

The Sentinel

OF CHRISTIAN LIBERTY

VOL. XVIII

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NO. 10



Does man require more coercion to take his necessary rest from labor than what the law of nature has imposed?

—See page numbered 148.

*It is the chief end and object of civil government to restrain its constituents from doing wrong or injury to each other, and to protect all alike in the enjoyment of their natural and inalienable right to exercise the virtue of useful industry, and to rest and take innocent recreation when nature or their comfort or their pleasure may require it. But laws for the object last mentioned would be, from their very nature and occasion, **OBLIGATORY ONLY ON THOSE WHOSE AGGRESSIVE CONDUCT THEY WOULD BE INTENDED TO RESTRAIN**, leaving all others to do useful labor or to take rest or innocent recreation.*

—See page numbered 150.

Honest, useful industry is ranked among the virtues, and innocent recreation is harmless amusement, and neither can injure any one. While either or both are pursued without injuring or disturbing others in their right to work or rest, they are not evil or immoral acts, and do not fall within the objects of civil government, and THE LEGISLATURE HAS NO RIGHT TO INTERDICT THEM.

—See page numbered 151.

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The Sentinel

OF CHRISTIAN LIBERTY

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NEW YORK, THURSDAY, MARCH 5, 1903

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Rest from Labor—Should It be Coerced?

*The Ground and Extent of Legislative Authority with Respect to a Weekly or other Rest Day**

SELF-PRESERVATION is the first law of nature—the pursuit of happiness the second; and man is as naturally disposed as he is imperiously directed to use the means by which to sustain life and obtain happiness. Labor for those purposes, therefore, is useful industry, and hence useful industry is ranked among the virtues. Idleness is the opposite of useful industry and is inconsistent with the preservation of life and the pursuit of happiness, and is therefore called a vice. Labor occasions fatigue, by which nature dictates the necessity of rest, or cessation from labor, lest excessive fatigue produced by continual labor should impair the vital functions and endanger or destroy that life it is intended to sustain, or lessen that happiness it is intended to promote. The object of rest from labor is to obviate or destroy the fatigue produced by labor, or in other words, to replenish, renew, or re-create the strength and spirits which are diminished by labor, and thus refit man for renewed exertions to sustain life and promote his happiness. Rest from labor beyond this is not required by nature, and it is therefore unnecessary and ex-

cessive; and excessive rest is indolence, slothfulness, *vice*.

But the necessity to labor and to rest, and the object to be attained by them, is no less certain than the *time when* the latter should be had, for if labor produces fatigue and fatigue indicates the necessity for rest, no room is left to doubt that the time for rest is when nature through fatigue indicates the necessity of suspending the labor by which it is occasioned.

The necessary duration of rest is no less clearly ascertained than the time when it should be commenced. Rest from labor having for its object the dissipation of fatigue, its necessary duration is limited to the time when its object shall be accomplished; that is, when fatigue is overcome, and the strength and spirits which were diminished by labor shall be renewed,*replenished, re-created.

Food is necessary to sustain animal life and repair the strength and spirits diminished by toil. As certainly as nature enjoins the labor necessary for procuring sustenance, it directs the cessation from toil long enough and for the purpose of taking it. This is a portion of the time which the laws of self-preservation have prescribed for a cessation of

* See editorial note on another page.

labor. Its duration is, however, not adequate to the purposes of dissipating fatigue and replenishing the strength and spirits for successive or renewed exertion. Nature has pointed out the *manner* and intimated the *time when* it shall be taken, and also the *extent of its duration*. Sleep is indispensably necessary to animal existence and the preservation of health, and the time for taking it is intimated by the laws of nature with a precision which need not be mistaken. "The night cometh when no man can work" conveniently without the aid of artificial light. Why does man suspend his labors at the close of each day and take the rest or repose of sleep all night, or sufficient of it to answer the demands of nature? Does he not awake each morning relieved of fatigue and refreshed and prepared for the labors of the ensuing day?

For those in health, nature, reason and experience tell us that one-half or one-third of each day is sufficient for the purposes of rest. Those who require more cannot be in good health, and their cases form no ground from which to reason.

We find, therefore, on examination, that the laws of nature point to labor as the means of preserving life and promoting happiness; that incessant labor would produce excessive fatigue and hazard or destroy the life and happiness nature intended to preserve; that fatigue intimates the necessity of resting from the labor which occasioned it; that the *object* of resting is to counteract fatigue and its effects; that the time for taking rest is when the occasion for it occurs, and that its duration is limited to the time when its object shall be accomplished.

