGTON, D. C., OCTOBER 15, 1903

NO. 41



There have been two sorts of Sunday-observance laws—one positive and the other negative. The one commanded church attendance and the partaking of the sacraments; while the other merely forbids you to do so-and-so. We have, of course, left far behind us those affirmative laws; and strangely enough the most rigorous of the Sabbatarians now agree that they were bad laws. Progress, however, is slow, and the Sabbatarians still hold to it that negative laws are perfectly right. "If we can't make you go to church, we shall at all events prevent your going anywhere else, or amusing yourself if you get there," is their position. BUT THE NEGATIVE LAWS ARE NO BETTER THAN THE OLD ONES. So far as they are an attempt to enforce theological opinion they are wrong. . . . You believe that people would be much better off in churches than in parks on Sunday. But have you a right to impose your views upon others? If you have, why honestly go and do it. But if you have not, are you justified in slanting your legislation so as surreptitiously and indirectly to accomplish your improper purpose? Better be honest with yourselves and fair to others.—Hon. John S. Ewart, K. C., at a meeting to consider "The Sunday Question" in St. George's Church, Winnipeg, Manitoba, November 9, 1902.

The Sentinel

OF CHRISTIAN LIBERTY

A weekly publication devoted to the maintenance and defense of liberty of conscience, and therefore opposed to any violation or compromise of the principle of separation of church and state. Non-sectarian and non-partisan in the application of principles.

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To whom all communications of a business nature should be addressed.

We believe in the religion taught and lived by Jesus Christ.

We believe in temperance, and regard the liquor traffic as a curse to society.

We believe in supporting civil government and submitting to its authority.

We believe that human rights are sacred, and that they indissolubly inhere in the moral nature of the individual.

We deny the right of any human authority to invade and violate these inalienable rights in any individual.

Therefore we deny the right of any civil government to legislate on matters of religion and conscience.

We believe it is the right, and should be the privilege, of every individual to worship God according to the dictates of his own conscience, free from all dictation, interference, or control on the part of civil government or any other external authority; or not to worship at all if he so chooses.

We also believe it to be our duty, and no less the duty of all others, to oppose religious legislation and all movements tending toward the same, to the end that all the people may freely enjoy the inestimable blessing of liberty, which is theirs by virtue of the unbounded wisdom and beneficence of the Author of their being.

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Any one receiving THE SENTINEL OF CHRISTIAN LIBERTY without having ordered it, may know that it is sent by some friend. Those who have not ordered the magazine need have no fears that they will be asked to pay for it.

In a sermon at St. Paul, Minn., on September 27, Rev. John Copeland declared that he hoped "the time will soon come when it will be forbidden by law for any one to buy anything in the stores on Saturday afternoons." But he desired this enforced Saturday half-holiday primarily not because it would "give those who work a chance for recreation," but because "in this way we should be rid of one of the excuses made now for the heathenish disregard with which we treat Sunday." He thought there was altogether too much disregard of "the holiness of the day."

The ministers' association and the Woman's Christian Temperance Union of Toledo, Ohio, recently "petitioned Mayor Jones for the enforcement of the closing of saloons on Sunday." "In reply he refused point blank, saying that such a proposition is impracticable, if indeed it is not impossible." He expressed the belief that "if the question were submitted to a referendum vote in this city, the vote would be overwhelmingly in favor of an open Sunday."

"The citizens of Washington," Kan., were recently requested by the mayor through the columns of a local paper "to take notice of two sections of the State Sabbath laws." The two sections, which were presented with the notice, forbade sports and "games of any kind" and the selling or exposing for sale of "any goods, wares, or merchandise" on Sunday under penalty of a fine not exceeding fifty dollars.

"No commonwealth is as yet enlightened enough to sweep from its statute books all laws forbidding things in themselves innocent," says *The Independent*, and the best proof of it so far as the United States are concerned are the Sunday laws.

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WASHINGTON, D. C., THURSDAY, OCTOBER 15, 1903.

No. 41

New York's Sunday Legislation—Historical In connection with the excellent review of New York's Sunday law now being published in The Sentinel a brief glance at the history of New York's Sunday legislation will be of interest. It seems that "from the earliest days of the Dutch colonists the observance of the Lord's Day was recognized and protected by law." From "O'Callaghan's Laws and Ordinances of New Netherlands, from 1638 to 1674," we learn that in 1641 an ordinance was passed by the Council of New Netherlands "prohibiting the sale of beer and other strong drink during hours of divine service." In 1647 Director-General Petrus Stuyvesant published an ordinance against selling liquors on Sundays before certain hours or on any day after nine o'clock in the evening, travelers and daily boarders alone excepted, under penalty of fine and forfeiture of license. An ordinance of 1648 "renewed and amplified former ordinances for the observance of the Sabbath, and forbade during divine service all tapping, fishing, hunting, and other customary avocations, trading and business." It seems that back in the days of the Dutch colonists the Sunday laws, at least with regard to liquor selling, were not as "blue" as they are to-day, for they applied only during the time of "divine service," or during certain hours of the day. An ordinance of 1656 forbade "on the Lord's Day of

