

The Sentinel

OF CHRISTIAN LIBERTY

VOL. XVIII

WASHINGTON, D. C., NOVEMBER 5, 1903

NO. 44



Religious liberty is liberty of conscience; and conscience is an INDIVIDUAL affair. Therefore religious liberty is liberty for the individual, and that "religious liberty" which is permitted only to classes and aggregations of individuals is not religious liberty.

"Any law enacted to enforce conformity to any religious tenet carries with it intrinsic evidence of its unrighteous character; for if people conscientiously believed in the tenet favored by the law, no law would be necessary to enforce it. The very existence of such a law implies the design to enforce the tenet upon those who do not conscientiously believe in it; and a more palpable violation of the holy rights of conscience can scarcely be imagined."

If no question of conscience can be involved when "the law of the land" is concerned, then there has been no question of conscience involved in almost all the religious persecution of the world, and the changes in and abrogation of laws and statutes which has been one of the most important features and accompaniments of the advance to religious freedom have been entirely unnecessary. The fact is that nearly all religious intolerance that has wrought oppression and persecution has in the nature of things been always a question "of the law of the land." It is that very thing that has made religious intolerance so intolerable, and that has enabled it so terribly to outrage human rights. Let us have done with this pitiable talk of "the law of the land" in justification of the invasion of the religious and civil liberty of men by the enforcement upon them of a religious observance.

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The Sentinel

OF CHRISTIAN LIBERTY

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

JOHN D. BRADLEY, Editor.

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

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

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

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

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

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

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

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

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

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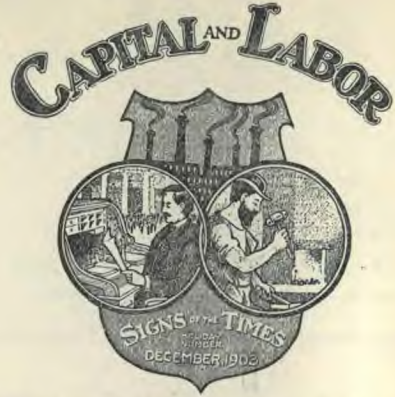
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WASHINGTON, D. C., THURSDAY, NOVEMBER 5, 1903.

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Echoes from the Ontario Case

The case of Sunday enforcement upon seventh-day observers at London, Ontario, reported last week, caused some one signing himself "Liberty" to send the following very proper protest to the *Daily Free Press* of that city, which embodied it in an editorial, headed "The Sunday Law," that appeared in its issue of October 9:

I had supposed that under the flag of the British Empire, of which we are all proud, a man was permitted to worship God according to the dictates of his conscience. Is it possible that we have upon our statute books laws enforcing the religious dogmas of the majority. If so, I beg leave to protest (as a citizen and a clergyman) in the name of liberty. I believe, sir, that every man should be allowed to worship as his conscience dictates, and I am unable to understand why honest labor on Sunday is a crime while on the other six days it is commendable. It disturbs no one. The few who keep a day other than the day observed by the majority in no wise disturb the worship of those who worship on Sunday. Jews, Seventh-day Baptists, and the Seventh-day Adventists assemble in their various places of worship on the seventh day, and they never seem to complain of being disturbed, though the masses are busy laboring all around them. If they can worship while the world all work, surely the teeming thousands can worship undisturbed by the labor of the few. Religious services are held daily in the churches and no one seems disturbed by the work carried on outside, then why should a little work car-

ried on in a quiet way disturb some one?

The *Free Press* responded thus:

"Liberty" is all astray in his view of this matter. It is not a question of conscience, but of the law of the land, with the consent of the governed. Certain works of necessity are permitted to be carried on on the first day of the week, such as transcontinental traffic on railways, the sailing of ships en route, the operation of street cars and telegraphs where the public necessity is urgent. There are employments that cannot be suspended for a day without very serious loss, inconvenience and suffering, as in the case of live stock and perishable goods in transit. But an ordinary manufacture is not in this category. It cannot work on Sunday because the law declares it is a day of rest from labor, and it can wait. It is not a matter of discretion. The law is made for the protection of working people, and for the good order of society at large. If liberty could be taken as a matter of conscience, by keeping some week-day for religion, it would come to be taken as a matter of every-day concern because it suited to keep holiday mid-week and work on Sunday. The result would be religious, social and moral chaos.