Some Very Pertinent Questions

Is a statute law necessary to *compel* people to eat their food when they are hungry and can obtain it? Is a statute

law required to *force* people to go to sleep and take repose when nature imperiously demands it? Would it not be equally absurd to attempt by statute law to constrain men to eat and sleep at a time when neither hunger or fatigue makes it necessary or useful? And does not the law on which I have been commenting* bear as deep a stamp of error when it imposes pains and penalties on people to *compel* them to rest from *useful labor* when neither nature, necessity or their pleasure demand it?

Need we ask, then, who are the best legislators or the best judges to prescribe a time or *day of rest* from labor? Who better knows that he ought to rest, or the *time when* to cease his labor, *than he who by labor has been fatigued*? Who better knows *how long* he ought to rest *than he who by resting feels fatigued no more*, and finds his strength and spirits refreshed and renewed for a repetition of his useful labors? Can statute law define those points with more precision? Can the language of a statute law be more intelligent or explicit, or its mandates more implicitly obeyed? Does man require more coercion to take his necessary rest from labor than what the law of nature has imposed?

The Ground and Extent of Legislative Right and Duty to Regulate the Time for Labor and Rest

It has been proved in the foregoing work* that government has no right or righteous power to forbid useful labor at any time under religious pretenses [on religious grounds], and that the ground or pretext on which the law on which I have been commenting presumes to interdict servile labor on Sunday as an act

* The Sunday law of New York State. See editorial note on another page.

* As stated elsewhere, this matter was printed as an *appendix* to a treatise on Sunday legislation.

of immorality, is gratuitously assumed. The question now occurs: *What right or legitimate authority has the legislature to enact a law to coerce the observance of a prescribed day or time of rest from labor as a political or secular measure?*

I am not inclined to interpose any insurmountable objection to a stated day of general rest from labor, merely as a political regulation; but how far our legislature has a constitutional or delegated right to pass *coercive* enactments on the subject is not so clear as perhaps it may be thought to be by those who have never heard their authority called in question, or the policy or the wisdom of the measures even doubted.

It will not be pretended that there is any *express* provision in the constitution delegating any authority of the kind in question. The authority of the legislature, therefore, if it has any, must be *implied*; that is, it must be necessarily incidental to the power expressly given.

Man dearly loves his ease, and when left to himself he would be more inclined to rest too long than work too much. If *left to do as he pleases*, or in other phrase, to do what nature dictates to be done in regard to work and rest, he will not destroy himself by excessive labor, nor starve to death in preference to procuring by his exertions the means of sustaining life and adding to its comforts. It is only when he *is not left to himself* to obey the demands of nature in the matter of rest and labor, that statute laws may be rightfully interposed to preserve his rights and to protect him in his obedience to the law of nature in respect to toil and rest. The employers being allowed by law the proceeds of the labor of their servants, apprentices and dependents might, as has often happened, through avarice, caprice, or want of proper feeling or reflection, unreasonably withhold from them their just rights and privileges. When they impose on

their dependents labor much too hard or heavy, or too long continued; when they allow no time, or not sufficient, for natural and indispensable rest or sleep, as also when the employer neglects or refuses to furnish good and wholesome food and sufficient of it, civil government not only has the right, but is in duty bound by the primary principles on which it is instituted, to interfere to prevent such injuries and to protect the servant, the apprentice, or other dependent, in the enjoyment of his natural and inalienable right to rest when nature imperiously demands it, and to restrain the master from such acts of cruelty and gross injustice, and compel him to the performance of his moral obligation not to injure those who are subject to his will and power. The legislature, therefore, has the right to prescribe the *time when* the employer may and when he shall not oblige his dependents to do their work.* And when religious sects (as often, and indeed too often, it has happened), feeling the physical power derived from their numbers alone, and heedless of the just and equal rights of others, have *forced* them to suspend their useful labor and keep religious sabbaths unknown to and unacknowledged by the consciences or religious system of the weaker sect, the legislature not only has the right *inferred* from the contemplated objects for which civil governments were instituted, but is bound in duty, by the primary principles on which free governments are founded, to interfere, *not to force its constituents to keep a religious day of rest, but to prevent any from coercing others to keep more religious*

* Of course the clerks and others who are to-day demanding the enforcement of a weekly rest day are in no such dependent situation as is here described, and hence their situation does not call for any such interference as is demanded in the case of such dependents as are referred to.—EDITOR.

days of rest than the religious systems of the latter require them to keep, and thus to protect all in the equal right to religious freedom and to restrain the stronger from such acts of "spiritual oppression and intolerance."

