

# The Sentinel

## OF CHRISTIAN LIBERTY

VOL. XVIII

NEW YORK, MAY 21, 1903

NO. 21



When we come to inquire what reason can be given for the claim of power to enact a Sunday law we are told, looking at it in its purely civil aspect, that it is absolutely necessary for the benefit of his [the individual's] health and the restoration of his powers, and in aid of this great social necessity the legislature may, for the general convenience, set apart a particular day of rest and require its observance by all. This argument is founded on the assumption that men are in the habit of working too much, and thereby entailing evil upon society, and that without compulsion they will not seek the necessary repose which their exhausted natures demand. This is to us a new theory, and is contradicted by the history of the past and the observations of the present. We have heard, in all ages, of declamations and reproaches against the vice of indolence, but we have yet to learn that there has ever been any general complaint of an intemperate, vicious, unhealthy, or morbid industry. On the contrary, we know that mankind seek cessation from toil from the natural influences of self-preservation, in the same manner and as certainly as they seek slumber, relief from pain, or food to appease their hunger. . . . The amount of rest required by one half of society may be widely disproportionate to that required by the other. It is a matter of which each individual must be permitted to judge for himself, according to his own instincts and necessities. As well might the legislature fix the days and hours for work and enforce their observance by an unbending rule which shall be visited alike upon the weak and the strong. Whenever such attempts are made the law-making power leaves its legitimate sphere and makes an incursion into the realms of physiology, and its enactments, like the sumptuary laws of the ancients, which prescribed the mode and texture of people's clothing, or similar laws which might prescribe and limit our food and drink, must be regarded as an invasion, without reason or necessity, of the natural rights of the citizen, which are guaranteed by the fundamental law. **THE TRUTH IS, HOWEVER MUCH IT MAY BE DISGUISED, THAT THIS ONE DAY OF REST IS A PURELY RELIGIOUS IDEA.**

—Supreme Court of California in *Ex parte Newman*, 9 Cal: 502. From opinion written by Chief Justice Terry.

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# The Sentinel

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VOL. XVIII

NEW YORK, THURSDAY, MAY 21, 1903

No. 21

### *The Sunday-Law Question in Florida Again*

AS described in these columns three weeks ago the Sunday-law question has recently come to the front at Jacksonville, Fla. We have learned since, as might have been taken for granted, that the agitation against the bicycle racing on Sunday was begun by the clergymen of the city. After they had agitated the matter for a time, Mr. John W. Dodge, a member of the city council, wrote a letter concerning the matter to Sheriff John Price, the greater portion of which consisted of four citations from the statutes and constitution of the State. One of these was of course the Sunday law, which provides that "whoever follows any pursuit, business or trade on Sunday, either by manual labor or with animal or mechanical power, except the same be work of necessity, shall be punished by a fine not exceeding fifty dollars." Another citation was that "if three or more persons meet together to commit a breach of the peace, or to do any other unlawful act, each of them shall be punished by imprisonment not exceeding six months or by fine not exceeding five hundred dollars." Another citation was as to the duties of sheriffs: "It shall be their duty, and they shall have authority with force and strong hand, when necessary, to suppress all tumults, riots and unlawful assemblies, and to apprehend without war-

rant any person who is in the disturbance of the peace," etc. The last citation stated that all officers not liable to impeachment "may be suspended from office by the governor for malfeasance or misfeasance or neglect of duty in office." The letter concluded thus:

From the law thus cited to you you see your duties and the probable consequences for failure to perform the same. For some time in the county of Duval, State of Florida, the Sabbath day, or Sunday, has been openly and flagrantly desecrated. There have been unlawful assemblies at the bicycle racing in the said county, just beyond the limits of the city of Jacksonville. On Sunday, the 12th of April, 1903, there is now advertised such a meeting, and the same will, no doubt, take place unless the officers of the law stop the same. It is your duty to stop that unlawful assembling, and also the tumult which will take place at that time. This is to notify you that if the same is not stopped by you, or if you fail to perform your duty, as required by law, the matter will be reported to the Governor, and steps will be taken to secure your suspension and final removal from office.

It was this letter which caused the sheriff to take up the matter as described three weeks ago. One report says that in writing this letter "Mr. Dodge was not acting as the representative of any organization," but "upon his own individual responsibility." But another says "he took the initiative in the movement

after he had been requested to do so, after a prayer meeting, and that while he was acting upon his own responsibility, he knew that the ministers' association had taken the matter in hand and were to continue to agitate it." It is quite certain that this letter had its inspiration in the agitation conducted by the clergymen and was designed to accomplish the object which they had in view. At any rate the phraseology employed in describing the act or acts which the sheriff was virtually ordered under threat of removal from office to prevent, namely, that "the Sabbath day, or Sunday, has been openly and flagrantly desecrated," leaves no doubt as to the religious motive and inspiration of this demand for the enforcement of the Sunday law.

