

The Sentinel

OF CHRISTIAN LIBERTY

VOL. XVIII

NEW YORK, FEBRUARY 26, 1903

NO. 9



If the Almighty has set apart the first day of the week as a time which man is bound to keep holy and devote exclusively to His worship, would it not be more congenial to the precepts of Christians to appeal exclusively to the great Lawgiver of the universe to aid them in making men better—in correcting their practises by purifying their hearts? Government will protect them in their efforts. When they shall have so instructed the public mind, and awakened the consciences of individuals as to make them believe it is a violation of God's law to carry the mail, open post-offices, or receive letters [or to labor, to buy and sell, to engage in amusements and pastimes, etc.] on Sunday, the evil of which they complain will cease of itself, without any exertion of the strong arm of civil power. . . . Our Constitution recognizes no other power than that of persuasion for enforcing religious observances. . . . The proper object of government is to protect all persons in the enjoyment of their religious as well as civil rights, and not to determine for any whether they shall esteem one day above another, or esteem all days alike holy.

From the reports on "Sunday Mails" of committees of the Twentieth (1829) and Twenty-first (1830) Congress of the United States.

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The Sentinel

OF CHRISTIAN LIBERTY

—Set for the defense of human rights, especially the rights of conscience. The only periodical in the United States devoted to the exposition and defense of the Christian and American principle of complete separation of Church and State. The Sentinel is not a periodical of abstractions and speculation; it discusses live issues that deeply concern every individual.

JOHN D. BRADLEY, Editor.

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The Sentinel

OF CHRISTIAN LIBERTY

VOL. XVIII

NEW YORK, THURSDAY, FEBRUARY 26, 1903

No. 9

The "Lord's Day" Laws

*Considered with Special Reference to the Declaration of Rights
of the State of Maine **

By George B. Wheeler

THE agitation of the Sunday question at the present time, especially during the sessions of the General Court, at which time many bills are presented touching this question, makes it highly desirable that there should be a correct understanding of the true character of this legislation. Therefore,

An important question is, What is the character of these "Lord's day" laws? Are they religious? or are they simply civil or sanitary measures, which come properly within the sphere of just civil legislation?

That the Lord's day is wholly a religious institution, as its name indicates, can be seen in the "Lord's day" laws of

the Province of Massachusetts Bay, from which the present laws of Maine originated, and from which the following quotations are made:

"Whereas, notwithstanding the *pious intention* of the legislators, the Lord's day hath been greatly and frequently profaned. Therefore," etc. "And whereas, it is the duty of all persons upon the Lord's day, *carefully to apply themselves publicly and privately to religion and piety*, the profanation of the Lord's day is highly offensive to Almighty God: of evil example and tends to the grief and disturbance of all *pious and religiously disposed persons*, therefore," etc.—"Acts and Laws of Province of Massachusetts Bay," Folio edition, p. 392.

The meaning of law is determined by the evident purpose of its originators. The Supreme Court of the United States reversed the decision of the lower court in the case of the Church of the Holy Trinity vs. the United States; first, upon the well-established principle that "the intent of the lawmaker is the law." In the case of the United States vs. Fisher, Chief Justice Marshall said: "When the intent is plain, nothing is left to construction; when the mind labors to discover the designs of the legislator, it seizes everything from which aid can be de-

* This article was prepared with special reference to Sunday legislation in Maine, where there is an effort on foot to secure additional legislation of this sort, and to which matter Mr. Wheeler is now giving attention. But in general the article is just as applicable in other States where there is Sunday legislation and Sunday-law agitation. The religious liberty provision of the Declaration of Rights of Maine is so nearly identical with that of the Declaration of Rights of Massachusetts and other New England States that about all that is necessary in order to make the article especially applicable in any one of those States is to substitute its name in the places where Maine is named.—EDITOR.

rived." This principle, recognized by the highest court of the nation, applied to our "Lord's day" laws can leave no doubt as to their character. They are only and wholly religious.

That the sentiment that is now supporting these laws is also religious in character, is apparent to any candid observer who will examine current literature on the subject by advocates of this legislation.

The character of these "Lord's day" laws is also seen in the exemption clause, exempting those who observe the seventh day from the penalties of the law, providing they disturb no other person. A person to be exempt from compulsory cessation from both labor and amusement on the "Lord's day" must "conscientiously believe that the seventh day of the week ought to be observed as the Sabbath, and actually refrain from secular business and labor on that day."

The purpose of the "Lord's day" law is evident from this exemption clause, because those who are exempted *must fulfil the purpose of the law by keeping another day as the law purposed to have them keep Sunday; that is, one day, either Sunday or Saturday, must be kept as the Sabbath; also that the cessation from secular business and labor on that day is required because it is the Sabbath.* Nothing could be plainer than the language of the exemption clause to prove this.