rest by us called Sunday" any ordinary labor such as plowing, sowing, mowing, building, hunting, fishing, or "any other work which may be lawful on other days," under penalty of one pound Flemish. The next year an ordinance was passed which provided that no person, "of whatever Rank or Nation he may be," should entertain company, sell liquor, perform any labor, transact business, or go on pleasure parties, on Sundays, or "during divine service." In 1663 the Director-General and Council, "in view of the fact that previous ordinances had been misconstrued as applying only to one half of the Sabbath," passed an ordinance declaring that the Sunday laws applied to the entire day from the rising to the going down of the sun, and adding numerous specific prohibitions with severe penalties. It is stated, however, that the Court of New Amsterdam objected to this ordinance on the ground that "many of its provisions are too severe and too much in opposition to the freedom of Holland." And yet it did not confiscate as much of the time of the people as does the Sunday legislation of to-day. In 1664, the colony having come under the control of the English, it was provided in the "Duke of Yorke's Book of Laws," "that every person affronting or disturbing any congregation on the Lord's Day should be punished," and that "Sundays are not to be profaned by travelers, laborers, or vicious persons."

In 1695 "the General Assembly of the Colony of New York" passed a law entitled "an act against profanation of the Lord's Day, called Sunday," which "prohibited traveling (except persons going to church within twenty miles, physicians and the post), servile laboring and working, shooting, fishing, sporting, playing, horse-racing, hunting, frequenting tippling houses and the using of any other unlawful exercises and pastimes upon the Lord's Day." This law was in force at the time of the adoption of the State constitution in 1777, and continued in force until 1788. In that year the legislature "passed a law for the protection of the Sabbath, entitled, 'an act for suppressing Immorality,' which was based on the previous colonial act of 1695." The provisions of this act of 1788 were substantially re-enacted in the revisions of the State laws in 1813 and in 1830, and "have remained unchanged in subsequent editions of the revised statutes." So the Sunday law of to-day is the lineal descendant of the colonial act of 1695. It is interesting to note the evolution of the reason or basis for such legislation. In the early days and for a long time thereafter the laws were simply to prevent "profanation of the Lord's Day." That was considered ample and sufficient ground for the enactments. But the time came when it was felt that this was not sufficient, and so the Sunday law became "an act for suppressing immorality." This seemed to put a better face upon the matter. And again another change was made, and the law became, as it is to-day, one ostensibly for the purpose of preventing interference with religious liberty! The next step will be to give the legislation an entirely civil, social basis. But this will not change the character of the legislation itself. The history

of Sunday legislation is a better guide as to its nature and character than the varying excuses which from time to time are used to bolster it up. In addition to the general Sunday statute a few supplementary laws have been passed upon the same subject. In the excise law of 1857 and subsequent amendments, "provision is made for the more effective prevention of liquor selling on Sunday." In 1860 an act was passed prohibiting with special penalties theatrical and similar entertainments on Sunday in the city of New York. An enactment of 1872, amended in 1880, prohibited noisy parades and processions on Sunday in the streets of the cities. In 1871 an enactment was passed which excepted contracts for advertisements in newspapers published on Sunday from the general provision of the law which makes contracts on Sunday invalid. In 1881 the Sunday laws then existing were substantially embodied or re-enacted in the Penal Code adopted in that year by the legislature. In recent years there have been special enactments with regard to barbering, meat-selling, liquor-selling, etc., with regard to which our readers are more or less familiar. The general Sunday law itself, though abbreviated considerably since then, remains substantially as it was one hundred years ago. We shall at another time compare the law as it is to-day with the law as it was when the able indictment of it which we are now printing, was written. The leading decision upholding Sunday legislation and affirming its constitutionality was rendered by the supreme court of the State in 1861, in the case of *Lindenmuller vs. the People*. In 1877, in passing upon the same question, the court of appeals declared that "the subject is exhausted in the *Lindenmuller* case," and

that that decision, "having never been appealed from or in other manner questioned, will be held as declaring the law of this State." And we suppose that it is still so held by the New York courts. In this Lindemuller decision, said the court of appeals, it was "held with great force of argument that the Christian Sunday may be protected from desecration by such laws as the legislature in its wisdom may deem necessary." It was declared in the decision that "Christianity is a part of the common law of the State" "to the extent that entitles the Christian religion and its ordinances to respect and protection, as the acknowledged religion of the people," and that "liberty of conscience is entirely consistent with the existence in fact of the Christian religion entitled to and enjoying the protection of the law as the religion of the people of the State." So this decision upholding Sunday legislation in New York assumes, and very naturally, that there is a State religion—a religion to which the law does and should give "protection" and compel "respect" as "the religion of the people of the State." This is the Roman idea, and it was this idea that made Christianity in its early days a proscribed religion in the Roman Empire. It was also declared that "with us, the Sabbath, as a civil institution, is older than the government," and "as a civil and political institution, the establishment and regulation of a Sabbath is within the just power of the civil government." In conclusion it was declared that "the act is clearly constitutional, as dealing with and having respect to the Sabbath as a civil and political institution." Notice the inconsistency. First, the Sunday legislation is all right because "the Christian religion and its ordinances" are entitled