We stated in the former account that the sheriff consulted the governor of the State as to his duty in the matter. For this purpose he made a trip to the capital of the State, and there had "a conference with the governor in reference to the matter." They "went over the ground carefully," and came to the conclusion that "the laws would have to be enforced as they appeared on the statute books," "though both of them admitted that the law as to Sunday observance was an old one and as rigid as any rule or law ever applied by the Puritans during the Colonial days." A few days later the sheriff issued his Sunday enforcement "manifesto," the substance of which was given in our former article. The day before this document was issued (April 16) the sheriff, who, it is said, "ridicules the law, but thinks that the best way to have it repealed is to enforce it to the letter," was reported as saying:

I mean every word I say. If it bankrupts this county these Sunday laws are to be enforced. There is the law on the statute books, and you may depend upon it that it will be enforced. You will observe that the law states that no one can follow any occupa-

tion in the way of labor which is not an absolute necessity. Now there is one word which I may be called upon to construe. That word "necessity" may mean a great many things, but I am inclined to take the rigid view of the matter. I do not know whether I will have street-cars stopped or not. Hacks will certainly be included, and all the livery stables will have to be closed. Machine shops will be prohibited from working on Sunday; all fruit stands will be closed; there will be no dodging behind the saloons for back entrances to whisky counters on Sunday; boot-blacks will have to keep off the streets; barber shops will be closed; and all such classes of business which has been general will be stopped on Sundays. I will have a force of detectives on that day, and will have all cases where the law is being violated reported by telephone if necessary. Arrests will be made promptly whenever a violation is reported.

It was expected that this enforcement would raise the question as to the validity of the city's Sunday ordinance, which permits the proprietors of barber shops, fruit stands, soda water fountains, etc., to do business on Sunday, since the permission thus given "is in conflict with the State law." And it was predicted that if the sheriff persisted in the course announced the legislature would be called upon "to provide a more liberal [Sunday] law for Jacksonville." But as no reports of arrests have yet appeared it must be that in the meantime "those who have been conducting business on Sunday will gracefully accept the situation," as one of the Jacksonville papers stated would be the case.

The matter has occasioned considerable discussion and thinking with regard to Sunday legislation and enforcement, and of course that is the most valuable and important phase of these Sunday agitations. Sunday legislation needs to be examined and discussed. An intelligent public opinion is needed with regard to such legislation, for when public opinion is intelligent and honest with regard to this legislation it will be relegated to

where most of the other relics of church-and-state union were long since relegated in this country. The more Sunday legislation is examined and discussed, whether

by its champions or its opponents, the more apparent becomes the fact that it is religious legislation and is intended to enforce a religious observance.

### A "Lay Sermon" on "Sabbath Observance"

Among the contributions to the discussion of this question in Jacksonville was a "lay sermon" on "Sabbath observance" by "a member of the staff of the *Times-Union*," the leading daily of the city and State. In confirmation of what is stated in the closing sentence of the preceding paragraph we have only to refer to this "sermon." The writer approves of the "legal Sabbath," but yet says "the Sabbath" is "a *divine* institution," and though he does not undertake "to say what the law [Sunday law] is," asks: "What should it be to be in keeping with the spirit of true *Sabbath observance*?" And further:

They who are loudest in their complaints that the Sabbath interferes with liberty are generally not those whose *creeds require the observance of another day*. They are men who have no *creeds*. They are constantly declaring that men have a right to work if they wish to. Where the *observance of the Sabbath* prevents this in one case, it prevents men from being compelled to work when they do not wish to in one hundred cases.

Of course by "Sabbath" and "observance of the Sabbath" in the above is meant the Sunday law and its observance. It is not the Sabbath and its observance against which complaints are made of interference with liberty and the right to work, but the so-called civil statute which undertakes to coerce people into "observance of the Sabbath." We may say here that this confusion of two things that should not be confused, this failure to draw any line of distinction between the Sabbath and its observance and the "legal Sabbath" and its enforcement, runs all through this "lay sermon," and is of course a common characteristic of popular discussions of this question. This

emphasizes the fact that public opinion needs to become intelligent on this question. It is time people were learning that there can be such thing as a Sabbath institution and its observance *without a "legal Sabbath" and its enforcement*, and that in this country this must be the case if fundamental principles of government are respected as they should be.