The *Free Press* makes no mistake as to the best argument and defense for Sunday legislation—it is "the law of the land." It offers no other justification for it; and there is no other. But if this argument had always prevailed, where would be the liberty of which the citizens of the British Empire are justly proud? Where would be those great documents, the Magna

Charta, the Petition of Right, and the Bill of Rights? What does English history mean if does not mean that "the law of the land" must be in harmony with the rights of the people, and that if it is not, it is "the law of the land" and not the rights of the people that must give way? This is a law of the land among Englishmen of more importance than any statute, especially one that can offer no other justification than that which has been the excuse and defense of every oppressive and despotic enactment that has ever disgraced the legislation of nations. Notwithstanding the sentiment that Sunday must be "a day of rest from labor" and the law backing it up, "certain works of necessity are permitted to be carried on on the first day of the week." This is done on the ground of "public necessity"—"urgent" public need. Now we submit that this principle which permits Sunday to be a day of work in some lines notwithstanding the sentiment and the law requiring it to be "a day of rest from labor," is the principle which should control and determine the interference of the public with the liberty of citizens to work or to operate an "ordinary manufacture" or to engage in and carry on any business or industry on Sunday. Is the liberty of the citizen entitled to less regard than Sunday as "a day of rest from labor," and is that liberty to be disregarded on any less urgent and important grounds than Sunday as "a day of rest from labor" is disregarded? The public has the right to interfere with the liberty of the citizen to work and do business only when public necessity, "urgent" public need, requires, and to the extent, and only to the extent, that public necessity requires. And public necessity does not require any such interference as has been made in this recent

instance in London, and which the Sunday law authorizes and requires. It is not public necessity, "urgent" or otherwise, upon which the Sunday law rests and because of which it is enforced, but the religious character of the day. The statement that "the law is made for the protection of working people, and for the good order of society at large," is logically and historically false. Both the text and the history of the law show that instead of having been made "for the protection of working people and for the good order of society at large," it was made for the "protection" of the "Lord's day," and to maintain and guard by law the "sacred" and religious character of Sunday by preventing society at large from doing things that are no disturbance of the good order of society at all. Why does the *Free Press* in connection with this matter speak of keeping a day "for religion," and predict that if some other day than that prescribed by the Sunday law is so kept, "the result will be religious, social and moral chaos"? Why bring religion into a discussion affecting a civil law "for the protection of working people and for the good order of society at large"? Ah! the *Free Press* does not bring it in; it is already there, and is bound to show itself in any discussion of the matter. The Sunday law is a law for enforcing a religious observance, and there is no escape from that fact. No talk about "the protection of working people" and "the good order of society" can hide that palpable fact. And does the *Free Press* really mean to tell us that people are not at liberty in Ontario "as a matter of conscience" to keep some other day than Sunday "for religion"? That is what it says, whether it means to say so or not. None who protest against the Sunday law have interpreted it as going that far in its denial

of religious freedom and violation of liberty of conscience. But we think this interpretation is justifiable; if somewhat beyond the letter, it is certainly not beyond the spirit, of the law. In concluding its comment the *Free Press* tells us that once in the United States, where "there is a law against stealing," "a newly-arrived immigrant was arrested for theft and sentenced to a term in prison, on which he exclaimed: 'Vat! I tought it vas one free country I come to.'" This was evidently intended to convey the idea that the law against useful, honest, orderly work and industry on Sunday is on a par with a law against stealing, and that one who thinks his rightful liberty means freedom to engage in useful, honest, orderly work and industry on Sunday is on a par with the man who thinks liberty means freedom to steal. It is difficult to believe that there is not something seriously the matter with the intellect and moral sense of one who lets this idea have lodgment in his mind. There is a difference between honest work and theft. From a communication sent to the editor of the *Free Press* by one of the seventh-day observers who was arrested for Sunday work, and which was printed in that paper on October 13, we quote the following as showing the position in the matter of these people against whom the Sunday law has been invoked:

The manufacturer and employees who were summoned for working on Sunday belong to a body of people named Seventh-day Adventists. They hold that they should yield obedience to the law of the land on all points within its legitimate sphere, but when human laws conflict with the law of God, they are not careful in the matter. Now, the law of God says "six days shalt thou labor and do all thy work," as well as "the seventh day is the Sabbath," but according to the magis-

trate's decision "the law of the land" says the first day is the Sabbath, and no work must be done thereon. You will readily observe that there is difficulty here for those who conscientiously believe that the law of God means just what it says. The law of a certain country once decreed that all peoples, nations and tongues, at a given time, should fall down and worship a golden image which the king had set up. But the minority, although law-abiding citizens, refused to render obedience to a law which conflicted with the law of God. Do you see the parallel, Mr. Editor? Again, the law of the land makes Thanksgiving Day a legal holiday, just the same as it does the first day of the week, but who ever hears of a man being brought up in the police court for working upon that day? The question is wholly a religious one, and is outside the sphere of the state. God spake these words, "The seventh day is the Sabbath" and "six days shalt thou labor," and Seventh-day Adventists are only observing a God-given command and exercising a God-given right in so doing.