"to respect and [legal] protection as the acknowledged religion of the people." Next, it is right because it is "as a civil and political institution" that the law deals with and has "respect to the Sabbath." That is, Sunday legislation is all right because it is in the interests of an ordinance of the Christian religion which *as such* is entitled to "the protection of the law," and also it is all right and "clearly constitutional" because it is not as a religious, but "as a civil and political institution" that the law protects "the Sabbath"!

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**A Baptist Paper on
the Sunday
Question**

It is gratifying to have from a leading religious journal even such a statement as the following with reference to the Sunday question, for there are few of the denominational organs that will go even this far in the matter. We quote from *The Standard* (Baptist), Chicago:

Christian leaders do well to fight, and fight hard, against the tendency to increase Sunday labor and Sunday amusements. But every time that they confuse their arguments by reference to the religious sanctions of Sabbath observance, or even by the use of terms, such as "desecration," which involve religious principles, they harm the cause which they are trying to support. The case stands thus: Legalism and the Christian use of Sunday have nothing to do with each other, either in the civil or in the religious sphere. For in the civil sphere legal regulation can and should go no further than to insure a day free in the main from enforced physical labor and to secure a reasonable quiet which promotes rest and prevents interference with worship. And in the religious sphere the Christian use of Sunday is not a matter of law, but of enlightened liberty—not the Sabbath of the Pharisees, or even the Sabbath of the written law with its prohibition of a fire and its capital punishment for wood-gather-

ing; but the Lord's day of the early Christian church, a voluntary and cheerful setting apart of a day for spiritual refreshment and worship, which can manifestly be governed by no statute more specific than the universal law of love to God and man, interpreted by the example of Jesus.

Unfortunately there are no indications that there is entertained in the other great religious bodies any doubt as to the rightfulness and propriety, though there may be as to the expediency, of the appeal to "the religious sanctions of Sabbath observance" in behalf of the demand for Sunday "legalism." But evidently the Baptists cannot entirely forget the great principle, so applicable to this Sunday question, which, because of his noble devotion to it, has made the name and memory of the Baptist, Roger Williams, illustrious. As to whether or not Sabbath observance is "governed by no law more specific than the universal law of love to God and man," we are not concerned here, though we may remark that what this leading Baptist paper says on this point is worthy of note as indicative of just how definite is the foundation and authority for an observance that is commonly held in the churches to rest upon a specific and positive divine command, and which owes its legal character and the bulk of its present support as a "civil" institution to the assumption of such divine command for its observance. We are concerned here only with that portion of the statement which has to do with the relation of the Sunday institution and the civil law, and we are most glad to see the idea plainly set forth by a religious paper that the religious and "Christian use of Sunday" is a matter with which the civil law can have nothing whatever to do; that, to put it in a slightly different way, the

civil law can have nothing to do with Sunday as a religious or Christian institution. This is the vital thing in this question of Sunday and the civil law — the point upon which the whole matter turns; and it is gratifying in these days of religious clamor for the enforcement of "our American Christian Sabbath" to have a prominent organ of one of the great denominations say this. But this would have been more gratifying had it not come coupled with something else which strips it of its force. Notice how ingeniously this Baptist paper, having departed somewhat from the simplicity and integrity of the gospel of religious freedom as proclaimed by Roger Williams, holds forth the idea that there are two spheres in this matter of Sunday observance and "regulation" — the "civil sphere" and the "religious sphere." Now we deny absolutely that there are by right any two such spheres. We deny absolutely that by right Sunday has any civil sphere in any sense that Wednesday or any other day does not have. And we deny that anybody can hold to the principle for which Roger Williams stood and at the same time hold that Sunday must have special consideration by the civil law, a "protection" that is not given equally to all other days, we care not what may be the character, "civil" or otherwise, that may be alleged in support of this special and peculiar treatment. Any "sphere" that Sunday has beyond or different from the "sphere" of any other day is religious, and anybody who attempts to get around this and by argument to invest the day with a non-religious character that is different from that possessed by other days, is simply trying to substitute sophistry for fact. And anybody who contends for and defends Sunday legislation