But a constant routine of hard or unvaried toil, either of body or mind, becomes irksome, tedious and unpleasant, and tends in a degree to dull the mind, or make it weary and unhappy, and perhaps impairs its vigor. An occasional relaxation, therefore, of toil, or a change of employment from servile labor to that which is made lighter and more agreeable for being voluntary and mixed with mirth or partaking of the character of festivity, and amounting to nothing more than innocent recreation or amusement, is useful and necessary to the preservation of health and the increase of the sum of human happiness, and is in strict accordance with the dictates of human nature in the respect of work and rest. When, therefore, governments are defining and protecting the rights of servants and other dependents, and limiting the authority of the employer to the bounds of reason, humanity and justice, they have a right to appoint a time when the employer shall allow his dependents to suspend their labors and partake, if they please, of innocent recreation. They have a right also, and are in duty bound, to restrain any religious sect from interfering on religious pretenses [grounds] to prevent those innocent enjoyments which nature kindly tolerates or prescribes and which coincide with moral rectitude and the benevolent principles of rational liberty.

Government Has no Right to Interdict Useful Industry or Harmless Recreation

Such are the objects and such the outward boundary line of legislative right and duty to interpose a law prescribing a *time* for labor, rest, or recreation. To

such extent and no farther the legislature has a right and is in duty bound to go; because, as has been before remarked, it is the chief end and object of civil government to restrain its constituents from doing wrong or injury to each other, and to protect all alike in the enjoyment of their natural and inalienable right to exercise the *virtue* of useful industry, and to rest and take innocent recreation when nature or their comfort or their pleasure may require it; and also in the enjoyment of the right to the liberty of conscience (religious freedom) which is among the most important. But laws of the description and for the object last mentioned would be, from their very nature and occasion, *obligatory only on those whose aggressive conduct they would be intended to restrain, leaving all others to do useful labor or take their rest or innocent recreation, should they choose, or their necessities, their convenience, their pleasure, or their religious tenets require it.*

But what would we think should we see an employer undertake to *command, coerce, or scourge* his servant or dependent to oblige him against his will to *quit his work* and to take his rest or recreation, when he wanted none? *Just what we have a right to think of a legislative act which is no less absurd and unjust when it undertakes by pains and penalties to force those to rest whose toil has not fatigued them, or who, having enjoyed their natural and nightly rest, would prefer to exercise their honest and virtuous industry* to increase the comforts of their lives and those of their dependent offspring. Could those who chose to rest a day, either for pleasure or to perform their religious worship, justly complain of being injured by the honest industry of others who choose to perform it in a manner not to disturb those actually engaged in their religious devotions? Idleness is a crime, or so certainly leads to it

as to make the distinction scarcely worth defining. Honest, useful industry is ranked among the virtues, and innocent recreation is harmless amusement, and *neither* can injure any one; and while *either* or *both* of those are pursued without injuring or disturbing others in their right to work or rest, or to keep a religious sabbath, they are not evil or immoral acts and *do not fall within the objects of civil government and the legislature has no right to interdict them.*

The Effect of the Simultaneous Suspension of Useful Industry and Innocent Recreation

It would be useless labor and waste of time to discuss the *policy* of a law which it is proved the legislature has no right to make. The *impolicy*, however, of interdicting both useful labor and innocent amusement on any and the same day, and particularly in a community whose habits are intemperate, and whose customs are so closely allied or directly lead to the excessive use of ardent drink and all its consequent and multiplied irregularities and crimes, cannot long be doubted by any who have reflected much upon the matter, and are not contented to accept gratuitously the ready-made opinions on that subject.

The old and vulgar proverb, "When the devil catches a man idle he will set him to work," is a metaphorical expression of the truth that *idleness leads to vice*. And if it is true, as some allege, that even now, when Sunday is *appointed by statute law* to be regarded and kept as "*holy time*," there is more vice and immorality practised on it than on any other day of the week, it is to be hoped that those will not be denounced who attribute such effects to their obvious cause, nor be obliged by statute law to believe that no evil can result from the simultaneous suspension of honest, useful industry and innocent recreation. The loud and incessant complaints by

the first-day observers of the *profanation* of Sunday, *their* religious sabbath day; the constant solicitude and repeated exertion to induce the legislature to enact laws "for suppressing *immorality*" on that day more than any or perhaps every other in the week; and the simultaneous suspension of labor and innocent recreation on that day, inclines us to the conviction that the fact exists as has been stated; and if so, not only the *policy* of suspending labor and recreation on the same day, but even the *morality* of the measure may very well be doubted. For *that cannot be a moral law the effects of which are evil*. And when useful labor, *virtuous industry*, and *innocent recreation* alike are interdicted, *mischievous idleness* begins to work, and *vice, immorality*, and *misery* are its common offspring.