The Civil Reasons Used to Justify Sunday Legislation are Fallacious

There are many who believe in enforced Sunday observance who do not believe in the principle of a religious institution maintained by law. They justify their position by claiming that the enforced observance of Sunday can be rightly maintained on civil grounds, and therefore come properly under the domain of the civil law. The following

include all of the civil reasons that are used to support Sunday laws, the fallacy of which will be readily seen:

1. It is for the physical and moral good of the individual to have one day of rest in seven.

To compel an individual to rest on Sunday for his own good, *is to take away his right of private judgment* in a matter that pertains wholly to his own good, which right lies at the very basis of civil and religious liberty. Ordinary labor and harmless amusements are certainly not criminal in themselves; therefore every citizen, according to the principles upon which this commonwealth [Maine] was founded, has the right to engage in them whenever it may, in his judgment, contribute most to his own happiness.

2. Another civil reason given for Sunday laws is the claim of those who regard Sunday as a sacred day to what they term their "right" to an undisturbed use of the day for rest and worship.

The point here is as to *what* constitutes a disturbance of the rest and worship of the day, which it is claimed that labor and amusement make. It certainly cannot be noise, for nothing in all the week makes so much din and noise as the church bells. Patients are often required by order of their physicians to have perfect rest, but it is not necessary that labor and amusements in the community cease in order that they may have it. Christians who observe the seventh day declare that they are not disturbed by it, although business and amusements are going on as usual on that day.

It is evident from this that the disturbance that comes from labor and amusements is not an actual disturbance, but *wholly a mental disturbance* that comes to those who believe Sunday to be a sacred day by seeing others refuse to conform to the manner in which they believe

the day ought to be kept. Numberless testimonies might be given in support of this statement, but I will quote only one, the following from Chief Justice Ruffin, of the Supreme Court of North Carolina (*State vs. Williams*, Iredell, 303). Officially he says:

The truth is, that it [Sunday labor or amusements] offends us *not so much because it disturbs us in practising for ourselves the religious duties, or enjoying the salutary repose or recreation of the day, as that it is, in itself, a breach of God's law and a violation of the party's own religious duty.*—*American State Papers*, p. 61.

Is a religious mental disturbance a proper matter for governmental protection? If so all the religious persecution of the past is justified, for conformity was all that was ever asked for by persecuting churches.

3. Another civil reason that is used largely for the compulsory cessation of labor and amusements on Sunday is "the right of the workman to his day of rest." It is said that such compulsion is necessary in order "to prevent Sunday slavery by preventing employers from compelling unwilling employees to labor on Sunday against their will."

Sunday laws resting upon this ground furnish *more* than the right of the workman to his day of rest, and do *more* than to prevent persons from being forced to labor on Sunday. They are tyrannical in their character and *compel him to rest*, by abstaining from labor and amusements, *whether he wants to or not*.

4. It has also been urged that Sunday laws can be justified on civil grounds on the ground that "the state has the right to protect those who observe it as a sacred day from competition in business by those who do not regard it as sacred."

If this reason is sound it would give the largest denomination in the State the right to compel every citizen to abstain from labor on all her sacred days, over

two hundred in number, with all the consequent poverty and want.

5. Still another reason given in favor of Sunday laws is that "the welfare of the nation depends upon it."

If it is true that the welfare of the nation depends upon the enforced observance of a religious institution by law, the principle itself is established that enforced religious observances are essential to the welfare of the state. And if so in one case it must be in another, and so on until the result would be the intolerances of the Dark Ages.

It will be observed that the "civil" arguments used in justification of restrictions of religious liberty have been the same in every age. The prophets were persecuted because they troubled Israel; Christ was put to death as an enemy of the state; the apostles were denounced and persecuted as the disturbers of the peace. Robert Baird, in "Religion in America," says on this subject:

The rulers of Massachusetts put the Quakers to death, and banished the Antinomians and Anabaptists not because of their religious tenets, but *because of their violations of the civil laws*; this is the justification which they pleaded, and it was the best they could make. Miserable excuse! But just so it is; wherever there is such a union of church and state, heresy and heretical practices are apt to become violations of the civil code, and are punished no longer as errors in religion, but *as infractions of the laws of the land*.

Sunday laws are a survival of the theocratic, intolerant principle in our national life, and are not "civil" but religious. *When the physical and moral welfare of the citizen comes in conflict with the sacred character of the day, it does not weigh a feather.* This is seen in the fact that a large class of wage-earners who are closely confined during the week, and to whom many forms of labor and amusements that are now prohibited by law upon Sunday would be a blessing both physically and morally, are now forbid-

den to engage in them because of the "sacred character" of the day.

The "Lord's Day" Laws are a Violation of the Declaration of Rights of the Constitution of the State

An important fact in this whole Sunday question, and one that is worthy of careful consideration is:

The citizens of Maine are denied the right of judgment as to which day of the week is the Sabbath, or Lord's day.