And so we are told that those who are loudest in their complaints that Sunday laws interfere with liberty and the right to work "are generally not those whose *creeds* require the observance of another day"; that "they are men who have no *creeds*." It is not true that those who are most opposed to Sunday legislation because it interferes with liberty and the right to work are "not those whose *creeds* require the observance of another day," for there are no more persistent, active and uncompromising opponents of this legislation than the earnest and devout seventh-day observers of the country. But what we wish to emphasize is the fact that it is plainly admitted by this writer from whom we quote that the Sunday law has to do with *creeds*. In discussing it and its enforcement it is thought proper to take account of the *creeds* of people; and since "they who are loudest in their complaints" against Sunday enforcement "are generally not those whose *creeds* require the observance of another day," their protests are assumed to be worthy of little consideration. The assumption is that since they have no *creeds* of their own with regard to the matter it is not too much to expect them to bow to the *creeds* of other people in the matter of "the observance of the Sabbath." It is hardly

necessary to say anything more on this point.

In connection with the above the following statements from the same "lay sermon" are somewhat peculiar:

Law has nothing to do with religion. Nothing is more firmly fixed in the American mind and the American heart than the belief in freedom of conscience. All religions are tolerated in this country so far as they do not command acts that are in violation of the law. Polygamy is not permitted, but Mormonism is tolerated. There are savage tribes which in their religions practise human sacrifice. Their religions would be tolerated, but that feature which commands human sacrifices would not. In general terms, it may be said that human law permits one to do anything that is not violative directly or in its tendency of the rights of another.

We have no fault to find with this, except that some other word than "tolerated" would better describe the status of religions before the law in this country. But it does not follow that because in principle the law in this country "has nothing to do with religion" that there are no religious laws to be found on the statute books, and that therefore the Sunday law cannot be religious. The Sunday law is a law decidedly having "to do with religion," and, as the writer virtually declares himself, even with creeds, notwithstanding that in theory, and we are glad to say almost entirely in practice, the "law has nothing to do with religion" in this country. And as religion and creeds are matters of conscience, the Sunday law is an invasion of the freedom of conscience, notwithstanding "nothing is more firmly fixed in the American mind and the American heart than the belief in freedom of conscience." If labor, traffic or sports on Sunday could be classed with polygamy and the practise of human sacrifice as violative directly or in tendency of the rights of others there would be abundant justification for a law prohibiting them. But they cannot be so classed. Labor, traffic and

sports on Sunday are not in themselves violative of the rights of others, any more than they are on other days.

The point made most prominent in this "lay sermon" is that "a day of rest is necessary." We are told that "the Sabbath, even if it were not a divine institution, would still be a human necessity"; that "it is conducive to health and happiness for men to rest occasionally," and that "one day in seven is not too frequent." This is the familiar argument of "physical rest," which, of course, in these times sounds better than the appeal to religious sanctions, and for that reason is being substituted for the latter as a bolster for Sunday legislation and enforcement. All that is affirmed on this point may be true, and yet it does not justify Sunday enforcement. It does not follow that because a thing is conducive to health and happiness that the law should force it upon people. The Sabbath certainly does not surpass marriage either as a divine institution or as a human necessity, but who recommends legislation making marriage compulsory?

Of course the writer goes on to say that not only is a weekly rest day a necessity, "but it is also necessary that the day be fixed by law," as "it would never be fixed by agreement." It would be interesting to know how such a day could be fixed by law if it was not done by agreement. He says it "is immaterial" what day is fixed upon; that "one day will do as well as another as was admitted by the early Christians when they changed the Sabbath from the seventh day of the week to the first." Here we have another illustration of the fact that there is no getting away from religion in discussing this question. But while "one day will do as well as another" for the rest day, "it is necessary that it be the same day for all or nearly all; otherwise there could be no day of rest at all, for a law requiring each man to rest one day

in seven, but leaving it to him to select the day, could not be enforced." The idea that seems to be uppermost here is not that of securing to "each man" an opportunity to rest, of protecting him in the right to rest, but the *enforcement* of a rest day *upon* "each man," regardless of his individual needs and wishes. Physical rest is necessarily an individual matter, and it is a matter that may well be left to individual control.

We are told that "the fierceness of competition would compel all men to work all the time if some power did not step in and provide a day of rest," and that organized labor is not sufficiently awake to "the fact that the law [Sunday law] gives it a six-day week," since "as large a proportion of those who declaim against a legal day of rest are found in the ranks of labor as in any other walk of life." It is further declared that in "prescribing" a day of rest "the law is protecting human rights and prolonging human life"; that "it is interfering with liberty mainly as it interferes with the liberty of one man to injure and oppress another," and that "laws are devised to interfere with liberty to just this extent." As we have already stated, the acts that are prohibited by the Sunday law are not encroachments upon the rights of others. The reasoning which makes them out to be such is not reasoning which is entitled to consideration in the enactment and enforcement of laws. The idea that in prohibiting honest and useful labor and industry and harmless and recreative sports and amusements a statute "is protecting human rights and prolonging human life," presents too subtle and intricate a question for legislators to wrestle with. The idea that the liberty interfered with by a law making the prohibitions described is "the liberty of one man to oppress another" is sheer assumption; and therefore the sound principle that the law may and should interfere with the liberty

of one man to injure and oppress another affords no justification whatever for Sunday legislation.