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Worthless "Sabbath Reform"

The following sound and thoughtful observations on the character and value of the sort of "Sabbath reform" which is so popular to-day with clergymen and religious unions and societies, and which furnishes a constantly increasing number of such incidents as are noted in our "Sunday Enforcement" department, are from the *Sabbath Recorder* (Seventh-day Baptist):

There has been considerable activity in small matters touching the enforcement of Sunday laws during the past summer, but one looks in vain for any discussion or any efforts at enforcement from the higher point of view. In Philadelphia and elsewhere the saloon influence has been a prominent source of this activity. This influence seeks to enforce the laws against other forms of business than liquor selling as a

safeguard in favor of the open saloon. For twenty-five years or more this course on the part of the saloon forces has been successful in a great degree. Such a policy will continue so long as the present form of Sunday law is continued. This type of law is self-defeating, and evil influences are quick and persistent in making the most possible out of the illogical and inconsistent feature of Sunday laws which place the liquor selling on a practical and legal equality with legitimate and desirable forms of business. The experience of each year increases the demand for a definite separation of the liquor question from all other kinds of business on Sunday. The second factor in the effort to execute the Sunday laws is business rivalry in many cases. This is the most vigorous and successful factor. This element of agitation and enforcement increases as the tyranny of labor unions and labor agitators increases. The year has been strongly marked by the monopoly and tyranny of labor movements, and Sunday laws have been pressed into service whenever possible. In these cases, as in the saloon influence, there is no high nor genuine thought of reform. On the contrary, all efforts to enforce Sunday laws through such agencies increase holidayism and the general growth of evil results. Religious leaders who seek the upbuilding of Sunday on religious grounds exhibit great blindness in trying to foster better things through such agencies. They are slow to learn that actual and genuine Sabbath reform must be based on high and permanent religious considerations. Religious leaders give constant evidence of their want of faith in the religious basis of Sunday observance by seeking affiliation with labor unions and the saloons in securing spasmodic and illogical enforcement of Sunday laws, and calling such movements "Sabbath reform." They would not do this if they were not conscious that Sunday has no right to claim religious authority from the Bible or the example of Christ, the Lord of the Sabbath. However much they may seek to cover their weakness by words, every year proves the hollowness of

their theories concerning Sunday observance. When men clutch at floating straws of civil law enforcement, from low motives, and fail to appeal to God's law and Christ's example, their cause is weak indeed. That barbers or grocers or saloonmen, in a given instance, have closed the business places of their rivals or enemies for a few Sundays is not worthy of record as an item of genuine Sabbath reform. Every year adds proof to the fact that a new and higher plane of thought and action must be gained by religious leaders before any progress will be made in actual and permanent Sabbath reform. The question must be lifted from the low ground of competition in business, to the Biblical and religious basis on which Christ placed the Sabbath and its observance. If there is no such basis for Sunday, as we believe there is not, Sunday must cease its claims to divine authority, and yield to the true Sabbath of God and of his Son, Christ. As things now are, the saloon power and the holiday Sunday get the lion's share of what is falsely called "Sabbath Reform" through Sunday laws.



New York's "Puzzling Sunday Question" The question of the Sunday closing of saloons, commonly spoken of as the "excise question," remains one of foremost importance and interest in New York, and though not exactly an issue in the late municipal campaign, figured somewhat in the speech-making, and all references to it were eagerly listened to. On accepting the mayoralty nomination two years ago Mr. Low "declared his belief that the sections of the liquor tax law prohibiting the sale of liquor at all hours on Sunday could not be enforced in New York, and suggested that the legislature study the conditions with great care, to see if some regulation more effective for controlling the liquor traffic on Sundays than an absolute prohibition could not be devised." He indicated

what his policy as mayor would be in the matter by declaring that under the conditions existing "the extreme of the law is the extreme of injustice," and that while the law remained unaltered it "must be administered in the best practicable manner." So, to quote *The Sun*, "for nearly two years Mr. Low has been trying to match the necessities of administration to the theory that the law should be enforced to the extent that is pleasing to the people, and no further," and "has endeavored to have the law as it stands on the statute books cut to fit the personal wishes of various factions of the population." But his experience as mayor has caused Mr. Low to see the matter differently, and in a speech in the late campaign he made this evidently carefully prepared declaration on the question to an audience unfavorable to Sunday closing:

I must frankly say that there is no relief from this dilemma as to the excise law except in a change of the law itself. In view of the great differences of opinion prevailing among our citizens in this respect the mayor ought, in my judgment, to keep himself entirely uncommitted, and he must also keep an open mind. I may say, however, that the ultimate solution of the puzzling Sunday question seems to me to lie in an appeal to the principle of home rule. On a question affecting the habits and customs of our own people, I think the wishes of the majority should be ascertained, and that their wishes should prevail.