This is a direct violation of the Declaration of Rights of the State, which declares:

No one shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshiping God *in the manner and season most agreeable to the dictates of his own conscience*; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship. —Art. 1, Sec. 3.

Here it is stated plainly that no subject is to be injured or molested in any degree whatever for worshiping God in the manner and season most agreeable to the dictates of his conscience. Yet in the face of these plain statements of the Declaration of Rights, the "Lord's day" laws have been enacted which deny to the citizens of the State the rights which are guaranteed to them in the Constitution of the State, *namely, the right to worship God in the manner and season most agreeable to the dictates of their own consciences, by compelling them to worship God by abstaining from labor and amusements upon a day dictated to them by the State.* That this statement is true is seen in the meaning of the term worship, which is defined by our best lexicographers to mean: "To respect, to honor; to treat with civil reverence."—*Webster*. "To regard with respect and deference; honor."—*Standard Dictionary*. That this is the object of the prohibition of labor and amusements on Sunday is evident

from the provisions of the Act, which prohibits games, sports, and entertainments *except those of a sacred character*, and all labor except that which is necessary, and all for avowed purpose that the day might be treated with respect, honor and reverence; and this is worship accorded to the author of the sacredness of the day, and as there are many who believe that *man and not God* is the author of Sunday "sacredness," as there is absolutely no scripture for it, therefore to compel them to worship on Sunday by abstaining from labor and amusements, *is to compel them to worship man*, contrary to the teachings of the Word of God. "Thou shalt worship the Lord thy God and him only shalt thou serve."

For the State to designate a particular day of the week, and *decide a religious controversy by declaring it to be the Lord's day, thereby denying to the people of the State the right of choice as to which day is the Lord's day*, and to compel the citizens of the State to worship on that particular day by abstaining from both labor and amusements so that the day may be treated with respect, honor, and reverence, is a plain violation of the provision in the Declaration of Rights which guarantees the right to worship in the manner and season most agreeable to the dictates of the conscience.

The declaration of Rights declares you may choose your own season for worship. The "Lord's day" laws say you shall not, the State will choose it for you.

While the exemption clause partly exempts those who observe the seventh day, yet the fact remains that the provision guaranteed in the Declaration of Rights is violated in the Sunday laws, even if all were agreed as to the day. *The right of choice is a sacred one, either to choose which day of the week is sacred, or whether every day, or no day, is sacred.*

The "Lord's Day" Laws are a Violation of the Equality of Rights, Guaranteed in the Constitution of the State, of Those Persons Who Observe the Seventh Day

In Art. 1, Sec. 3, Declaration of Rights, it is said:

All persons, demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.

It is plainly stated here that all persons demeaning themselves peaceably, and as good citizens of the Commonwealth, *shall be equally under the protection of the law*. Yet those persons who observe the seventh day as the Sabbath are allowed to work on the first day under the provision that "they disturb no other person." Now this places these persons under a great inequality before the law with those who keep the first day.

Those who keep the first day are not prohibited from disturbing those who keep the seventh day, but those who keep the seventh day are prohibited from disturbing those who keep the first day.

This shows the law to be a plain violation of the provision in Art. 1, Sec. 3, Declaration of Rights. If it is urged that those persons who observe the seventh day are in a small minority, let it be remembered that *rights do not stand upon majorities or minorities*.

The Conditions Created by Sunday Laws are not, as Claimed, in the Interests of Morality, but are Against it and Favor Immorality

Sunday laws are not in the interests of morality as has been claimed for them, but facts show that they are in the interests of immorality and wickedness. While those who are religiously inclined may make the day one of religious activity, and a blessing, it is also true that to those who are not religiously inclined, and who are guided by no moral prin-

ciple, it is a day of compulsory idleness, which is a condition that is anything but a blessing, and facts show that in too many cases it is a curse to them. Dr. W. W. Everts, a prominent Baptist clergyman, in "The Sabbath, Its Defense," says:

It were better no Sabbath were given to the poor than that they should spend it in dissipation. Uninterrupted toil is not so debasing to the body, mind, estate, or character.

Dr. Albert Barnes says on this subject, in "Barnes' Practical Sermons":

If we can have a Sabbath maintained by a healthful popular sentiment, rather than by human laws—a day when men shall delight to come together to worship God, and not a day of pastime—our country is safe. *If the Sabbath is not regarded as holy time, it will be regarded as pastime; if not a day sacred to devotion, it will be a day of recreation, of pleasure, of licentiousness.* Since this is to be so, the question is: What is to be the effect if the day ceases to be a day of religious observance? What will be the effect of releasing a population of several millions one-seventh part of the time from any settled business of life? *Can we safely close our places of business and annihilate all the restraints that bind us during the six days? Can we turn out a vast population of the young with nothing to do, and abide the consequences of such a universal exposure to vice? Can we safely dismiss our young men all over the land, with sentiments unsettled and with habits of virtue unformed, and throw them one day in seven upon the world with nothing to do?*

One would suppose that the experiment which has already been made in cities of our land would be sufficient to remove all doubt from every reasonable mind on the subject. Extensively in our large cities and their vicinities, this is a day of dissipation, of riot, of licentiousness, and of blasphemy. *It is probable that more is done to unsettle the habits of virtue, and soberness, and industry, to propagate infidelity, to lay the foundation of future repentance, of ignominy, to retard the progress of the temperance reformation, and to prepare candidates for the penitentiary and the gallows, on this day than all the other days of the week.* The Sabbath is an institution of tremendous power for good or evil—nor is there any possible power in laws or in education that can during the six days, counteract

the evils of a Sabbath given to licentiousness and sin. Pages 284-289.