If the first statement quoted in the preceding paragraph be true, why is it that "the fierceness of competition" does not indeed "compel all men to work *all* the time" that they are not prohibited from working? How is it that men—all men—have eight, ten, twelve, fourteen or sixteen hours of freedom from labor in every twenty-four? They are not compelled by law to thus cease from labor. If a weekly rest day is indeed the "human necessity" that is pretended by those interested in maintaining Sunday legislation, it can be depended upon with absolute certainty that no legislation is needed in order to preserve it from destruction by "the fierceness of competition," of which entirely too much is made in this connection. A human necessity is stronger than any competition, no matter how fierce it may be, and people do not need to be compelled to do what the necessities of their nature require them to do. If it is true that one day of rest each week is a human necessity, then the idea that "the fierceness of competition" would destroy the custom of weekly rest if the law did not "protect" and "maintain" it is a bugbear; and, on the other hand, if it is true that "the fierceness of competition" would destroy the weekly rest day if the law did not "protect" and "maintain" it, then the idea that it is a human necessity is a very mistaken one.

Much more might be said with regard to these "physical rest" and other arguments in behalf of Sunday legislation and enforcement, but the fact is that these arguments are irrelevant. Neither the Sunday statute of Florida nor that of any other State is a law for providing physical rest and protecting human rights. "The intent of the lawmaker is the law," and the history and in most cases the text of the Sunday statutes leave

no doubt as to what was the intent of those who enacted them. The purpose of their enactment was not the providing of a day of weekly rest for the workingman, nor of preventing one man from injuring and oppressing another by overwork. The idea of "protecting human rights and prolonging human life" was not the idea that prompted their enactment, and the notion "that one day will do as well as another" for the suspension of labor and business did not obtain when they were conceived. The "health and happiness" of the people was not the consideration when these laws were enacted. It is peculiar that the expressions now so common in the mouths of the defenders of Sunday legislation are not to be found in the Sunday laws themselves. Scan them as carefully as we may and we will discover no such expressions as "day of rest," "weekly rest day," "one day of rest in seven," the "human necessity" of "weekly rest," etc. They have a different nomenclature. The copy of the Florida Sunday statute that we have before us is from the 1881 edition of "McClellan's Digest of the Laws of Florida," and we notice that the acts prohibited by it are prohibited from being done "on the Sabbath day," which expression occurs four times in the statute. This expression gives us a very good clue as to the nature of the law and the purpose of its framers. *The Sunday statutes were enacted because the day was regarded as the Sabbath day; because it was held to be a sacred and not a secular day—a day different from all the other days.* All work and business except that of "necessity" was prohibited on that day because it was regarded as a *desecration* of the day—as violative of its supposed sacred and holy character. Not the "human necessity" of physical rest, but the human obligation of obedience to what was held to be a divine requirement, is the idea which un-

derlies the Sunday statutes that are to be found to-day on the statute books of American States. When to this is added the fact that the demands to-day for the enforcement of these laws, as in this instance in Jacksonville, come from those who are inspired by religious motives in the matter, by those who wish thereby to keep "the Sabbath day" from being "*desecrated*," we are able to see how irrelevant to this question of Sunday legislation and enforcement is all the talk about providing a day of rest for the workingman and protecting him from the "oppression" of those "who would compel him to work all the time." If there must be laws protecting the workingman in this way—if there must be paternal legislation "providing" him with a day of rest and guarding his "health and happiness" for him—then let such legislation be enacted; but let there be no excusing, defending and maintaining of religious legislation on these grounds—of legislation that was not designed for and that is not used for any such purpose.

One more point and we conclude the review of this "lay sermon." We are told that "it is the duty of public officials to enforce the law," and that "it is the duty of private citizens to obey the law"; that "whatever the law commands should be done," and that "whatever the law forbids should be left undone." In general these propositions are all right, but whether they are always to be the rule depends. There are higher laws than "the law," and sometimes "the law" conflicts with these higher laws. In such cases it is for the individual to say which he will obey. We will only say here that many of the men whom the world honors most were men who disregarded "the law" when it conflicted with the higher law of duty, justice and human rights.