No Objection on the Score of Morality Can be Made to Voluntary, Useful Labor and Harmless Recreation

The reason and utility of innocent recreation or amusement is obviously and strongly intimated by the laws of nature, which excite man to pursue his happiness by the means which conduce to the real comforts of his life. It is allowed on every day and practised on any day, not only among the nations which are by Christians denominated heathen, but also in those nations where none but a state religion is tolerated. It is not forbidden to the Jews in their alleged command of God, and is nowhere condemned in the record of the Christian faith. It remained uninterdicted by the Roman emperor Constantine, when he by law made Christianity a state religion, and forbade servile labor on Sunday because it was the sabbath of the Christian sect as well as the day of pagan worship. In short, in all Christian [so-called] nations is innocent recreation allowed and practised, except in the two which boast most and loudest of their liberty, viz., Great Britain and most of these United States, where it is

not only forbidden by *statute law*, on *religious grounds*, and treated as an *immoral act*, and the offender unceremoniously punished without (in some cases) even the semblance of a trial, or the enjoyment of any of the rights and privileges which are allowed by reason, justice, humanity, and constitutional law to others charged with the perpetration of the most infamous crimes.

On what principle is the labor of learning the mechanical art of writing allowed on Sunday, other than because it is useful to those engaged at it, and injurious to none others in the community? For what other reason are their teachers permitted to labor in their vocation on the Sabbath day, than because it is *useful labor*, *virtuous industry*, and *beneficial* not only to those engaged in it but to society generally? For what other cause are men allowed, nay *required by law*, to labor on board of ferry-boats on Sunday, than because such labor is *useful*, *necessary*, and *beneficial* to the public, inasmuch as it accommodates those engaged in traveling on business or for pleasure, thereby admitting that traveling for either purpose is not a crime; for was it so, the law granting facilities to those engaged in it would be *particeps criminis*, and those who made it, as well as those who support it, would come in for a merited portion of the censure. What possible objection then on the score of *morality* can be reasonably and consistently urged against other kinds of *voluntary*, *useful labor*, or any innocent recreations, which conduce to the health or comfort of those who engage in them without doing injury to others or disturbing them in the exercise of their equal right (when-

ever they please) to suspend their labor and engage in their religious devotions?

**Legislative Acts and Authority with Respect to
the Matter Should be Scrutinized, Analyzed,
and Measured**

I would have it explicitly understood that I have no desire to interpose objections to a general suspension of business and labor one day in the week as a *secular* measure. On the contrary I think the custom conducive of much utility and ought not to be abolished. But with a view to guard, as the constitution of this State [New York] has done, against "acts of spiritual oppression and intolerance," and also with an eye to the preservation of the liberties of the people, they ought to scrutinize the motives, the manner, and the means by which the community have been *forced* to keep a *religious sabbath day*, and analyze the *right* of the legislature to interdict labor and recreation as a political or secular regulation, and likewise to ascertain and measure the extent of their *coercive* authority on the subject.

Would the people submit to legislative coercion to observe and keep a *thanksgiving* or *fast day*, and acquiesce in the legislative interdiction of labor or recreation on either of them? And should it be attempted to *force* it on them under the pretense of its being a civil or secular regulation, would not the pretext be too flimsy and the disguise too thin and frail to conceal from the people the real object and true character of the measure? The knowledge that the people *would not*, or the conviction that they *ought not*, quietly to submit to such unauthorized constraint, has doubtless prevented the political authorities of the State from venturing beyond the only right they have in those and similar cases, to *recommend* to the people the observance of fast and thanksgiving days and the suspension of business, labor and recreation for those pur-

* It seems that when this was written the teaching of writing on Sunday was permitted. There are many other things permitted to-day that are just as pertinent to the purposes of the argument.—EDITOR.

poses.* Just so much right they have and nothing more to suspend labor or recreation on any day in the year; and just such means they ought to pursue "in respect of the sabbath days," for no tenable argument can be urged in favor of the right to use coercion in the latter which could not with equal justice be applied to the other measure.

Legislative Authority in the Matter Limited to Preventing Aggression upon Just and Equal Rights

The only right the legislature has to interdict labor or recreation is *implied*, or derived by inference drawn from the primary object contemplated to be attained by the institution of civil government—that is, to prevent its constituents from doing injury to each other. And although the legislature has no right to suppress useful industry and recreation when performed without injury to others or without disturbing them in the exercise of their *equal rights*, they have the right coercively to regulate and to interdict labor and recreation when performed in such manner as to do an injury to others by actually disturbing them in the exercise and enjoyment of any of their just and equal rights. *Beyond this they have no righteous or legitimate, expressed*

or implied, authority to proceed. With the qualification just mentioned, *they have no more right to prevent their constituents from laboring* "each day for their daily bread," *than they have to interdict by law their eating it when earned and obtained*, and thus forcing them to keep a day of fasting. In the former as in the latter case, and as in the instance of a thanksgiving day, the utmost limit of their right or legitimate power is to *recommend*; and that right they possess only in common with any or every other body of men, and each individual person in the community; and, without meaning to be assuming or disrespectful to any one, were I to exercise *my equal right to recommend*, I would recommend to the legislative authorities of the State more care and caution to confine themselves to the only objects of their trust and authority—the management of the *political* and not the *religious* concerns of their constituents. I would recommend to them when elected to defend the equal rights of all, and "to guard against acts of spiritual oppression and intolerance," that they do not so exercise their authority as to divest any portion of those who gave it to them of the rights they were delegated to protect.