in this way, and yet who discounts arguments for the same purpose having "reference to the religious sanctions of Sabbath observance," is simply saying that the only thing he disapproves of in connection with Sunday legislation is having it appear in its real character. He simply says that he stands for something that he would not stand for if it stood forth just as it is; that he has a cause that he would rather not have stand forth in its own proper habiliments; that what he contends for would be wrong were it contended for for what it really is. He clings to the substance, to the thing itself, but is willing and prefers to substitute for the trifling externals which serve no purpose but to indicate the real nature of the thing itself others that make it appear other than it is. We do not question for a moment that it is within the sphere and the proper function of the civil law to insure freedom from "enforced physical labor," to "secure a reasonable quiet," and to prevent "interference with worship" on Sunday. But we do not admit for a moment the assumption that is the basis of the declarations to this effect in the quotation given. We deny absolutely that the function of the civil law with respect to any of these matters can by right be in anywise different on Sunday, or with regard to Sunday, from what it is on any other day, or with regard to any other day. We deny that the civil law has any duty with respect to "enforced physical labor" on Sunday that it does not have with respect to "enforced physical labor" on Wednesday or any other day; we deny that the civil law has any duty to "secure a reasonable quiet" on Sunday that it does not have to "secure a reasonable quiet" on Wednesday or any other day; we deny that

the civil law has any duty to prevent "interference with worship" on Sunday that it does not have to prevent "interference with worship" on Wednesday or any other day. The idea that the civil law has a different function and a greater duty in these matters on Sunday than upon other days is a baseless assumption, and the demand for Sunday legislation based upon it is as intolerable as is the bald demand that the civil law shall enforce the observance of Sunday as a religious and Christian institution. For the two demands are the same, except to those who are deceived by a trick of words. It seems rather peculiar that a religious, a Christian, paper should advise and warn "Christian leaders" who are fighting hard "against the tendency to increase Sunday labor and Sunday amusements," to make no reference in their arguments "to the religious sanctions of Sabbath observance" and to employ no terms "which involve religious principles," lest "they harm the cause which they are trying to support." Are we to understand that this cause to which "Christian leaders" are so devoted and which this Baptist paper so heartily favors is one in which religious principles are not involved, and which can only derive harm from appeals to religious principles in its behalf? Are we to understand that "Christian leaders" are expending their energies in behalf of a cause with which religion has no connection? Are we to understand that the hard fight that is being made by "Christian leaders" "against the tendency to increase Sunday labor and Sunday amusements" has no "reference to the religious sanctions of Sabbath observance," and that the use of such terms as "desecration" is altogether out of place in connection with it? If

this is to be understood, and if we take the language of this Baptist paper to mean what it was evidently intended to mean all this has to be understood from it, then what in the world are "Christian leaders" fighting for in this matter, and what possible objection can they have to Sunday labor and amusements? What strange hallucination is it that causes religious people to be so stirred and seriously concerned over a matter in which nothing religious is involved? Of course what is plainly to be understood from the language of this Baptist paper on this point is not true. If the fight of "Christian leaders" against Sunday labor and amusements had no reference to "religious principles" and the "religious sanctions of Sabbath observance," it would never have been necessary for this paper to have issued the warning that it does. For, in the first place, there would be no such fight on hand, at least "Christian leaders" would not have it on their hands, as is almost entirely the case now; and, in the second place, those who did have it on their hands, if any such there were, would not be persistently appealing to religious sanctions and employing religious terms in its behalf. No, it is just simply because "religious principles" are involved in this matter and that it *does* have reference to the "religious sanctions of Sabbath observance," that it is necessary to issue this warning to "Christian leaders." In this country it does not sound very well to ask that the civil law shall legislate in the interests of a religious institution and enforce it upon the people, and, fortunately, such a demand cannot escape challenge and what is to it very uncomfortable scrutiny. Therefore, since the Sunday institution is a religious institution, and since the use of civil legislation

"against the tendency to increase Sunday labor and Sunday amusements" is a use of civil legislation in behalf of a religious institution (for "the tendency to increase Sunday labor and Sunday amusements" is opposed only because it is a tendency that is against Sunday as a religious institution), it is of course very unwise in the "Christian leaders" who demand legislation for this purpose to make plain and prominent the real nature of their demand and object. They should avoid "reference to the religious sanctions of Sabbath observance" and "the use of terms, such as 'desecration,' which involve religious principles," for thereby "they harm the cause which they are trying to support." They harm it by revealing its real nature; for the good of "the cause" its real nature should not be made prominent. The policy which this Baptist paper advises is the policy which more and more marks the cause of Sunday legislation and enforcement. More and more the ostensible object is civil, social, and not religious. But the cause remains exactly the same all the time.