So Mr. Low has come to the position held by District Attorney Jerome—that the law must be enforced like any other statute while it exists, and that relief from it must come by changing the law and making the question of Sunday closing one to be determined by local option. This will no doubt make the question of the change of the law

and the reference of the Sunday-closing question to the people of the city one of greater popular interest and concern than ever. Mr. Low said he was convinced that the strict and impartial enforcement of the law was the only way to prevent its being used for purposes of "graft," the breaking up of which system of bribery and corruption was the principal purpose of the fusion movement. His declaration that the matter of Sunday closing should be one of "home rule" was vigorously applauded. As we have said before in connection with this matter, "home rule" in the matter of regulating Sunday observance is as much a violation of the principle that should control in the matter as is any other civil and political rule in the matter. But if there must be laws enforcing respect for Sunday and regulating its observance, it would certainly seem to be but fair and just, and in accordance with the principles of democratic government, that no community should be ruled by other communities in the matter and that each community should be allowed to determine such laws and regulations for itself.

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In a dispatch from Rome denying a report "that three new American cardinals were to be created," it is stated that "the Pope is very partial to the United States," but that he "could not make these appointments without creating jealousy in the other states of the New World." The Papacy always does her work with reference to governments and states. The states of the New World should have no concern with the Pope's appointments, and therefore it should not be possible for him to be partial to any state in the matter, and especially should this be true with regard to the United States.

According to the secretary and manager of the Canadian "Lord's Day" Alliance, Rev. J. G. Shearer, "five archbishops of the Roman Catholic Church are pledged to do all in their power to secure a Dominion Lord's day act." It is to be hoped that "Protestantism" and Roman Catholicism in Canada will not be allowed to carry through this church-and-state scheme in behalf of which they have become allies without meeting the vigorous challenge and opposition that they should. There is occasion just now for making the Sunday-law question a live one throughout Canada.



Cardinal Gibbons has declared that "a close observer cannot fail to note the dangerous inroads that have been made on the Lord's day in this country during the last thirty years." And a close observer cannot fail to note the dangerous inroads that in the last fifteen years have been and are now being made upon fundamental American principles and upon the rights of American citizens in behalf of the "Lord's day." "Dangerous inroads upon the Lord's day" afford no reason or justification for dangerous inroads upon the rightful liberty of citizens.



"A long discussion over the duties of Christians relative to Sabbath observance" took place at a Presbyterian synod session in St. Paul, Minn., on October 12. The report of it does not state whether or not it was pointed out that Christians have no duty relative to Sabbath observance in the way of coercion and compulsion of others in the matter. This is certainly a point that should be emphasized at such discussions in these days.



The liberty, both religious and civil,

of the citizen should at least be esteemed as highly and as carefully guarded by the public laws as is the character, religious or "civil," of the "Lord's day"; and the first should at least be interfered with and invaded by the public for no less urgent and important reasons of public necessity than those upon which are permitted a disregard of the latter.



"Sunday, which is the day recognized in law as the day to be observed by suspension of business," is an expression worth noting that occurs in the report of some Sunday-enforcement cases given by the Minneapolis (Minn.) *Commercial Bulletin*. It is Sunday observance that is required by the laws commanding the suspension of business on that day.



Resolutions "condemning the Sunday opening of the Illinois State Fair were passed at the session of the Congregational church of Illinois" at Springfield on October 21. The resolutions called on "all members of the church to do all in their power to put a stop to the Sunday opening, and condemned the State board of agriculture in harsh terms."



It is reported that a daughter of President Roosevelt is being educated at, or at least is being sent at present to, a Roman Catholic school. The President and his wife are Protestants, he being a member of the Reformed Church.



A law which has to appeal to and depend upon the fact of its existence for justification of its existence is a law that has no reason for existence.

An Indictment of New York's Sunday Law*

VII

HAVING, I trust, demonstrated that the statute under discussion "violates the natural, unalienable and equal rights of man," I shall now proceed to prove, as I proposed, "that it contravenes the express provisions of the constitution of this [New York] State." I shall endeavor in the first place to show that it is unauthorized by that bulwark of our political and religious freedom.

However erroneous the proposition is proved to be, were it for a moment admitted for the sake of argument "that man has the right to vest civil government with the power to prescribe religious creeds and coerce conformity to them," it would not relieve the law in question from the character which I have ascribed to it, unless it can be shown that that power was actually given by the people to the gov-

ernment. If the people omitted to delegate that power or right by express constitutional provision, that is, if the constitution was silent on the subject, statutory laws to constrain one portion of the community to conform to the religious sectarian tenets of another would be unconstitutional; because the government, deriving its rights and powers from its constituents, and possessing no more than is actually and expressly given, and the right or power to which we allude not being in fact delegated to the government, the constitution would not authorize or justify the act. Hence it follows, if the constitution was silent on the subject of the law under consideration, it would for that reason be unconstitutional.