It is argued that unless all places of business are closed on Sunday, "competition would strongly constrain mer-

chants to keep open" their stores. This is an old threadbare argument, and one born of jealousy. It is the argument of men who imagine that they are compelled

*The main idea of the argument at this point, namely, that a legislature has no more rightful authority with respect to the observance of a Sabbath day than it has with respect to the observance of thanksgiving and fast days, is correct, but it is seriously to be questioned whether an American legislature has any rightful authority *even to recommend* such observances. This writer strikes the truth of the matter when he says further on that the legislature has such right "only in common with any or every other body of men and each individual person in the community." This is about equivalent to saying that this "right"

is not a legislative right, and that is correct. *As legislators* the members of the legislature can properly have nothing to do with the observance of religious days, even to the extent of recommending it. And, besides, to say that the legislature has only the power to recommend, is about equivalent to saying that it has no power in the matter at all, for "the sphere which government invades it dominates," and that thing with regard to which a legislature cannot exert its power as a legislature is a thing with regard to which it has no power nor authority at all.—EDITOR.

by the action of others to compromise principle, and are therefore justified in so doing. But the fallacy of this doctrine has been demonstrated by the house that publishes this paper. For more than a quarter of a century it has been engaged in business in which there is the very closest competition. In face of the competition of two large cities, it has invari-

ably closed its doors on a day on which all others are open—the recognized principal business day of the week. So from this long experience, we can confidently affirm that one house *does not* have to keep open on any particular day because others do—no, not even when all others do.—G. in *Signs of the Times, Oakland, Cal.*

One Religious Paper and the Sunday Saloon Question

As is of course to be expected, every attempt made by those representing popular sentiment in New York to secure a modification of the Sunday law affecting saloons is stubbornly resisted and studiously decried by the New York *Christian Advocate*, the leading Methodist paper of the country. It is safe to say that Mr. R. Fulton Cutting, President of the Citizens' Union of New York, and District-Attorney Jerome are no more the friends of the saloon or the saloon-keeper than is the editor of the *Advocate* and those whose view he represents. And it is safe to say that they are as much interested in the welfare of the city. And yet the *Advocate* styles them "the saloon-keeper's friends" because, not in the interests of the saloon-keepers, but in the interests of honest and decent government, and with the desire to improve the real condition of affairs, which certainly cannot be made any worse by a change in the law, they have sought of late to secure such a change in the law as will make it legal for saloons to be open a portion of the day on Sunday. It is apparent to everybody but the religious champions of Sunday legislation and enforcement, who of course refuse to take into consideration anything but the bearing of the matter upon State support and "protection" of the Sunday institution, that with the sort of population that New

York has at present and is likely to have for some time in the future, the drinking and selling of liquor on Sunday cannot or will not be prevented, and that the law which forbids it not only overrides the sentiment of a large portion of the population and is a measure of hypocrisy in that it carries the idea that a condition of affairs is maintained which is not maintained at all, but is a most fruitful source of police bribery and corruption.

But the *Advocate* cares for none of these things. The Sunday law must not be touched under any consideration. Although of course it demands the strict enforcement of the law, in its estimation it is better that the law should remain just as it is and be utterly at variance with the sentiment and practise of the people, than that it should, in the interests of good and honest government, be modified in the slightest degree to accord with the sentiment and practise of the people. The attitude of the *Advocate* and those whose view it expresses in this matter is about that described thus by the *Brooklyn Eagle*:

There is an Englishman in one of Jones' plays who declares: "We Englishmen are not any better than our neighbors, but, thank God, we pretend to be. We will not countenance any open affront to morality." That speech is a key to the attitude of a large part of the people of this city, of English inheritance and American traditions, toward open saloons on

Sunday. They regard a formal law permitting open saloons as an affront to morality and as a stimulation to dangerous license. At the same time they are "no better than their neighbors," and do not object to the man who takes a drink in defiance of law, so long as it be done decorously and quietly, as a special privilege and not asserted as a right under law. They feel that such an arrangement makes the laws of the State read well.