This fact is farther shown in an article in *The Defender* (October, 1901), the organ of the New England Sabbath (Sunday) Protective League, by Rev. W. F. Berry, Secretary of the Maine Civic League, which says:

We are again in the midst of the vacation season. The grasp of greed and selfish pleasure-seeking is upon us. It tightens, is more dominant each year. Under its sway general public rights, individual rights, carefully guarded by law, are ignored and outraged. The six week days are all too few to satisfy their demands. *The general cessation of industrial toil on Sunday makes it a specially favorable day for greed and selfish pleasure.* They eagerly seize it, and crowd it with every amusement that promises to serve their ends. They rob the day of its blessings and make it *largely a physical, moral, and, as a result, a civic curse. Men and women return to their toil on Monday with a physical system depressed below its Saturday level, and with a lighter regard for the law both of God and man.*

Many other quotations might be made in proof of what has been stated, but enough is given to show that Sunday laws prohibiting labor on Sunday create a condition which is unfavorable for morality. The old adage is still as true in this case as in all, that "Satan finds some mischief still for idle hands to do."

Sunday Laws are not Necessary for a Proper Observance of the Day by Those Who Wish to Observe It

In "The Sabbath for Man," a book published by Dr. Crafts, in answer to a question sent out, "Where have you seen the best Sabbath observance?" a San Francisco clergyman responds: "Among the Christian people of California," *where they have no Sunday laws.* Another

statement in the same book is: "Both laymen and ministers say that even in California the Sabbath is, on the whole, *better observed, and Christian services better attended, than five years ago.*" "Five years ago" at that time was three years *before the repeal of the California Sunday law.* Showing conclusively that Sunday laws are not necessary for a proper observance of the day.

God designed the Sabbath to be a *free-will recognition of his authority over the conscience,* and therefore a sign of those people who truly worship God. The Bible says: "It is a sign between me and you—that ye may know that I am the Lord which doth sanctify you." Sabbath observance enforced by law ceases to be a sign of the true worshiper of God, and becomes a *sign of the slavish submission of the soul to the State.*

If, as has been claimed, it is necessary to have a "civil Sabbath in the interests of humanity," a simple law requiring employers to give their employees a release from labor on one day in seven (not an enforced cessation from all labor and amusement) would meet every specification of a civil Sabbath, and every possible requirement of humanity, and would infringe upon no one's rights. To go beyond this in the interests of religion would be a plain violation of the provision in the Declaration of Rights of the State.

The only proper relation of the State to religion is to protect every man in all of his religious observances so far as he does not infringe upon the equal rights of his neighbor, *but never to enforce the observance of a religious institution, or the acknowledgment of any religious doctrine, rite, or tenet, whatever.*

"There is a deep, underlying principle in this matter of making a distinction between Sunday and other days of the week. This distinction would not be made but

for the fact that many people regard the day as a *holy* day. There are those who, without any special reference to religious considerations, from business and other

considerations favor and demand certain measures of Sunday closing and enforcement. They are nevertheless aiding in enforcing deference to a religious observance. Any enforcement of conduct

on Sunday different from that enforced on other days is an enforced recognition of the day as a religious institution, no matter what may be the motive of those who cause such enforcement."

The "Blue Laws"*

IT is difficult to understand why the blue laws should be so vigorously upheld by the preachers and some of their parishioners. The laws are not respected. If they ever served a good purpose, they have long since ceased to do so. They do not make people go to church who prefer to go somewhere else. They do not promote religious sentiment. They do not even command outward observance in the conspicuous examples of the railways, the traction lines and the great industrial plants. Only the weak, the poor, and the incautious get caught in their meshes; and if they have any effect except to arouse a spirit of revolt among large sections of the community the fact is not apparent.

And what right has the State to compel Sunday observance? This is not a theocracy. Religious freedom is supposed to be one of the cardinal guaranties of the State. Our people are cosmopolitan. Many of them observe other days than Sunday. We have among us tens of thousands who regard Saturday as a sacred day. There are others who perhaps so regard Friday. Others still consider all days equally sacred. Yet here are laws designed to make all persons in Pennsylvania observe one certain day as sacred. Have they any right to exist? Are they not in violation of the very spirit of our free institutions?