But thanks and a glorious immortality to those honest, intelligent and independent patriots who framed that instrument, it is not silent; it speaks in the most clear, emphatic and imperative language on the subject of which we are treating. It interdicts the wrong which I condemn, and asserts the right for which I am now contending. It accords in its provisions with the data from which my arguments are drawn, and sustains all my reasoning and conclusions on the subject under consideration. Those sages and soldiers of the Revolution who reared that bulwark of our political and religious rights acknowledged no source from which religious sects or civil government could derive a right to interfere between man and his maker, God, to prevent the one from offering and the other from receiving any other worship than that prescribed by law. They recognized no principle by which man could have a right to constrain his fellowman to violate the obligations imposed by his own religious creeds and

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

to conform to others not his own. They doubtless were aware that some of the most essential rights of man had been invaded and wrested from him under various and flimsy pretexts and pretenses, and deemed it indiscreet to leave the liberty of conscience unguarded or undefined, or the "free exercise of religious profession and worship" to be enjoyed on the equivocal and unstable tenure of inferences which might vary with the wisdom, weakness, interest or depravity of those to whose office it might appertain to draw them. They knew that history and their own observations bore concurrent testimony that all political governments, and particularly those leagued with or influenced by the church, are prone to grasp at power, and often under color of implication, construction, expediency, supporting religion, and "suppressing immorality," usurp authority never granted them. They therefore by the thirty-eighth article of the (old) constitution of this State declares as follows:

And whereas we are required by the benevolent principles of rational liberty not only to expel civil tyranny, but also to guard against that spiritual oppression and intolerance wherewith the bigotry and ambition of weak and wicked priests and princes have scourged mankind, this convention doth further, in the name and by the authority of the good people of this State, ordain, determine and declare that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed within this State to all mankind; provided the liberty of conscience hereby granted shall not be construed so as to excuse acts of licentiousness, or justify practises inconsistent with the peace and safety of this State.

Thus we see that "the free exercise and enjoyment of religious profession (opinion) and worship" is guaranteed

not to any one individual in the community more than another—not to any one religious sect more than another—not to Christians in preference to Jews, Turks or heathen—not to believers in Christianity any more than infidels to that or any other creed—not to any one or any number of Christian sects in preference to any other Christian sect; but to "ALL MANKIND within this State" without any preference of one to any other; and if there is one solitary individual "within this State" who is coerced by law or otherwise to violate his own religious opinions and conform to others not his own, then is there a discrimination made between the religious tenets of different portions of the community—then is there a preference given to one, to the disparagement of another—then is "the free exercise of religious profession and worship" not enjoyed within this State by "all mankind;" and the constitution is as grossly and completely infringed by the violation of the rights of an individual person as if the rights of a whole sect or any number of the community had been invaded.

For what possible or imaginary purpose could the article of the constitution just quoted have been adopted, but for that which it expressly avows, to guard against "that spiritual oppression and intolerance wherewith bigotry and ambition have scourged mankind," to compel one part of them, contrary to "the benevolent principles of rational liberty" and the equal rights of man, to conform to religious tenets they neither profess nor believe? Indeed any law enacted to enforce conformity to sectarian religious tenets carries with it intrinsic evidence of its unrighteous character; because if people conscientiously believed in the tenet intended to be favored by the law, no law would be necessary to enforce

it. The very existence, therefore, of the law in question implies the design to enforce conformity to religious tenets on those who do not believe them to be true; and a more palpable violation of the holy rights of conscience and the provisions of the constitution can scarcely be imagined.

There are people in this community who are as honest and benevolent as any others, and perhaps no weaker than their neighbors, and who religiously holding the same doctrine of equal rights which St. Paul advocated when the Pharisees attempted to coerce the Christians to keep the Jewish Sabbath, admit the right of "one man to esteem one day above another," and "another to esteem every day alike," and are willing to "let every man be fully persuaded in his own mind" in regard to matters of religion; but who, like St. Paul and the primitive Christians, are not willing that their religious liberty "in respect of an holy day, or of the sabbath days," should be "judged of another man's conscience"; and there are others again who religiously profess to worship God in heart or mind only, and as conscientiously avoid the external show of worship as they would ostentation and hypocrisy; and as the exercise of these religious professions does not amount to a breach of the public peace, or contain in them anything inimical to the political safety of the State, nor can be construed into acts of violence or fraud against the life, liberty or property of others, or a disturbance of them in "the free exercise and enjoyment of their religious profession and worship," and hence are not acts of immorality or licentiousness, they are entitled to the