### Another Contribution to the Discussion

All the contributions to the discussion of this Sunday-law question in Jacksonville have not been of the same character as the one we have reviewed. Mr. Chas. P. Whitford, a friend of religious liberty and of THE SENTINEL, who is located in Jacksonville at present, has written several contributions on the subject for the papers, and in conclusion we present some matter by him that was published in the *Times-Union* of May 10 under the heading, "The Sunday-Law Question":

While I am an earnest advocate of everything that tends to promote the spiritual and moral welfare of humanity, I deprecate all coercive legislation in the matter of Sabbath observance as violative of the spirit of the Constitution of the United States. Since it has been declared that Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof, it is the constitutional right of every man to keep the Sabbath, or not to keep the Sabbath, without legislative interdiction or interference. In harmony with the Constitution Jesus said: "Render unto Cæsar the things which are Cæsar's, and unto God's the things that are God's." Surely there is a separation between what is God's and that which is due to the State—that which is God's is not to be rendered to the city of Jacksonville, or to the State of Florida, or to the United States, but to God.

Sabbath observance pertains to the Lord, because the Sabbath is the Lord's. "The seventh day is the Sabbath of the Lord." (Ex. 20:10.) This is what the Lord himself has said, and since "God is not a man that he should lie" it certainly must be true that the Sabbath is the Lord's. Therefore the Sabbath does not belong to any individual, neither does the Sabbath belong to the State, nor to the United States; but it belongs *to the Lord*.

Since it is true that the Sabbath is the Lord's, it must be true that if Sabbath observance is rendered at all, it must be rendered to the One to whom it belongs. It could not possibly be rendered to the State of Florida; and for the State of Florida to require Sabbath observance is for it to put itself in the place of God and to exact that which belongs only to God; and for men to render Sabbath

observance in obedience to laws made and enforced by the State is for them to put the State in the place of God. It is a recognition of the State rather than a recognition of the Creator. But it is written: "Thou shalt have no other gods before me."

The observance of the Sabbath should be left to the persuasive influence of the church. (2 Cor. 5:18, 20.) Asking the State to come to the rescue is a confession of weakness on the part of the church. "The gospel [not the civil law] is the power of God unto salvation." (Rom. 1:16.)

When ministers and churches seek for Sabbath laws and their enforcement by the State it is a confession that they have disconnected themselves from "the gospel which is the power of God," else why should they seek for the power of the State to enforce the Sabbath which belongs only to God? Do not these churches and ministers know that they are confessing before the people of the world that there is not sufficient power in the gospel to lead people to the proper observance of the Sabbath?

The idea of enforcing Christian observances and morality by legal enactment smacks too much of a policy that has been tried in other ages and other lands with results which should be far from encouraging to us. The inevitable end of the introduction of religious questions into legislation has always been religious persecution. Whenever any law enforcing any religious observance is placed upon the statute books, however good may be the motives of those who make or pass the law, it will be taken advantage of by religious bigots to oppress conscientious people who are not in harmony with it.

The religious persecution of the Dark Ages began by legislating on religious questions. Overzealous religionists believed that religious legislation was necessary to protect and advance the cause of Christ. They argued, just as people do now-a-days, that "God's will ought to be made the law of the land." But it was "God's will" as interpreted and enforced by the majority that put to death the early Christians, as well as the untold millions of the Dark Ages.

We believe in the right of all people to worship or not to worship according to the dictates of their own consciences; and in opposing religious legislation we are advocating the rights of conscience of and for all the

people. We plead that all men be forever free from the interference and dictation of the State in all matters pertaining to religious faith and practise. And in so pleading we are only asserting the doctrine of the National Constitution. In his "History of the Formation of the Constitution of the United States," Mr. Bancroft says that the American Constitution "withheld from the Federal Government the power to invade the home of reason, the citadel of conscience, the sanctuary of the soul."

When the Congress of this nation shall begin to legislate upon religion the doom of the religious freedom, the foundation of which is set like a diamond in the Constitution, will have been fixed; for the onward march will surely be, step by step, down the road of religious intolerance to religious persecution. That the good people of Florida tend not at all in that direction, let them forever cherish and practise the patriotic sentiment that "eternal vigilance is the price of liberty." And let their legislative servants understand that no attempt must be made to "remove the ancient land-marks which the fathers have set" by meddling or interfering with the religious freedom which is so firmly grounded in the Magna Charta of these United States.

May voices everywhere be heard saying: "Let the principle of religious liberty, wisely embodied in the American Constitution, forever remain as our forefathers established it." Let the watchword of every man who loves liberty and his country be, "Freedom for all—oppression for none."