People cannot be made religious by law. They cannot even be made to seem so. Religion is an impulse of the heart. It comes from within. It springs from the deeper fountains of human nature. And the more it is made the subject of regulation and formalism and convention the weaker become the forces behind it. It was Jesus himself who said the Sabbath was made for man, not man for the Sabbath.

We believe in a day of rest. But we do not believe one portion of the people have a right to compel the rest of the people to observe the particular day which the others wish to observe. Each man surely has a natural right to determine such matters for himself. He has a right to religious freedom. He has a right to do whatever he pleases up to a point where he would begin to trespass upon the equal rights of his fellows. Certainly no one would object to an observance of the spirit of the blue laws by those who uphold them. The objection lies against an attempt of these people to make other people observe the spirit of those laws also.

There is a good deal of insularity in Pennsylvania. It would do a lot of our people good to travel about over their own country a little. They would find intelligent, progressive and deeply religious communities which never had a blue law and which get along quite well without such legal aids to piety. There are many cities and towns in the country where latitudinarian views regarding Sunday observance are held. Yet the

* This is an editorial which appeared in the *Daily Democrat*, Johnstown, Pa., on the 12th instant. It was called forth by the agitation then on in Pennsylvania regarding the proposed modification of the ancient Sunday law.

moral tone of these communities is as good at least as that of Johnstown or Harrisburg or Philadelphia. The church attendance is as good; there is just as little—there is indeed very much less—

Sunday labor; and the Kingdom of God seems just as close at hand there as it does where the policeman with his club is busy trying to make men good and pious.

The Pennsylvania Hearing

The public hearing on what is known as the "Berkelbach Bill," which has as its object the modification of the old Sunday law of 1794, took place before the Law and Order Committee of the upper house of the Pennsylvania legislature at Harrisburg on the 10th instant. The hearing lasted four hours, and "as large an assemblage as any ever crowded into the present hall of the lower house" was present to hear the discussion of the bill. The measure originated, it is said, with the "German-American Alliance of Pennsylvania," and it provides that—

hereafter it shall be lawful to sell medicines, soda and mineral waters, milk and other harmless non-intoxicating drinks, bread, meat, oysters, ice-cream, candy, cakes, pastry, fruit, ice, cigars, tobacco, toilet articles, and to serve meals, to hire horses and vehicles, to prepare, print, distribute and sell newspapers, and to run horse, electric cable and steam cars and locomotives, and to operate telephone and telegraph lines on the first day of the week, commonly called Sunday.

For several weeks the forces which stand for Sunday enforcement had been agitating against the measure, and they were present in force to oppose it. Among those who spoke against the bill were: Rev. T. T. Mutchler, of the "Sabbath Association"; Rev. Chas. L. Fry, of St. Luke's Lutheran Church, Philadelphia; Rev. W. A. McCarrell, Presbyterian, of Shippensburg, "brother of U. S. District Attorney McCarrell"; Rev. J. B. Gibson, representing the Pittsburg Presbytery; Rev. J. T. McCrory, claiming to represent "the people of Pittsburg"; Rev. W. C. Webb, of Philadelphia, representing the Evangelical Al-

liance; W. H. Fries, of Philadelphia, "representing the Journeymen Barbers' International Union"; and Judge Wm. N. Ashman, of the Orphans' Court in Philadelphia. "Backing up the foregoing speakers" were ten other clergymen of various denominations—Baptist, Presbyterian, Methodist, Reformed, Lutheran—representing ministerial associations and their respective churches; a lawyer of Philadelphia, who declared that the bill, because of its "specification of so many things to be sold or done on Sunday, would repeal the act of 1794"; and a representative of the W. C. T. U. Besides these opposers of the measure who were present, there were others who sent telegrams and protests in other ways. Among these was Archbishop P. J. Ryan of Philadelphia, whose telegram was presented by Mr. Mutchler of the "Sabbath Association." It read:

I am opposed to relaxation of Sunday laws in Philadelphia.

Mr. Mutchler said he "had messages to the same effect from Bishop C. W. Whitaker and John H. Converse." One of the clergymen declared that those who favored the measure "want to establish foreign Sunday customs here"; another said he was present to "prevent the tighter binding of the shackles upon the wrists of labor"; another, the representative of the Pittsburg Presbytery, who claimed that he represented "nine-tenths of the best citizens of Pittsburg," declared that the bill "means the utter destruction of the Sabbath"! One clergyman said that "Napoleon restored the

Sabbath to France." The inference was that a Napoleon is needed in this country to-day, or will be in a short time if the Sunday laws are not maintained. The representative of the barbers' union testified that 90 per cent. of the 2,100 barber shops in Philadelphia were now closed on Sundays by virtue of the Sunday-closing law, and that in consequence the condition of the barbers "financially, morally and otherwise, is better than ever before." Therefore they were opposed to any modification in the Sunday laws of the State. Judge Ashman said he fought the bill "from the common-sense standpoint." He thought the fact that the law "had stood untouched for more than a century indicated that it met public need." He indulged in more ridicule than common sense, saying that "this bill has not a word in it to help a man wanting a shave, but it represents people crying, 'Give us candy!'" and attempting to dispose of the contention that the Sunday law was a religious measure by saying: "It [the Sunday law] was enacted not by a religious body, but by the State legislators, and who ever heard of a Pennsylvania legislature being particularly distinguished for its piety?" Some of his remarks were these:

This law does not order a man to go to church on Sunday. It does not say that he can't play cards in his own house all the day, if he chooses. It meets a need, summed up in saying that a man working seven days a week cannot do as much good as he who rests one day. Were it merely a question of a man's conscience, I would say let him keep his shop open. But what of the thousands whom this would enslave?

Not very much common sense in these remarks. Among those who spoke in support of the bill were: Dr. C. J. Hexamer, of Philadelphia, president of the German-American Alliance; Mr. Adolph Timm, secretary of the same organization; Lawyer Richard B. Scandrett, of

Pittsburg; Mr. Mayer M. Schwab, Jr., candy jobber, of Philadelphia; Lawyer Charles E. Bartlett, representing the Cigar Dealers' Association of the State; and Mr. Joseph M. Freedman, of Pittsburg. "Against the argument that a sensible abolition of obsolete legal provisions would destroy our day of rest, Dr. Hexamer quoted among others New York Supreme Court Justice Gaynor and able Maryland jurists." Dr. Hexamer concluded his remarks thus:

Some of our leading thinkers and historians have lamented that hypocrisy is our great national fault. Why pander to this vice by keeping on our statute-book laws that we must violate, for who can truthfully say he has never violated or abetted the violation of these laws? Who, on Sunday, has never received ice or milk, hired a carriage or horse, ridden in a train or a street car, telephoned or telegraphed, or read a newspaper on a Monday morning, which everybody but an unthinking idiot knows is in part prepared on Sunday? I plead in the cause of public morality, for it is an ethical question; I plead in the cause of justice; and I plead in the cause of the masses. . . . Let not those who oppose this measure forget the liberal manner in which the Master interpreted the Sabbath. When complaint was made to Him that His disciples had plucked grain on the Sabbath, Jesus said to the Sabbatarians: "The Sabbath was made for man, and not man for the Sabbath."

Lawyer Scandrett asked if "the eminent jurist, Judge Ashman, would, "in a charge to a jury, do as he has done here, take the weakest part of a case and make a joke of it." He declared: "If the law of 1794 is to remain, let it be rigidly enforced. If it is not to be enforced, then quit making hypocrites of the people." He said that 100,000 of the best citizens of Pittsburg were made criminals by the law. Mr. Schwab, "addressing the Sabbath Association men," made these pertinent and pointed remarks:

Why do you go merely for the poor little candy dealer in Philadelphia, and force him to give up \$6? Go for your big newspaper men, if you dare. But you haven't the courage of your convictions! In Philadelphia your

agents, un-Christian and dishonest, sneak around to grab those who cannot defend themselves!

Secretary Timm, of the German-American Alliance, said:

The very people who stand here to-day arguing against a modification of the antiquated laws of 1794 are violating them morally and collectively once a week. The clergy of to-day could no more conduct their churches in the manner of the days of yore than an express company or any other legitimate business enterprise could to-day exist if it adhered to the laws and customs of 1794.

To retain laws which cannot be observed in their ancient form must have a bad moral effect upon the growing generation, and create a disrespect for the observance of other laws.

Most of the arguments of those supporting the measure were of an expediency character. The principle underlying the Sunday law was scarcely challenged, the opposition to the law being made on the ground that it was out of date and no longer suited to the conditions and circumstances of the people. We are very glad, therefore, to know that Dr. A. H. Lewis was present and made the concluding speech of the hearing. He of course dealt with the matter on the ground of principle and in the light of historical truth. We regret that we have not more of his remarks to present than are contained in this reference to his speech that appeared in the *Philadelphia Record*:

The patriarchal but sturdy Rev. A. H. Lewis, of Plainfield, N. J., corresponding secretary of the American Sabbath Tract Society, and editor of the *Sabbath Recorder*, made the most vigorous speech of the occasion, evincing subtle knowledge on the question. Pleading for the Seventh-Day Baptists, he gave as reasons for annulling the present law that Sunday legislation is the product of the pagan state-church system of ancient Rome, has created holiday-

ism rather than Sabbathism; fosters the worst evils of which the friends of Sunday complain, and infringes upon the universal right of all men to determine their religious faith and actions. "If you must have legislation, let there be a law giving every man the right to one day's rest; but that should be permissible, not compulsory. If the Sabbath which Christ honored cannot hold its own without the aid of the civil law, let it go to the wall. Let this question rest on the word of God and the conscience of men."

