

The Sentinel

OF CHRISTIAN LIBERTY

VOL. XVIII

WASHINGTON, D. C., NOVEMBER 12, 1903

NO. 45



Those who believe that Sunday should be regarded religiously, and that its observance should tend to the uplifting of society, ought to be the first to ask for the cessation of compulsory idleness with its attendant temptations to crime and degradation. They ought to ask, also, that the question should be freed from all complications with politics and with lower considerations and placed, once for all, upon its true basis as a religious institution, regard for which, in order to be helpful or morally or religiously healthful, must be based upon regard for divine law, and therefore upon conscience toward God and not compulsory obedience to civil law.—See page 714.

What is more immoral or licentious than that act which forces one portion of the community to conform to religious tenets they neither profess nor believe? What act more unjust, cruel and licentious than that which, by depriving men of their property and scourging them by imprisonment, compels them against their consciences to conform to religious creeds which they conscientiously believe to be untrue? What act more inquisitorial than that which vests justices of the peace and courts of law with ecclesiastical jurisdiction, giving them authority to inquire into the religious creeds of men? If these are not such acts of licentiousness as the constitution interdicts and declares liberty of conscience shall not be so construed as to excuse, language is destitute of meaning and written constitutions empty nonsense.—See Page 716.

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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 freely enjoy the inestimable blessing of liberty, which is theirs by virtue of the unbounded wisdom and beneficence of the Author of their being.

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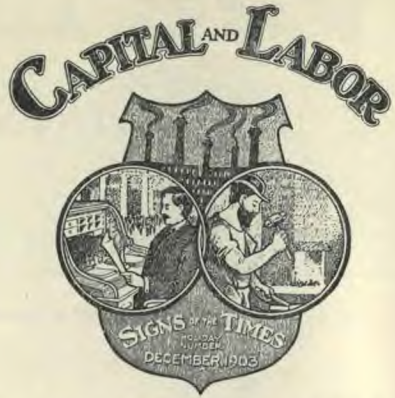
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OF CHRISTIAN LIBERTY

VOL. XVIII

WASHINGTON, D. C., THURSDAY, NOVEMBER 12, 1903.

No. 44

A Seventh-Day Observer Im- prisoned

Under date of November 2 Mr. Thos. C. Hege, a Seventh-day Adventist who keeps a store in Winston, N. C., and whose arrest and trial for Sunday selling was reported in The Sentinel of September 17, wrote us that he was then "in jail, in an inner cell" in company with a negro prisoner and with vile-mouthed negroes of both sexes in the cells above and around him. He wrote his letter "sitting on an old dirty bunk," and he tells us that "during the night big jail rats run over us." His crime (?), according to the local newspaper, was "selling watermelons on Sunday," and for it he was fined in the mayor's court \$1 and costs, amounting to \$3.10. He had conscientious scruples against paying the fine, believing that thereby he would in a sense be yielding deference to a religious institution and observance which he could not honor in any way without offense to his conscience. He felt that he could bow to the law requiring him to recognize and honor this institution only to the extent that he was actually compelled to. In other words, his attitude in the matter was one of "passive resistance." At the conclusion of the trial he was informed by the chief of police that he would be allowed two weeks in which to pay the fine and costs. After more than this time had elapsed the mayor and chief of police called him before them and "wanted to know about the fine." He declared to them that as it was a fine for failure

to observe a religious rite and was designed to compel him to observe a religious rite, and therefore was an assertion of authority over him in religious matters, that he could not pay it, for he could not recognize such an assertion of authority even if it should come through the President of the United States instead of through the municipal officials of Winston. The mayor was not pleased with this stand of Mr. Hege, and with some emphasis and feeling declared, "Chief, I want you to collect this fine." The chief then informed Mr. Hege that the fine must be paid, and that he would be given a certain number of days still in which to pay it. This time expired without the fine being paid, and from the last word received from Mr. Hege previous to that stating that he was in jail, it seemed that the officials had decided to let the matter go, as several days more than the time allowed had then elapsed without any action being taken. But evidently they had not. It is only proper to say, however, that from their standpoint, from the standpoint of what must appear to them to be their duty as officials, the course of the mayor and chief of police in the matter has been as patient, considerate and lenient as it could possibly be, and that they have at last done only what as officials it seemed that they were obliged to do. It is not they, but the law which they believe it to be their duty to execute, that is responsible for the incarceration, in company with some of the lowest dregs of the popula-