Whatever else may happen, the *Advocate* desires that the laws of the State, or rather that one law of the State—the Sunday law—shall "read well," for it knows that in that law the church receives special favor and support from the State, and it does not propose to have the principle of such favor and support undermined by modifications of the law. It knows that so long as the law itself is maintained, its non-enforcement and violation does not affect this principle.

The *Advocate* intimates that the recent presentment of the grand jury of New York County strongly favoring a change in the Sunday excise law is "a subservient compliment" to District-Attorney Jerome, and says that "this sort of presentment by a grand jury lacks both tact and taste." In the estimation of the *Advocate* anything that is against the Sunday law "lacks both tact and taste."

Having heard that at the public hearing on his bill, "Mr. Jerome would have some of the most prominent clergymen of the State present at that hearing, to present arguments in favor of partial Sunday opening for New York City," the *Advocate* delivered itself thus:

It is quite possible that he could get them. Prominent clergymen supported the Contagious Disease act in England. There is, in fact, nothing except outright crime by the common consent of mankind, that some clergymen have not supported. Nor need we make this exception, for within a year clergymen have justified assassination, otherwise called lynching.

This serves to show just how heinous a thing is the modification of the Sunday

excise law in the estimation of the *Advocate* and those for whom it speaks. And it should not be forgotten in this connection that it is so regarded by these people not so much because such modification would be giving an additional privilege to the saloon, but because it would be taking away in a degree State support of the church's institution—the religious Sunday. By the way, we have heard of clergymen who in the United States within the last dozen years have scarcely stopped short of "outright crime," and certainly not of persecution, in the effort to prevent the observers of another day from doing honest labor on Sunday—that is, in the effort to compel people who differed with them on the matter of Sabbath observance, to observe Sunday. And some of these were "prominent clergymen" in their communities. Some of them were Methodists. Their example would certainly go to show that there are some clergymen who will scarcely hesitate at anything in accomplishing what they desire with regard to Sunday observance.

The *Advocate* declares that "it would be a weak-brained minister who could not tear to tatters any alleged arguments which the ministers that Jerome or anyone else could take there [to the hearing] to justify the opening of saloons on Sunday, might bring," and it proceeds thus to "tear to tatters" such arguments in advance:

If the State is right in forbidding harmless tradesmen to do business on Sunday; if it is wise in closing banks, both savings and ordinary, whatever inconvenience or suffering it causes depositors; if it is equitable in denying the legality of notes drawn on Sunday; if it is just in having any special laws regulating personal conduct in the streets on Sunday, it cannot be wrong or unjust or inexpedient in making illegal a business which is calculated to make the weekly rest-day an enemy to all the classes most needing protection from temptations to drunkenness and other forms of vice allied with it, to extrav-

agance, and to draw men from their homes, thus making the day a foe to family life.

"If," "if," "if." It would certainly be a weak-brained person who could not "tear to tatters" this argument, which is the one upon which the *Advocate* always falls back in discussing the question of closing saloons on Sunday. If there is any reason why saloons should be closed on Sunday it certainly does not appear in this argument. The State is not right, and cannot be right, "in forbidding *harmless* tradesmen to do business on Sunday." Whether it be wise or unwise, the State has no business to be governing banks any differently on Sunday from what it does on other days, nor to be making the drawing of a note illegal merely because it is drawn on Sunday. And the State has absolutely no right to be "regulating personal conduct in the streets on Sunday" any different from what it does on other days of the week. The State has no right to have any such "special laws," for it has no right to be requiring a higher or different standard of conduct on one day from what it requires on another. Therefore an argument against the Sunday opening of the saloon which rests upon the assumption that the State has the right to do these things, amounts to nothing. If the *Advocate* cannot find some argument for prohibiting the liquor traffic on Sunday which does not place saloon-keepers on a par with *harmless* tradesmen, saloons on a par with banks, and the dispensing of liquor on a par with such a matter as drawing up a note, it might as well give up the case. In making the argument that it does it gives away the case entirely, and shows plainly that Sunday enforcement in general, and not the prevention of the liquor traffic on Sunday, is the thing that it has in mind. Its argument against the sale of liquor on Sunday is not based upon the harm and evil of the liquor traffic, but

upon the assumed propriety and justice of Sunday legislation in general. And since its contention that "it cannot be wrong or unjust or inexpedient" to make illegal the liquor business on Sunday is based entirely upon the assumption that it cannot be wrong or unjust to forbid "harmless tradesmen to do [harmless] business on Sunday," or to have special laws for the regulation of personal conduct on Sunday that do not apply upon other days, its argument against the Sunday saloon simply amounts to nothing.