protection and guardianship of the constitution in common with every other religious creed, and the professors of them are objects of the guardianship of the constitution equally with every other class of citizens. What right then have any others to say to these, "Why do ye so?" without conceding the equal right of these to reciprocate the question? What rights and privileges are guaranteed by the constitution to any or every other class of citizens which are not equally assured to these? Have they not the same right to dissent from the religious creeds of both the first and seventh-day sabbateans, as these two sects have to dissent from the religious creed of each other? Is not "the free exercise and enjoyment of the religious opinions" of the non-sabbateans an object of the guardianship of the constitution equally with those of the first and seventh-day sabbateans? Does not the law in question coerce the former to keep the first or seventh-day sabbath, although they conscientiously disbelieve the divine appointment of either of those days as a religious holy day? And when forced by law against their own religious creed to conform to others they neither profess or believe to be true, are not their religious rights and liberty of conscience invaded and wrested from them? Can spiritual oppression and intolerance be better defined?

It was expressly to guard against such acts of spiritual oppression and intolerance as these that the article of the constitution which has been quoted was interposed, and whether the violence is done by individuals, a religious sect, or legislative law, the constitution emphatically interdicts it.

At a recent State convention of Congregationalists at Menominee, Wis., "resolutions were passed denouncing

the Sunday opening of the money-order department of post-offices and the running of Sunday excursions."

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 matter of Sunday closing by law continues a prominent feature of local news in St. Paul, Minn., papers. As stated some weeks ago a number of the smaller grocers who have been prosecuted for Sunday opening and selling have decided to have the courts pass upon the constitutionality of the amendment to the Sunday law passed at the last session of the legislature, which prohibits the sale of groceries and merchandise and the opening of stores for that purpose on Sunday, but which permits the sale of tobacco, confectionery, drugs, surgical appliances, and meals to be eaten on the premises. Hoffman as the test case for this purpose. "The records in the case show that Hoffman was arrested on complaint of A. H. Garfield [a representative of the retail clerks, association] for violating the Sunday-closing law on August 16 last, in that on that day he offered for sale and did sell a quantity of groceries 'not being then and there meals sold to be eaten on the premises where sold, and not being tobacco, fruit or confectionery, sold in a quiet and orderly manner.'" On appeal the case was first taken before Judge Hine of the St. Paul municipal court, where "the constitutionality of the law was attacked on two principal grounds: First, that its title is insufficient in failing to express the subject of legislation, and secondly, that it is class legislation, granting exclusive privileges to the excepted businesses over the prohibited ones." Judge Hine rendered a decision on September 23, and upheld the law as constitutional on both points. A week later he sentenced Hoffman to pay a fine of \$10 or to be imprisoned in the county jail for five days. A temporary writ of habeas corpus, setting forth that Hoffman was "illegally and unjustly restrained in the custody of the sheriff for the alleged violation of a law which is in contravention of the State constitution," was at

once obtained from Judge Jaggard of the district court, before whom the matter was argued on September 29. If necessary, the case is to be carried to the State supreme court. In the meantime Hoffman seems determined at whatever cost to exercise what he deems to be, and what certainly should be, his right under the constitution in the matter. On October 5, on a warrant sworn out by "a traveling man" who had on the previous day visited his store at Thirteenth and Jackson Sts., and made some purchases for the purpose, he was arrested a third time for selling and keeping open on Sunday. This time he was required to furnish bail to the amount of \$25, and on refusing to do so, was "committed to the county jail." One account says he spent "the day" in jail, and another "a few hours." At any rate he was imprisoned until he furnished the required bail. He was tried before Judge Hine on October 8, and "after the proof had been put in the court said he saw a little weakness in the case as presented, and but for that would sentence Hoffman to five days in the county jail." A fine of \$10 was imposed, which was paid. On September 29 five other grocers, Samuel Roysner, Rachael Rosenblum, Henry Cumonow, Chas. C. and Jacob I. Levy, were arraigned before Judge Hine on the charge of "violating the Sunday-closing law." The first three were arrested on complaint of Carl Oxman, a retail grocer, and the last two on complaint of the president of the retail grocery clerks' association. "The peculiarity of these cases was that all the defendants and the complainant in three of the cases were of Jewish nationality," and "the novel defense was made that Saturday was their Sabbath, and that they should not be forced to close two days in each week." This presented "a rather nice question," as "the law under which the action was brought does not make any exemption