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Bible Reading in We stated three
New York weeks ago that the
Schools proposition to have

the Bible in the public schools inevitably involves the question, Which Bible? An illustration of this was afforded in New York last winter, where the reading of "the Bible" in the schools is authorized by law. The Catholic Truth Society inquired of the State Superintendent of Public Instruction "if the Douay [Roman Catholic] version of the Bible might not be read by Catholic teachers in the public schools where the reading of the Bible was required." The superintendent evaded the responsibility of answer-

ing the question, Which Bible? by replying in the affirmative to this inquiry. A short time after this at a meeting of the New York City school superintendents it was "decided to include the Douay Bible in the list of supplies, and to permit any teacher who may desire to do so to call for such Bibles for use." So it seems that in New York the policy of letting the teacher decide the inevitable question, Which Bible? obtains. Of course, if there is to be Bible reading, this is the best policy. The above incident drew from *The Independent* this very proper comment:

Of course Superintendent Skinner was right; it is just as fair to use the Catholic Bible, which tells the people to "do penance," as to use the Protestant, or King James, Bible. But this illustrates the blundering policy of those strict Protestant religionists who insist that the Bible be read in the schools as a daily religious service. It can breed nothing but quarrels. If the Protestant version is read, it will be regarded as a Protestant service, which Catholics will object to, and conversely if the Catholic version is read. It is better to have no religious service than a quarrelsome one. It is far better that the state should teach no religion. Leave that to the church; and if the church can not teach the young, then the church has lost its best function and power.

It was also very pertinently pointed out by *The Independent* that now under the provision authorizing Bible reading there can be religious readings in the New York schools "from 'Judith,' 'Susanna,' and 'Bel and the Dragón,' [these apocryphal books being included in the Catholic Bible and considered as of equal authority with the other books]," and that "if there should be a school with Chinese children here in New York and with a Chinese teacher, it would be his duty to read from Confucius; or in a school

amid a colony of Syrians the teacher might read from the Koran." Certainly the policy of those Protestants who insist that the Bible shall be used as a religious book in the public schools is a blundering one. It is to be hoped that they will not adopt the still more blundering policy of insisting that the state shall authoritatively decide that *their* Bible and their version of it is "*the* Bible" that is to be read in the schools, and that all others are excluded.

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In speaking to a large audience in Des Moines, Iowa, recently on "problems confronting labor," Dr. H. O. Breeden, pastor of the Central Church of Christ of that city, made this significant utterance:

If it [unionism] is ever to furnish the panacea for our labor ills it must broaden and deepen its life currents on the moral ideas that affect the welfare of the laboring man. It must join the churches everywhere in the protection of Sunday as a day of rest and recreation. It means more to the laboring man to have all unnecessary work done away with on the Lord's day than to anyone else. Here is a place for effectively using the splendid machinery of organized labor.

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Contrary to our expectation two weeks ago the transfer of *The Sentinel* to its new quarters has made necessary the omission of one issue, so that there was none for October 8. We regret this, but in view of the interruption and delay in the work of getting out the paper necessarily incident to such a transfer we feel that our readers and friends will pardon the omission. In order that the subscribers may lose nothing all subscriptions will be advanced one week, or rather the paper will be sent to all subscribers now on the list one week longer than the time to which they have paid.

An Indictment of New York's Sunday Law*

V

TO surmount the difficulty presented by the inconsistency which I have pointed out, and with a view to reconcile the adverse provisions of the law in question, it may perhaps, and doubtless will be, conceded "that it is not immoral for either of those two religious sects [first and seventh-day observers] to labor on the sabbath day of the other, provided they believe in the divine appointment of a sabbath day and do not work on the day they respectively and conscientiously believe to be the sabbath of the Lord"!

I have no objection to the first part of this proposition. It is one of the truths for which I am contending. But the condition or provision annexed to it is altogether inadmissible, because it excludes every one who happens not to belong to either of those two religious sects from the free and equal exercise and enjoyment of their opinions on the subject, and hence infringes the natural and unalienable liberty of con-

science. But I will even take the whole together as it stands and reason from it to show that were it all conceded to be true, it would be insufficient to shield the law which forms the subject of these remarks from the imputations which its inconsistency and injustice have drawn upon it.

It will be seen that the foregoing proposition admits that whether it is deemed moral or immoral to labor on the first or seventh day of the week depends upon and is determined by the opinion of the advocates of each day respectively; and these two sects only are allowed to exercise the right of conscience and to judge for themselves "in respect of the sabbath day," and to act according to their conscientious opinions respectively, without it being deemed immoral for them so to do. The conscientious opinions, therefore, of these two sects, though adverse to each other, are allowed by the law in question to be the true, sufficient, moral and legitimate criteria and authority by which each individual of those two sects is allowed to judge and determine for himself which of those two days is the sabbath of divine appointment, and to act accordingly. Every other sect, and in truth every other individual in the community, is enjoined, nay, coerced, by the statute under review, to keep one or the other of those two days as holy time, however adverse to their conscientious convictions it may be; thereby compelling them to assume, hypocrite-like, the appearance of believing religious tenets they neither profess nor acknowledge to be true.