The *Advocate* is greatly displeased because the present mayor of New York has "disparaged the Sunday-closing law," and declares that his conduct "with respect to this question has placed an ineffaceable stain upon his record." It intimates that this will cause the defeat of the "'fusion' ticket labeled 'reform'" in "the coming campaign," and as much as says that if the Sunday law is not to be enforced it is better for the city to have Tammany in control. This shows how strongly and blindly devoted to their idol are the champions of Sunday enforcement in New York. They of course do not realize that in placing the business of the saloon on a level with harmless and legitimate businesses, as the logic of their position requires them to do, and as they constantly do in arguing the question, they have themselves gone about as far as they can in disparaging the Sunday-closing law against the saloon. To tell people that the saloon-keeper should not be allowed to do business on Sunday because *harmless* tradesmen should not be allowed to, is to give them no reason whatever for forbidding the saloon-keeper to do business on Sunday. In so far as the business of the saloon-keeper is thereby identified with the business of the harmless tradesman, it is to argue against the prohibition of the saloon-keeper's business on Sunday.

AGAIN our entire space is filled with matter pertaining to the Sunday-law question, and again we are obliged to omit much respecting this one matter that should appear. We regret that it is necessary to do so, as some of the agitations and incidents will necessarily become somewhat old before mention can be made of them. It may be thought that too much space was given last week and this week to a single article. The articles are longer than should be printed, but we feel that just now, when the question of Sunday legislation is up in so many places, it is well to present articles which treat upon the subject in an adequate manner, even though one such article should fill the whole paper. In order to set forth fully and clearly what is involved in this legislation it is necessary to use considerable space. And we do not know of any phase of the Sunday-law question that is more pertinent just now than that discussed in our leading article this week. We are unable to give the name of the author of this excellent matter. It is taken from a pamphlet that is to be found in the Astor Library in New York, and which bears the imprint of "A. Spooner, Printer, Brooklyn, 1826." The pamphlet is one of the best treatises on Sunday legislation that we have ever read, and bears this title: "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.' Addressed to the People of the State of New York." In opening his treatise, the author disclaims any intention to "advocate the sectarian tenets of any one denomination of Theologians more than another," and says that he proposes to discuss the matter "as a just man, willing to award to others rights equal to those I claim for myself,

and contending for the equal rights of all mankind." And his treatise makes good his words in this respect. The points which he undertakes to establish, and which he does establish with clear and unanswerable reasoning, are these: 1. "That the law in question violates the natural, inalienable and equal rights of man." 2. "That it contravenes the express provisions of the constitution of this State." 3. "That it is inconsistent with the moral maxims and precepts of the religious system on which it purports to be founded." The matter presented in this issue is not from the pamphlet proper, but from an appendix which was devoted to a consideration of the "physical rest" argument for Sunday legislation. Although written more than seventy-five years ago, this matter could scarcely be better adapted to the Sunday question as it presents itself to-day if it had been prepared for this number of *THE SENTINEL*. It sets forth clearly the true principle which should control in the matter of legislative "protection in the right to rest from labor one day in the week," which is just now a live question. And certainly this writer does not take a radical stand against "rest-day" legislation; those who want more legislative protection in this respect than he is willing to grant, want more than they should have.



Nature is a better guide in the matter of rest and work than is the Sunday law or its supporters.



A deputation of clergymen and others representing the Anglican Church recently waited on the Minister of Education for Ontario in Toronto, and "asked that the voluntary schools be recognized as a part of the provincial educational system." This was of course a request for government support of the Anglican church schools. We are glad to note that "Mr. Harcourt gave a decidedly neg-

ative answer, saying that to give away to one [denomination or church] would mean recognition for all denominational schools and the break-up of the present system." Of course the religious people who advance such propositions as this are always innocent of any intention of having all denominations and churches favored in like manner, unless, indeed, they see that it must be that way in order for them to get what they want. What they want is simply "recognition" for themselves and nobody else. This is illustrated in the matter of legislation for the "protection" and enforcement of a weekly "rest day." The religious people who demand this think only of *their* rest day—the day on which *they* believe people should rest. They utterly ignore the fact that there are people who differ with them on this point, and that if the state lets down the bars by undertaking to "protect" the rest day believed in by one portion of the people, never mind how large a portion it may be, it cannot consistently do otherwise than to undertake also to "protect" in like manner any other rest day or rest days that may be believed in by any other portion or portions of the people. But not even the most enthusiastic and pronounced advocate of legislative "protection" for a weekly "rest and worship day" will admit for a moment that the state has any duty whatever to "protect" any rest day other than that believed in by himself. But if the state has a duty to "protect" the rest day believed in by one portion of the people, it has the same duty to "protect" the rest day or rest days believed in by any other portion or portions of the people; and if it has no duty to "protect" *all*, it has no duty to "protect" any. The principle of equality before the law applies here as well as elsewhere, and the same rule which forbids the state to give financial aid to one body of religious people that it does

not give to all bodies, should also forbid and prevent it from giving "protection" to the rest day believed in by one portion of the people that it does not also give to the rest day or rest days believed in by any other portion or portions of the people.