as to parties who may choose to observe Saturday as their Sunday, but in an older law on the same subject there is a clause providing that those who observe another Sabbath may continue their vocation on the first day of the week, provided however that they do not annoy or disturb other persons." The Jewish complainant, Oxman, "said he was not particular which day was observed by these parties as their Sabbath, but insisted that they should be required to close their places of business one day of the seven which constitute the week." It seems that Oxman himself had been in the habit of Sunday selling, and on the continuance of the cases to a later date the attorney for the defendants secured a warrant for his arrest, which was at once served. The county attorney protested against the issuance of the warrant "on the ground that Mr. Oxman had pledged himself to close on Sunday in the future," but Judge Hine overruled his objections. Another hearing in the cases of the five grocers took place on October 14, when the defense "raised the point that selling groceries is servile labor, and therefore expressly permitted on Sunday by the Minnesota statutes." The judge "decided to ponder this point for a few days." At the same session of the municipal court "Rodney Barnum, proprietor of a grocery store, was fined \$5 for keeping open on Sunday."

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The annual convention of the British Columbia branch of the Canadian "Lord's Day" Alliance was recently held at Vancouver in the Y. M. C. A. hall, with "the president, the Rev. R. G. MacBeth, presiding, supported by Mr. Ralph Smith, M. P., the Rev. J. G. Shearer, secretary of the Alliance for Canada, and the representative ministers of the city." "The president, in his report upon the work in British Columbia, expressed himself as convinced that the feeling in favor of the work of the society and the general desire for the strict observance of the Lord's day as a rest day was far stronger than was commonly supposed. Reference was made to the efforts put forth locally to get a Lord's day act

passed in the Province, which resulted in a petition carrying 5,000 signatures being presented to the local legislature. A bill was drawn up and passed its first reading, and while in this state was defeated, and the effect of the work spoilt. The recent Privy Council decision appeared to throw the onus for the enactment of such legislation upon the Dominion government. The local legislature had, however, some powers in the matter which were vested in the Province prior to confederation, and still in force. There were also certain civic and municipal powers for the regulation of shops, etc., and by reason of these powers it was a mistake to suppose that because of the Privy Council's decision stores can be opened on Sundays in Vancouver. The city council had power to pass the law, this being considered a municipal matter, and therefore to be enforced." Mr. Shearer reported that "there are now 400 local branch alliances in the Dominion, enrolling about 25,000 members." Twenty-one of these branches are in British Columbia. Mr. Smith made the concluding speech, and "dwelt at some length upon the necessity of a day of rest to the laboring classes." He declared that "the constitution of man required one day's rest in seven, his physical and intellectual advancement required it, and the Creator of all had ordained it," and "his remarks were a powerful arraignment of all who either required service, worked, or countenanced work, on the Sabbath." He declared that "parliament would give the people what they wanted," and advised that the people make it certain by their attitude and actions that "Ottawa" would know that there was "a general demand of the people" for the proposed Sunday legislation.

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This record of crime (?) and its punishment is from the New York *Evening Post* of October 26: "Charged with selling a five-cent loaf of bread, thus violating the Sunday-closing law, Clara Sperber, a very pretty young woman, was arrested by Patrolman Telschow yesterday in the grocery store of her fiancé, Henry Leon, at No. 74 Seventh

St. 'I went to the store to see my husband-to-be,' said Miss Sperber to Magistrate Ommen when arraigned in the Yorkville police court this morning. 'We had an engagement for the afternoon, and he was closing up the store when a few minutes before twelve o'clock a customer living in the neighborhood came in to get a loaf of bread for his family. Thinking there could be no harm in selling a man a loaf of bread, I wrapped it up and took the five cents. Then this officer arrested me.' Magistrate Ommen said he would have to fine the young woman \$5 under the law, although he was sorry to do it." Yes, it is the Sunday law that is responsible for this disgraceful incident.

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George Crockett, a barber, was recently prosecuted and fined at Neodesha, Kan., "for keeping his barber shop open on Sunday." Immediately following this, though not regarded as "entirely the result of the prosecution," the "retail dealers in groceries, drygoods, clothing, boots and shoes, furnishings and millinery" instituted a Sunday-closing movement. The prosecution of Crockett "was caused by the other barbers to avoid the Sunday work, as they could not get off on Sunday unless they kept all the shops closed on that day." "The same plan will be worked with the merchants. Should any of them persist in keeping open on Sunday hereafter they will be prosecuted promptly," and "the county attorney has shown his willingness to act in the matter by his prosecution of Crockett." "Restaurants, drug stores, meat markets and news stands are considered public necessities on Sunday, and will not be expected to close."