Two days after the publication of this matter in the *Times-Union* Mr. Whitford received a letter from the county judge of a leading county of the State, but not Duval, who said:

Permit me to thank you for your article, "The Sunday-Law Question," in the *Times-Union* of yesterday. The religious people appear to desire a church trust. Let the State once command obedience to religion and the next step will be to define religion. . . . Having no acquaintance with you, I ask to be pardoned for troubling you.

It is to be hoped that there are many more civil officials in Florida who take the same position as does this judge concerning this question of Sunday enforcement.

## *Sabbath Observance Does not Require Sabbath Enforcement*

*By F. D. Starr \**

IT is claimed by many of the Sunday-law advocates that in order for part of the people to rest on Sunday all the people must be compelled to rest; that unless the day is observed by all, those who wish to observe it will be prevented from doing so, as they will be disturbed in their de-

votions by those who do not observe the day; that "the privilege of rest for one requires a law of rest for all."

That this is not necessarily so was quite fully demonstrated at a camp-meeting held by Seventh-day Adventists at Minot, N. Dak., last July, in which meeting the writer participated. At least it was demonstrated that those who observe the seventh day, the Sabbath "according to the commandment," do not need the assistance of compulsory legal enactments compelling their neighbors to do as they do in order that they may observe the Sabbath. It may be that it is the absence of Scriptural authority for their practise

\* Mr. Starr is a Seventh-day Adventist minister. The practise of the people he represents is a sufficient refutation of the pretension that the religious observance of a day requires the special "protection" of the law. The seventh-day observers worship without any complaint of disturbance on what is perhaps the busiest day of the week for the great mass of the population; yet many first-day observers insist that they cannot worship undisturbed on a day when all labor and business is suspended by the great mass of the population unless they and the day are given special "protection" by the law! The explanation of this is that the seventh-day observer accepts and applies the principle of religious liberty in the matter of Sabbath observance, while the first-day observer refuses to accept and apply it in the matter.

which causes the observers of the first day of the week to feel the need of human laws to compel themselves and others to observe the day of their own choosing.

At the camp-meeting above-mentioned the owner of the adjoining property began, while the meeting was in progress, to build a barn on his ground, the structure being not over five rods from the tent in which the public services of the camp-meeting were held. Every day (except Sunday), from seven to twelve o'clock A. M., and from one to six o'clock P. M., the carpenters were busily working with hammers and other tools. There was no cessation of the work during the preaching and other services, and it continued just the same all during the day observed as the Sabbath by the campers. Yet none of them ever intimated or even thought that he or she could not observe and keep the Sabbath because others were working on that day so near by.

The Sabbath is a spiritual institution; its observance is an act of worship, and no more requires nor causes the observer

or worshiper to expect and demand that others shall be compelled to fall in line with him than it causes him to expect and demand that his neighbors shall be compelled to be baptized or to eat the Lord's supper. His conscience may require him to observe these sacred rites, but that is no reason for compelling others to observe them.

To be sure, in the case mentioned some extra exertion in speaking was required on the part of those who were addressing the audience, so that their voices might be heard above the sound of saw and hammer. But no one was prevented from or disturbed in keeping the Sabbath, which was a blessed season of refreshing to all on the camp-ground. And no one desired to compel the Sabbath-breakers to cease from their work.

The majority of seventh-day observers have to observe the Sabbath in close proximity to those who are not keeping it, but are busily at work upon it. Why is it then that Sunday observers must have everybody forced to observe their day lest they be disturbed?

In his "The True Thomas Jefferson," William Eleroy Curtis tells us that when Jefferson was studying law "he discovered to his surprise that it was a maxim of the courts that the Bible was a part of the common law of the realm, and that upon its authority witches were hanged, tithes exacted, profanity punished, *labor on Sunday forbidden*, and attendance upon religious worship required." The prohibition of labor on Sunday is in the right list here. Fortunately most of these things are merely matters of history to-day and have been so for a long time, but the doctrine that the Bible is a part of the common law still lingers in the notion that "Christianity is a part of the common law" and that "this is a Christian nation," and labor on Sunday is forbid-

den to-day on the strength of that notion. If Jefferson was surprised at these things nearly one hundred and fifty years ago, what would he think if he should awake to-day and find them still extant in this country which he did so much to set right in the matter of the relation of government and religion?



Friends in Florida are doing what they can to improve the opportunity now presented them to call the attention of the people to what is involved in Sunday legislation and its enforcement. In order to assist them in this work, and also because it is a matter of interest elsewhere as well, we have given considerable prominence and space to the Jacksonville agitation in this issue.

## SUNDAY ENFORCEMENT

*This department is designed to record what is being done throughout the United States and elsewhere in the way of Sunday enforcement. Necessarily the items in most instances must be a bare recital of the facts. The principles involved are discussed elsewhere in the paper.*

The chief of police of Stamford, Conn., has been ordered by the mayor "to close the clothing stores on Sunday."