This is the sort of doctrine that ought to be heard at all the Sunday-law hearings that are taking place this winter. In concluding the hearing Senator Berkelbach expressed the belief that the bill was favored by a majority of the people, and "as some lobbyists against it had used the deceptive argument that it would lead to Sunday liquor selling, he said he took the liberty of expressing suspicion that other statements made by them might be no more trustworthy—for instance, the claims of the great number of people represented by the opposing speakers." The ministers had made large claims of representing about all the "best people" in the cities from which they came. One minister from Lancaster had alleged that "more than 30,000 people in and around that city represented by the ministerial association, were unanimous against the bill." And as he represented the ministerial association, of course he represented "more than 30,000 people"! And, of course, all these people were "unanimous against the bill," for was not the ministerial association which represented them (by assumption and its own election) unanimous against the bill? It looks as if this measure for modifying the "blue law" of 1794 might pass, but then it is rather to be doubted.

Those who are most disturbed over "encroachments upon the Sabbath" do

not seem to have any great compunctions about encroachments upon human rights.

There are a number of matters beside that of Sunday legislation and enforcement to which attention should be given just now in *THE SENTINEL*, and some of which we had planned early in the week to notice in this number. But it seems best just now, in view of the fact that the question of Sunday legislation is to the front in so many places, to use most of the space, as in this issue, in dealing with this matter. If all that should be said and reported this week with regard to this one thing were given, *THE SENTINEL* would have to be at least twice its present size to contain it all. One matter that we wished further to notice this week was that presented by the very significant editorial quoted last week from the *New York Sun*. On Lincoln's birthday the *Sun* followed the editorial mentioned with another in which it claimed and tried to show that its position that the "political equality" of the negro with the white man is "inherently impossible" because of "racial differences," was exactly the position held by Lincoln, saying that "the rights which Lincoln demanded for the African in America were those of life, liberty, and the pursuit of happiness—not the ballot, not political equality." And then, having, as it supposed, backed itself up with the authority of Lincoln, the *Sun* asked, "Was Lincoln Wrong?" The attitude of the *Sun* has received instant and hearty approval from a number of persons, some of them quite prominent, who see in it that which "presages a scientific solution of this portentous problem," and who plainly say that the negro should forever be shut out from political equality with the white man—*i. e.*, from the privilege of voting. That those who have hitherto held that the negro should *not* be shut out from political equality with the white man, are now coming to take the opposite view, is most significant. But this is a development that will not go backward, and we can safely wait until another time to notice

it further. We were delayed in getting permission to print the matter by Dr. Felix Adler, spoken of two weeks ago, but we now have it, and just as soon as there is a lull in the present activity in the matter of Sunday legislation this valuable matter will be presented.



Of course the champions of Sunday legislation in New York are very much pleased with the decided attitude recently manifested by Governor Odell in the matter of modifying the Sunday excise law in its application to Greater New York. The Governor gave his reason for being unalterably opposed to permitting the people in New York to have what he termed the "Continental Sunday" in these words: "I was not raised that way." This statement was made the title of a discourse by Dr. David J. Burrell in the Marble Collegiate Church of New York City on the evening of February 15, the text being 2 Tim. 1:5. The Doctor evidently saw a striking parallel between the case of Timothy and that of the Governor. He thought there were at least four other ways in which the Governor might have answered those who came to him seeking a change in the Sunday law. First, as a Christian, he could have said that the Fourth Commandment stood unrepealed, and that it was his duty as a Christian to stand by it and uphold it! In this connection the Doctor declared that this "is a Christian country," that the Supreme Court of the United States had declared it to be such. Secondly, the Governor could as an American have said that Sunday observance and the laws maintaining it were American, and that patriotism, loyalty to country, required him to uphold the Sunday laws. Next, he could as a friend of temperance have declared that he was opposed to giving any greater privileges to the saloon. And, lastly, he could as a friend of the workingman have declared that he could not

endorse an attack upon the laws by which the workingman is protected in a weekly day of rest, and that he was opposed to a step which would open the saloon to the workingman on his day of rest and thereby make the day a curse to him instead of a blessing. The Doctor thought any one of these would have been an excellent and sufficient reason for the stand taken by the Governor, and, at first thought, better than the reason given. But he declared that on second consideration it would be seen that the Governor gave one of the very best of reasons—that of loyalty to the teachings he had received as a boy at home and at church. In a way this sounds very well. It will help to get the matter rightly and clearly before one's mind to imagine that Governor Odell is a Roman Catholic and that the law which he refuses to have altered on the ground that he "was not brought up that way," is a law compelling people to observe, by abstaining from labor and keeping out of the saloons and nearly all other places except churches and cathedrals, the "holy" days of the Catholic Church, instead of a law compelling people to pay deference to Sunday. It does not follow that because a person has been brought up in a certain way that he has the right to make everybody else do exactly as he does. A man may have been brought up to pray and to attend church regularly; it does not necessarily follow that it is his duty to impose by law the same conduct upon others. There are some things with regard to which people can honor their bringing up only in their own personal conduct, and the matter of Sunday observance is one of them. Although very rampant in his approval of the Sunday law and of the Governor's attitude with regard to it, Dr. Burrell did not undertake to show how it is that any person, whether as a Christian, an American, a friend of temperance, or of the workingman, can have the right or the

duty to favor compulsion of others in the matter of Sunday observance. It is more convenient for him and all other champions of Sunday enforcement to *assume* that such right exists; even as they justify the Sunday law on the ground that it is on the statute books, and therefore it is right that it should be there!