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At Anderson, Ind., on October 11 the manager of the opera house and "his attaches," and the manager and members of the theatrical company giving a performance, were arrested, "charged with violating the Indiana Sunday law by giving and assisting in giving a theatrical performance on Sunday." The arrests were made on the affidavit

of the manager of the local bill posting company, and were thought to be the result of "spite work" on his part. But "it developed that church members were persuaded to attend the performance in order to secure evidence." Another play was given on the following Sunday, and again the manager of the opera house and the manager and members of the company were arrested, but this time "on complaint filed by the Rev. Mr. Martin, of the Episcopal church."

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On "affidavits made in the first city criminal court on information furnished the police by members of the Association of Clothing and Drygoods Clerks," three keepers of small stores, Leopold Welch, George Navo, and Julius Bowsky, were arrested as "violators of the Sunday law" in New Orleans, La., on October 11. The first, who was a clothing dealer, was "placed in jail" on being arrested. "The drygoods and clothing clerks have declared war on those merchants who open their stores on Sunday," and these arrests were "the opening gun of the campaign which officers and members of the association state will be prosecuted with vigor."

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At a meeting of the retail merchants' association of Moline, Ill., on October 12, "the butchers of the city each posted a forfeit of \$50 that they would observe the new Sunday-closing law," which it was said was to "go into effect immediately." "The law only affects the butcher, and provides that he shall not have his shop open on Sunday, nor deliver or sell any meat whatever, either at his shop or elsewhere." So it seems that this new Sunday law is to be made effective not only because of whatever penalty the law itself prescribes, but also by means of an additional penalty of a fine of \$50 imposed by the organization of merchants.

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A dispatch from Stanley, Wis., under date of October 14, said: "Two weeks ago a representative of the Wisconsin Sunday Rest Day Association lectured here; yesterday Mr. M. C. Geoghanx

was arrested for conducting his barbering business on Sunday, the warrant being sworn out by one of his competitors." The writer of this understood the relation these two events sustained to one another. It was expected that the prosecution would "result in the lines being drawn more closely around other business."

✦

The ministers' alliance in Kansas City, Mo., recently "appointed a committee to investigate Sunday conditions in Kansas City, and to outline a plan on which to work." The committee was to report at the first meeting of the alliance in November, and in the meantime letters were to "be written to ministers and public officials in other large cities, asking for data on saloon patronage, racing, theatergoing, baseball and other Sunday amusements, as well as church attendance."

✦

On complaint of "the Sabbath Society" the two proprietors of the "Olympia Field" in New York, an enclosed plot of ground used for games and sports, were brought before Magistrate Crane in the Harlem police court on October 20 on the charge of "letting the field on Sunday for football games." After listening to the matter the magistrate "dismissed the summons, but told the inspector that if the nuisance continued, to make a complaint, and he would issue warrants."

✦

The proprietors of drug stores in Hartford, Conn., were recently notified by the chief of police "that they would not be allowed to sell soda and cigars between the hours of 10 a. m. and 6 p. m. on Sundays." The druggists "decided that it was preferable to close their stores entirely," and are now doing so, with the result that there are "many complaints against the Sunday-closing movement," and it is thought that "the tidal wave of reform will be of short duration."

✦

In Des Moines, Iowa, on October 18, J. E. Wenks, proprietor of the Savery

Hotel barber shop, was "arraigned in Justice Hinze's court before a jury of his peers on a charge of having violated the Sabbath by the wielding of his tonorial tools." He "was found guilty under the State law," and sentence was to "be passed upon him" by the justice the next day.

✦

It is reported from Des Moines, Iowa, that "the barbers who were arrested recently for keeping their shops open on the Sabbath are not disposed to let the matter drop." One of them "says he will carry the matter to the supreme court if necessary rather than pay a fine." The arrests are said to be "the result of spite work on the part of the barbers' union."

✦

"Twenty-two prisoners, charged with violation of the excise law [Sunday-closing law against saloons] were arraigned in the West Side police court" in New York on October 26. The magistrate "held sixteen for trial, discharged two, and held four for further examination."

✦

"A few women" of Menominee, Mich., "who are opposed to Sunday dances and revelry," recently "frustrated the plans of over a hundred farmers in the vicinity of Birch Creek to hold a Sunday dance, by taking possession of the hall and refusing to give it up."

✦

"It is awfully tiresome to note those arrests of merchants for violations of the Sunday-closing law while the saloons are allowed to run wide open in violation of the law every night in the year, Sundays included," says the St. Paul (Minn.) *Times*.

✦

The Peoria (Ill.) *Star* of October 4 reported that "the Sunday-closing movement will be the theme of a special sermon by the Rev. G. B. Van Arsdall at the Central Christian Church this evening."

✦

A football game being played by boys on a football field in St. Paul, Minn., on October 11 was stopped by the police.

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