The barbers' union in Camden, N. J., recently appointed a committee "to interview the mayor in reference to closing of barber shops on Sunday."

The Sunday closing of "every business house excepting drug stores, restaurants and hotels" was ordered by the mayor of Cape Girardeau, Mo., on April 25.

On April 25 the marshal of Hearne, Texas, "notified all the merchants that they must observe the Sunday law by keeping their places of business closed."

A resolution "instructing the city attorney to prepare an ordinance covering all kinds of Sunday business which may be found prohibited by the State law" was adopted by the city council of Webb City, Mo., on April 30.

It was reported by the Springfield (Mo.) *Republican* of May 3 that "an effort is being made by a number of our citizens to have the business places of the city closed on Sunday and to secure a day of rest for our laboring men."

On March 30 the clerks' union in Duluth, Minn., caused the arrest and fining of several clothing merchants for Sunday selling. "It is the intention of the union to carry on a vigorous prosecution of all violation of the Sunday law."

The manager of the American Theater

in New York was arrested on April 19 on the charge of "violating the charter by allowing vaudeville sketches and a boxing match to take place on Sunday night." When he was arraigned an adjournment was granted.

A bill permitting the opening of barber shops on Sunday in the city of Niagara Falls was introduced in the New York legislature early in April at the request of the barbers of the city. The Central Labor Council went "on record as being opposed to the measure."

Merchants of Cleburne, Texas, have been notified by the county attorney "that violations of penal code articles Nos. 199 and 200, which prohibit the sale of cigars, tobacco, etc., on Sunday, will be vigorously prosecuted." "Ice and ice-cream may be sold."

Michael Cohn, a clothing merchant, and Abe Lebovitz, a clothing-store clerk, were arrested in Albany, N. Y., on May 4 "on the charge of violating section 267 of the penal code by selling goods on Sunday." David Brown, another dealer, was the complainant in both cases.

At La Crosse, Wis., on April 30 a jury acquitted Wm. Priebe, a non-union barber who had been arrested on complaint of a representative of the barbers' union for Sunday barbering. "The evidence showed that Priebe kept his shop open and shaved several parties, but the jury found him 'not guilty.'"

S. C. Bohannon, a grocer of Terre Haute, Ind., was fined on April 23 for

keeping his store open and selling on Sunday. Another dealer was prosecuted at the same time, but was acquitted. The complaints were made and the evidence gathered by the retail merchants' association, which employed a lawyer to assist in the prosecutions.

Twelve clothing and shoe dealers were arraigned before Justice Murphy in Buffalo, N. Y., on April 17, on the charge of "violating the penal code by selling goods on Sunday." All were convicted. Two were fined \$5 and costs each; four, \$1 and costs each; and the others "were allowed to go on suspended sentence, it being their first offense."

The city counsel of Vailsburg, N. J., was recently evenly divided on the question of "permitting Sunday bicycle races at the Vailsburg board track." The mayor was asked by a committee of citizens to cast his vote against the proposition, which he did, saying he "was against the sport" and would make "official announcement" to that effect.

The Shamokin (Pa.) *Herald* reports that "the Merchants' Protective Association and the Butchers' Association are determined to break up the custom of selling on Sunday, and are proceeding against all whom they detect." On March 29 a butcher was arrested for Sunday selling, and "was sentenced to pay a fine of \$4 and costs."

Sunday closing was the most important stipulation in an agreement reached on April 3 between the proprietors of meat markets on the North and West Sides in Chicago and the butcher clerks' union of that city. Another stipulation was the employment of only union men by the market proprietors. The agreement went into effect on May 1, and extends for one year.

On complaint of the president of the local Federated Trades Council Wm. Hoks, a merchant of Depere, Wis., was arrested on April 19 for Sunday selling. The arrest "was the outcome of the movement for Sunday closing, all merchants except Mr. Hoks having agreed to close." "He pleaded guilty and paid his fine," and in a few days "made complaint against the fifteen saloonkeepers of Depere for keeping open on Sunday."

Petitions addressed to the mayor and chief of police and asking that "title VII, chapter II of the Revised Statutes of the State of Texas, relating to offenses which affect the free exercise of religious freedom, be enforced," have been circulated by the local W. C. T. U. in Houston, Texas, recently, and "have been very largely signed." The portion of the statutes specified is that prohibiting public sports and amusements and the opening of stores on Sunday.

At Long Island City, L. I., on April 24 Magistrate Connorton discharged the proprietor of a North Beach resort who had been arrested for "running a concert and theatrical performance in his hall on the Lord's day." It was argued by the attorney that his client "had as good a right to run his concerts as had the proprietors of the Metropolitan Opera House in New York to run their Sunday evening concerts," and "the justice held that was a sound view of the law."