The Sunday law compels, or at least commands, idleness; and idleness is the next thing to vice.



In the 1903 annual "Journal of the United Grocery and Tea Clerks of New York" the special attention of "grocerymen and grocery clerks who want to advance their trade and existing conditions" is called to "the Sunday-closing (all day) bill, which, at the time this goes to press, was introduced in the legislature of this [New York] State." This annual was issued some time in January, but this is the first information we have had of such a measure. It seems that the "Merchants' Legislative League at Utica" is "handling the Sunday-closing bill," and that it has been introduced in the legislature by Representative Finch of that city. Here is one paragraph from the announcement:

The Sunday-closing bill when passed will be the greatest boon to the grocer and his clerks that they ever received, and it naturally follows that each and every one of them should put his shoulder to the great wheel (which is now going around) and push the bill to success. That wheel is the aforesaid "Grocers' and Clerks' Protective League."

It seems that the grocers and clerks organizations are united in this effort for another Sunday law. When any further news regarding it develops it will be noted in these columns.



The Sunday law is not a moral law; both its principle and its effects stamp it as an immoral measure.



The American Secular Union and Freethought Federation, which has its

headquarters in Chicago, is endeavoring to prevent the passage of the Sunday-closing measure that is being pushed by the Illinois Retail Clerks' Protective Association. In what a Chicago paper chooses to describe as "the most peculiar petition ever received by the Illinois lawmakers," it has appealed to the legislature not to pass "such an unconstitutional, illiberal, and un-American measure." It is rightly argued, and the argument is enforced by citations from the Federal and State constitutions and from judicial decisions, that it is unconstitutional "to prohibit citizens from carrying on their peaceful occupations on a certain day," and that the legislature is precluded "from denouncing as a crime that which is not so in fact, that which is in itself innocent." It is to be hoped that such "peculiar" protests as this will multiply in this time of increasing demand for the arbitrary denial of the right to engage in honest, useful industry on the first day of the week.

Reason, experience and conscience tell us that useful industry is a virtue; the Sunday law tells us that it is a crime.

We trust that no one will get the impression from what is said in *THE SENTINEL* with reference to the Sunday excise matter in New York, or the Sunday closing of saloons anywhere else, that *THE SENTINEL* is an advocate of the Sunday opening of saloons. It does not advocate the opening of saloons at any time; it would be glad to see them closed all the time. But *THE SENTINEL* is opposed all the time and everywhere to the principle of legislative "protection" and enforcement of religious observances and institutions, and it does not require a very keen observer to see that it is this principle that is at the bottom and all through the law closing saloons on Sunday. This principle is not challenged by

those who are trying to secure the modification of the law in New York, and therefore there would be little in the matter worth noticing were it not that this demand for the modification of the law, by the sort of opposition it arouses, serves excellently to bring clearly to view the real character of the Sunday-closing law and to show that it rests upon the principle mentioned. It is because of this that we are interested in the matter.

The New York *Press* asserts that "no Sunday opening law will ever be enacted at Albany, no matter what the political cost may be for refusing it."

At this writing (February 25) we are informed that the hearing on the bill entitled "An Act to Provide for a Civil Sabbath," printed in these columns last week, is to take place before a committee of the Massachusetts legislature on March 4. Mr. Wheeler writes that a good array of speakers will be present, and no doubt the occasion will prove an excellent one for exhibiting the great and fundamental difference that exists between the "Lord's day" statute and a just and genuine measure for preventing disturbances of worship and securing employees in their right to a weekly rest day. A representative of *THE SENTINEL* will attend the hearing, and a report of it will be given in the issue of March 19.

A rest-day law, to be reasonable and just, should secure all in the freedom to have a day of rest, and should *compel none* to take a day of rest. Those who wish to rest should have the liberty to do so, and those who do not wish to rest should have the *equal* liberty not to rest. No one should be denied the liberty to do what he wishes to do in the matter, but each should be protected in the liberty, and *only in that* liberty, to do what he chooses to do in the matter.

THE LOVE OF POWER AND THE POWER OF LOVE



Reduced fac-simile of illustration to appear in the *SENTINEL OF CHRISTIAN LIBERTY*
March 12.

WE have had so many requests to republish the article and illustration entitled "The Love of Power and the Power of Love," which appeared in our December, 1902, issue, in one of the weekly *SENTINELS*, that we have concluded to do so.

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