From the expressions of opposition that have appeared in Pennsylvania to the "Berkelbach bill" it is not difficult to see just what the sentiment is that supports the old Sunday law, and which is of course the sentiment that supports Sunday legislation everywhere else. We learn from the *Homestead Press* that the measure is an attempt "to repeal those statutes which are really the laws protecting *Sabbath observance*," and that "those who believe in *Sunday observance* think the Berkelbach bill only another step nearer to the 'open Sabbath,' or that condition of affairs in which it will not even be against the State law to keep all kinds of business houses open *on the Sabbath day*." It declares that "it behooves those who prefer a quiet *Christian Sabbath* to bestir themselves." The *Pittston Gazette*, after saying that the bill "proposes to legalize the running of cars of all kinds, the printing, publishing and sale of newspapers, the sale of tobacco, cigars, candies, fruits, meats, etc., *on the Sabbath day*," declares that "immediate action by all friends of the *Christian Sabbath* is necessary." The *Mt. Carmel News* says that the bill "aims to open *the Sabbath* for nearly all sorts of *secular* business," and delivers itself thus:

The Sabbath law is all right as it is now. What is needed is the better enforcement of the law as it is. One rest day out of seven is not too much for human beings. *It is God's command*, and no matter what amount of disrespect may be offered the commands of the Creator, yet that Creator must be settled with finally, and the settlement will have

enough of irregularities upon our part without adding a greater degree of Sabbath desecration.

And here is the way the matter is treated by the *Lutheran Observer* of Philadelphia:

It is the old cry, and the same specious arguments are used. "Better to abolish laws than to keep them on the statute books and not enforce them." No removal of the law from the statute books of the State can remove it from *the code which God has given*; and while some communities may wink at the violation of the statute, others guard jealously *the sacredness of the Sabbath*. Repeal the law and no community could be safe from the inroads of the *Sabbath breakers* and their blighting influences. Christian people must unite in their protests, and must begin to make themselves felt as an element to be considered when nominations are made and elections held. The indifference of Christians, and their aloofness as a class from political affairs are full of menace to the State.

The advocates and supporters of Sunday legislation frequently disavow any purpose to enforce a *religious* observance, claiming that all they desire is that the law shall maintain a "civil sabbath." They say that they only want protection from disturbance in worshipping on Sunday, and the securing to employees of one day's release from work each week. In harmony with this avowed object, and with the purpose of eliminating a statute that is a disgrace to the commonwealth, Mr. George B. Wheeler, of South Lancaster, Mass., has prepared and submitted to the Massachusetts legislature the following measure, entitled "An Act to Provide for a Civil Sabbath":

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. That the term "Lord's day" in chapters ninety-eight and one hundred be changed to "the first day of the week."

Section 2. Chapter ninety-eight, sections one and two, shall be so amended as to prohibit only such labor and amusements on the first day of the week as are an actual disturbance to public and private worship.

Section 3. All manufacturing establishments, merchants, and shop-keepers shall give to their employees a release from labor either upon the first or one other day of the week.

Section 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Section 5. This act shall take effect upon its passage.

This would considerably reduce and simplify the ponderous "Lord's day" statute that Massachusetts now has, but if the object of those who support that "Lord's day" statute is what they say it is, then they should be amply satisfied with such a measure as the above. But of course if there were any likelihood of this measure being adopted the forces which support the "Lord's day" statute would do their utmost to defeat it, would be the bitterest and, in fact, the only opponents that it would have. This fact goes to show that they want a great deal more than they say they want sometimes. It is to be hoped that this measure, which was introduced in the lower house of legislature early in the present month and referred to the Committee on Probate and Chancery, will make sufficient progress in the legislature to attract the attention of the champions of the "civil sabbath" in Massachusetts and cause them to give unmistakable demonstration of the fact that it is a *religious* and not a "civil" sabbath that they want maintained by the law—that protection from disturbance in worshipping on Sunday and the securing to employees of a day of rest each week is very far short of being what they want.

The pretense of social beneficence cannot always hide, though it may often serve to disguise, the real character of the cause of the Sunday agitator. When brought to the test it is demonstrated that that which lies nearest his heart is not the promotion of the welfare of the "toiling masses," but solely the "protection" and "preservation" of a religious institution.

THE LOVE OF POWER AND THE POWER OF LOVE



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