Further, by admitting the right to entertain those two opinions, it is acknowledged that there is no certainty which of these two day was appointed a sabbath by divine command. Is it

*Seventy-seven years ago there was published in New York a pamphlet, a transcript of the title page of which is as follows: "The People's Rights Reclaimed; being An Exposition of the Unconstitutionality of the Law of the State of New York Compelling the Observance of a Religious Sabbath Day, and Erroneously Entitled 'An Act for Suppressing Immorality,' Passed March 13th, 1813, Addressed to the People of the State of New York. New York, 1826: A. Spooner, Printer, Brooklyn." Its publication was called forth by the revision of the State laws then taking place and certain attempts that had been made "to effect an extension of the erroneous principles and provisions of the Sunday laws." Although the excuse for New York's Sunday legislation has been somewhat changed since then, it being now professedly for the prevention of "crimes against religious liberty and conscience" (although still coming under the general heading of "crimes against public decency and good morals"), whereas then it was "for suppressing immorality," it remains the same in principle, object, and effect, and the masterly and unanswerable indictment of the law as it then was made by the unknown author of the above pamphlet is still a masterly and unanswerable indictment of the law as it now is, and incidentally of all other Sunday legislation. The widespread disposition now manifested to uphold and "to affect an extension of the erroneous principles and provisions of the Sunday laws" makes the matter in this pamphlet very pertinent to-day, and hence we are publishing it in full in THE SENTINEL.—EDITOR.

more certain that God instituted a sabbath than that He named the day when it should be kept? As has been before remarked, do not the truth of the divine institution of a sabbath and the day or time of holding it [observing it], depend on the same authority or testimony? Is it immoral to disbelieve in and disobey one part of the command, and is it not immoral to disbelieve in and disobey the other? Is it immoral to disbelieve the divine appointment of a sabbath day, and not immoral to disregard the day designated by divine command to be kept as holy time? By what patent, other than the law in question, have the first-day sabbateans the exclusive right to disbelieve the religious creed of the seventh-day sabbateans? By what authority, save that same statute law, have the seventh-day sabbateans the exclusive right to disbelieve and disregard the religious creed of the first-day sabbateans? If it is not immoral for the first-day sabbateans to disbelieve and disregard the seventh day of the week as a sabbath by divine appointment, has not every other person an equal right to entertain the same opinion, and to act thereon accordingly? If it is not immoral for the seventh-day sabbateans to disbelieve and disregard the first day of the week as "the sabbath of the Lord," has not every other member of the community an equal right to concur with them in that opinion, and enjoy and exercise the same?

To attempt to escape from the labyrinth and inconsistency which any attempt to justify the law in question, on logical or moral principles, involves its advocates, it may possibly be alleged that "it is not immoral to disbelieve either one of those two days (viz: the first or seventh) to be a sabbath by divine authority, but that the

offense, the crime, the immorality, consists in disbelieving both, or not believing in and keeping one of them as holy time"!! If my reader will extend his patience a little farther, I will treat this subterfuge with the same deference and respect as if its absurdity was not self-evident or its weakness not at all astonishing.

If it is moral, innocent, and a matter of right, as I allege, and the law admits, in the first-day sabbateans to disbelieve and disregard the seventh day as holy time, it is innocent and moral in all who entertain the same opinion, and they have an equal right to act accordingly. Then no members of the community except the seventh-day sabbateans are under any obligation to acknowledge or keep the seventh day as holy time. All except the seventh-day sabbateans have a right, nay, are bound in moral honesty, to dissent from that religious creed, and to protest against being forced to it. If, on the other hand, it is innocent and a matter of right in the seventh-day sabbatean to disbelieve and disregard the first day as holy time, and I admit with the law under consideration that it is so, then no members of the community except the first-day sabbateans are under any moral or religious obligation to acknowledge or keep the first day of the week as a sabbath day. All except the first-day sabbateans have a moral and religious right to disbelieve and dissent from that creed, and to protest against being constrained by statute law or other unhallowed means to conform to religious sectarian tenets which they neither profess nor believe. If it is not immoral to believe or disbelieve one or the other of those two days to be a sabbath by divine appointment, the belief that neither of them is such cannot be immoral. If unbelief in each

is not immoral, unbelief in both can be no crime. If each of two actions are admitted to be innocent there can be nothing wrong in doing them both. The association of two innocent actions cannot be an offense against morality any more than the association of two virtues would constitute a crime.