It was reported from Whatcom, Wash., on April 12, that "the first break in the famous Sunday-closing order" had come, "all cigar stands and news depots having opened their doors" on that date. At the result "the ministerial association" was "up in arms, although divided among themselves," and "the fight will now, in all probability, be carried into the courts." The Sunday-closing "war

has been actively carried on since the first of the year, and will be fought to a finish."



A Methodist clergyman, Rev. J. J. Ramsey, was recently elected justice of the peace at Jasper, Minn. As a result "every business house" in the place, "except hotels and restaurants," is now required "to keep doors closed and suspend business on the Sabbath." The *Pipestone Star* says "the people had hardly looked for this rigid kind of law enforcement, and there is some murmuring," and that "the outcome of the reverend judge's policy will be awaited with much interest."



On April 15 the sheriff and prosecuting attorney of Lewis County, Wash., directed a signed letter to each of the saloon-keepers in the incorporated towns of the county—Centralia, Chehalis and Winlock—which read in part as follows:

The question concerning the opening of saloons in your city on the first day of each week, commonly called Sunday, has reached such a stage that we deem it best for all concerned that hereafter all saloons must remain permanently closed on Sunday, closing to take place promptly at 12 o'clock Saturday night. We, therefore, caution you against the opening of your saloon on Sunday, and trust that this caution will be heeded, so that it will not be necessary to make any further arrests on account of violation of the Sunday law.



There are so many Sunday enforcement reports with regard to baseball playing that our limited space forbids making a separate paragraph of each one.—A baseball game in progress at Fulton, N. Y., on Sunday, April 26, was stopped by the authorities.—The chief of police of Waterbury, Conn., has given notice that hereafter "any man or boy found playing baseball" in that city on Sunday will be arrested. "Heretofore Sunday baseball has been regarded with leniency by the officials."—Three deputy

sheriffs appeared on the scene just as a game of baseball was about to begin at Homestead Park, Lancaster, N. Y., on Sunday, April 26, and by threatening to make arrests prevented the playing of the game. "Somebody had notified Sheriff Kaisen that the game was to be played, and called on him to do his duty." Lancaster is in the same county as Buffalo.—Two patrolmen "raided a gang of boys who were playing ball on the 'meadows'" in Rensselaer, a suburb of Albany, N. Y., on Sunday, April 26. Six arrests were made. "Judge Wilson was near at hand and the boys were arraigned before him on the charge of violating a city ordinance. The lads explained that they had permission to play ball, a policeman having told them that they might. They were fined \$5 each, which was paid by relatives" two days later.—At New Castle, Pa., on Sunday, April 26, "a squad of five officers swooped down on two amateur nines" that were engaged in a game of baseball. Two arrests were made, the other players escaping by taking to their heels. These were "the first arrests in months for violation of the Sabbath observance law" in New Castle. At a "Sabbath observance convention" held in the city the preceding week "the authorities were urged to prosecute all persons violating the Sunday laws."—A dispatch from Detroit under date of April 26 stated that "owing to vigorous action on the part of ministers and laymen and the possibility of the sheriff enforcing the existing laws, Sunday games scheduled for Detroit by the American League have been called off."—The *Providence (R. I.) Telegram* of April 27 reported that "for playing baseball on Sunday the fourth district police arrested Wm. F. Brook, a fifteen-year old boy. The lad was arraigned in the juvenile court this morning, and, pleading guilty, was placed on probation in the custody of Mr. Wallace."—The Grafton, Mass., cor-

respondent of the Worcester Spy reported under date of April 28 that boys of that town "go every Sunday to a certain lot at the foot of Worcester Street and there break the Sabbath by playing baseball." He says "complaints have been entered," and that if the playing is continued "the police may have some-

thing to say about the matter."—At a meeting of the ministerial association of Silver Lake, Minn., on April 20 a committee was appointed to "investigate the law" regarding Sunday baseball and to see what could be done to stop "that form of Sabbath desecration."

Could the Sunday laws in the different States have a thorough overhauling in accordance with the enlightened public opinion of the age, the result would be a great boon to civilization. They are nowhere fully enforced as they stand on the statute books, because they have been really outgrown by public sentiment. They are sadly behind the times. Yet it is remarkable what acts of injustice are

committed in these days on account of Sunday legislation. The religious persecution of the Seventh-day Adventists in the State of Tennessee a few years ago was sanctioned by judicial power, but it aroused the indignation of the just and liberty-loving people of the country. The laws, however, are still unchanged which permit of such a coercive, tyrannical interpretation.—*The Jewish Spectator, Memphis.*

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