For what other reason are the Saturday sabbateans allowed to do their work on Sunday than that already mentioned, viz.: because they conscientiously disbelieve that day to be a sabbath by divine appointment, and do believe the seventh day of the week to be "the sabbath of the Lord," and that conscientious disbelief of the one and conscientious belief of the other day as a sabbath entitles them (and so says the second enacting clause of the law in question) to the right to be exempted from—from what? The alleged moral obligation to keep Sunday as a sabbath day? No; but from the statutory coercion to keep that day as a sabbath in violation of their natural and equal rights of conscience, and from any obligation to conform to religious tenets which they neither profess nor believe to be true. This is the reason why they have the right to be, and are partially, exempted from the statutory constraint to keep Sunday as a sabbath day; this is the reason why the second enacting clause of the law conceded that right and provided for its partial exercise and enjoyment; and this is the reason why every other individual in the community who consistently esteems no one day above another, but "esteemeth all days alike" the Lord's, and as conscientiously disbelieves in the divine appointment of any particular day of the week as a religious sabbath, ought also to be exempted from the legal coercion to keep the first or seventh day as such, or to conform to

any other sectarian religious creeds in which they cannot in conscience acquiesce; and this is the reason the constitution of this State [New York] has guaranteed to "all mankind within this State" the equal right with the first and seventh-day sabbateans to "the free exercise and enjoyment of their religious profession and opinion, without any [of that] discrimination and preference" which is made and given by the law of which we are speaking to the sectarian religious creed of the first and seventh-day sabbateans, to the disparagement of every other. And because this legislative act enjoins conformity to the religious sectarian tenets of one portion of the community, partially tolerates another, and interdicts to all the rest of mankind within the State the equal right to the exercise and enjoyment of their opinions on the subject of religious sabbath days, it thereby establishes by law a religious creed. And because by fines and forfeitures, pains and penalties, it persecutes those who cannot in conscience embrace the established or legal faith, or subscribe to the legislative arrogated right to regulate the religious creeds or consciences of men, it is an act of "spiritual oppression and intolerance." It contravenes those "benevolent principles of rational liberty" which recognize the equal rights of all mankind, and neither accords with the laws of moral rectitude or comports with the rules of political and impartial justice.

I have said that the law on which we are treating partially tolerates the seventh-day sabbateans. I will show that it does no more. It lacks that essential quality of rational liberty, reciprocity, and is unjust and oppressive, even as it respects the last-mentioned sect. It obliges those to respect the first-day sabbath more than the first-

day sabbatteans are obliged to respect the seventh-day sabbath. On the seventh day those who keep the first go on in the unrestrained transaction of every kind of business — the courts of justice are open, military parades take place, balls, plays, operas, concerts, and in short every species of business and amusement are indiscriminately permitted. This laboring and playing on the seventh day is not immorality or irreligion; and although it may be, and in truth is, carried on in the sight and hearing of those engaged in worship, it is not deemed a disturbance of them in "the free exercise and enjoyment of their religious profession and worship," nor a profanation of anybody's sabbath, and nobody complains of it as such. Now mark the difference. On the first day those who keep the seventh are forbidden recreation and amusement without any reservation; and also many kinds of business and professional occupations. They can make no bargain or contract; they cannot open their shops to do business, and the administration of justice being expunged from the catalogue of "works of necessity and charity," the offices of justice are closed against the complaints of the injured, although a fraudulent debtor may be

embarking with his wealth to leave the country to evade the payment of his just debts. Forsooth, say the first-day sabbatteans, and so says this law, "all this is immorality and licentiousness — a profanation of our sabbath day;" and although neither the business nor amusement is carried on in their presence, sight, or hearing, or even during the hours of their devotion, yet it is called a disturbance of them in "the free exercise and enjoyment of their religious profession and worship"!

By what authority are the edicts of Constantine closing the courts of justice and forbidding business and recreation on Sunday transformed into commands of God and made binding on the consciences of men? Is any day too good for the dispensation of justice? Is it not unjust to mete to others that measure which we would not they should mete to us? Is not the Sabbath day profaned when we prohibit others from doing that on our sabbath which we do, and claim the right to do, on theirs? Is not any day too good to be profaned by such an act of sheer injustice? And is not religion itself profaned when such injustice takes its name?

Notwithstanding the strong opposition of the clergymen and church element Sunday evening performances were begun as announced some weeks ago at the Marlowe Theater in Englewood, Ill., on September 6. It was expected that there would be "a clash between the Law and Order League [representing the churches] and the theater management" at the time of opening, and "a large crowd gathered in anticipation, but no trouble developed." It is said, however, that

"the Law and Order League adopted strikers' methods and stationed pickets at the playhouse door to induce would-be patrons to stay away from the performance." This seems to have been a step decided upon the previous evening at "a secret meeting of the committee of eleven appointed by the Law and Order League to wage war on the Sunday performances." While these "pickets," "a number of faultlessly dressed men of severe mien," were "attempting to turn away the

human tide from the playhouse to the adjoining place of worship," Rev. H. Francis Perry, "in the Englewood Baptist Church only a few yards away, was inveighing against Sunday theater-going and Sunday plays." In the morning "the ministers of several churches appealed to their congregations, asking their assistance in compelling the theater to close, and declared a boycott upon it." Some of the ministers also "threatened the players with arrest and punishment." It seems that there is no law in Illinois against Sunday theatrical performances, and the church people are therefore somewhat at a loss to know how to proceed. They are unable to raise the familiar cry of "respect for law," "enforcement of the law," etc. Assistant State's Attorney Blair, whom they have consulted about the matter, has informed them that Sunday performances "cannot be prevented so long as the law regulating theatrical performances is observed." He suggested that if they would "keep close watch" on the theater they might be able to get sufficient evidence to have the Sunday performances enjoined as a nuisance, but said that "no matter how disagreeable this form of amusement may be to our tastes or our idea of Christian culture, injunction proceedings will not lie until the thing has become a nuisance within itself." The newspapers do not seem to have much sympathy with the contention of the church people. We note this in the *Chicago Post*:

The moral sentiment of the very moral element of the extremely moral department of Englewood will quite agree with Rev. Mr. Perry that the institution of a Sunday theatrical amusement is a "crying shame" and that the Christian residents of Englewood should rise up and "crush this thing out with a sweeping blow;" at the

same time we must proceed regularly and with dignity. Necessary though it may be to strike a sweeping and crushing blow, we must not take the reverend gentleman too literally and begin a reign of violence, even if the end appears to justify the means. Manager Braunig has some rights, and he seems to be a peace-loving and charitably disposed citizen who admits that he has no ill feeling toward his church friends next door. We cannot, no matter how militant we may be religiously, tear down his theatre or mob his company or ride him on a rail outside the Englewood limits; that would be a sweeping blow not justified by the law in the case. We can go to him and show him what irreparable injury he is working; we can pray for him without ceasing, or we can move on him through the courts. There is no doubt about the crying shame, but we must not forget to set at all times a Christian example of dignity and forbearance. The best way to crush out Sunday performances in Englewood is to stop going to Sunday performances. We may be wrong, but it occurs to us that if Manager Braunig is compelled to depend for his success on the patronage of those who do not live in Englewood, not many special trains of Sabbath-breakers will run down to that delightful locality on the Lord's day.



Last spring the *Chicago Israelite* published this note that is of interest in connection with the matter of religion in the public schools:

This time it was the Chicago Congregational Ministers' Union that presented resolutions to the board of education of this city asking for an introduction of Bible readings in the public schools. The resolutions favored such daily reading of selections "as will place due emphasis upon their importance in the formation and determination of conduct." The ministerial associations do not seem to tire in making their applications to the board of education. Annually the same petition is presented, and annually the same disposition is made of the peti-

tion — it is given its deserved “voting down.” This matter of Bible readings in the public schools is like the ghost in the play; it will not down. It was in great evidence at the meetings of the Religious Education Association which met in this city recently. To our great surprise some of the prominent professors of the great universities of the country advocated it. Of course, the church forgets that in calling on the state for help it is incriminating itself. It simply pleads its inability to do the work entrusted to its care, and, like a mendicant, keeps knocking at the doors of the state for help.

The *Israelite* makes this comment on Bishop McFaul's recent utterance in New York:

Bishop McFaul needs to be informed that America can never be dechristianized, because it would first have to be a Christian country before it could be dechristianized. This country is neutral on the question of religion. It has nothing to do with religion at all. The bishop does not know the kind of indictment he is drawing up against the home and the church when he says that the teaching there is not sufficient. If religion were properly taught in the home and the church, if parents and preachers and Sabbath school teachers went before and showed the children the way in which to walk, the children would get all the religious instruction they needed. But religion is not taught properly in the home nor the church. Parents are not the exemplars of virtue which they would have their children be. The example set before them in the home is more effective than all the teaching of the church or public school. The teaching in the schools is after all only of secondary importance. The church should forever have done with an attempt to bring about alliance between itself and the state. The glory of this country would be turned into gloom if Bishop McFaul's plea for a marriage between church and state should ever be listened to and acted upon.

A special report on “the use of the Bible in the public schools” was read, discussed and accepted at a meeting of the executive commission of the “Western or American Section of the Alliance of the Reformed Churches Throughout the World Holding the Presbyterian System” in New York last April. In this report it was advocated that “steps be taken to obtain a uniform interpretation of the law throughout the different States” in the matter of the Bible in the schools, and it was stated that “the ministry of this alliance can do good service in giving their people proper instruction and guidance upon this matter, and thereby create a healthy public sentiment to retain the Bible in the public schools in the place of honor and usefulness.” It was also stated that “this subject might be very properly brought from time to time before supreme courts by the different branches of this alliance.”

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The Winnipeg (Manitoba) *Telegram* of September 28 reported that “the fiat has gone forth that the shoe-shining parlors will not be allowed to open on Sunday in the future.” On the preceding day “all these places were closed,” and “many who had waited until the Sabbath to have their boots cleaned were obliged to get their servants to break the Sabbath or do it themselves, or else observe the sanctity of the Sabbath by leaving it undone.”

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It was recently reported from Terrell, Tex., that “Constable Joe Austin has announced through the local press that hereafter the Sunday law will be strictly enforced,” and that “all parties selling cigars, groceries, and other articles in that line will be prosecuted.”

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