tion, of a God-fearing man — a man who though he may be peculiar in some respects, is to the best of his light serving his God and following the Golden Rule in his relations with his fellow-men. In jail for selling watermelons! It is to be hoped that same day such a thing will be impossible in a country where, according to the fundamental law, only crime brings forfeiture of freedom. We are not informed as to just when Mr. Hege was placed in jail, nor as to the length of time that he was to be imprisoned. It may be that because of his delinquency with regard to paying the fine and costs imposed his term of imprisonment was made longer than it would have been for serving out the original amount, which surely could not have called for more than two or three days imprisonment.

✦

The Sunday Closing In the New York of the St. Louis *Christian Advocate* of Exposition October 15 appeared a long editorial letter on "Saint Louis and the Coming World's Fair," which concluded thus:

I believe this exposition will be the leader of the procession thus far. It should and doubtless will be patronized by almost countless multitudes. The permanent stigma upon the Chicago Exposition is this: It accepted the money of the Federal government on condition that its gates should be closed on Sunday. Its management soon determined to break their word; they used every means to circumvent the law and the pledge, and shamelessly did so, thus corrupting public morals. There is one reason why all Christians who revere the Sabbath should aid in making this one a success, and that reason is: The fair is not to be opened on that day.

This shows the attitude in this matter of all the religious champions of formal and compulsory Sunday observ-

ance. Because "the fair is not to be opened on that day [Sunday]," they are sure it "will be the leader in the procession thus far," and are ready to give it unqualified endorsement and to urge "all Christians who revere the Sabbath" to aid in making it a success. Behold what a change from the attitude toward the Chicago Exposition! Yet it does not appear that the moral tone of the St. Louis Exposition is to be any better than was that of the Chicago Fair. But what matters that? Is not the fair to be closed on Sunday, and what more could be desired by "Christians who revere the Sabbath"? Verily formal and compulsory Sunday observance is a great and comprehensive virtue in the estimation of some people, and to them covers a multitude of sins indeed. But it is a virtue that must be constantly upheld or enforced by its promoters. It has no vitality in itself. If it is to be maintained the force and compulsion by which it is brought into existence must be constantly resorted to and applied to keep it alive. And so it is with the Sunday closing of the St. Louis Exposition, which is a thing so inestimable in some quarters. In the first place there was the work of getting the Sunday-closing proviso inserted in the bill making the national appropriation to the exposition, which it is quite certain was not done by Congress out of any special regard for Sunday or with any great desire or expectation that the exposition would thereby be obliged to close, but simply in order "to pay outward regard to the wishes of those who plead for Sunday closing." Next there was the work of getting the officials to carry into effect the proviso, which called for the signing of a Sunday-closing contract by the directors of the exposition precedent to the payment of the appropriation, and which condi-

tion it was claimed was being disregarded by the Treasury Department. Mr. Wilbur F. Crafts, of the "Reform" Bureau, was the leader in this work, which seems to have consisted of pressure upon officials by means of correspondence, interviews and petitions. When this was accomplished it seemed that the safety of the "Sabbath" at the exposition was assured, and that henceforth all would be smooth sailing. But it seems now that again the promoters of the virtue of formal and compulsory "Sabbath" observance must bestir themselves in the matter, or their work will be in vain (which of course it will be in any worthy sense anyhow). On October 15, synchronous with the publication of the quotation already given, the Washington correspondent of the New York *Tribune* wrote to that paper the following with regard to the new development and the previous history of this Sunday-closing matter:

Some question as to the efficacy of the regulation designed to enforce the observance of the "American Sunday" at the Louisiana Purchase Exposition at St. Louis next year has been raised in Washington, and it is likely that Congress at its next session, at the instance of many zealous advocates of a weekly rest day, will undertake to meet a contingency which had not arisen when it voted an appropriation of \$5,000,000 of government money for that enterprise. When the subject was under discussion the exposition authorities accepted a Sunday-closing provision, which was tacked on at the end of the bill just before its passage, but they have worn a broad, sarcastic smile whenever the subject has since been broached. The provision appears in the act of March 3, 1901, as section 25, which reads:

"That, as a condition precedent to the payment of this appropriation, the directors shall contract to close the gates to visitors on Sundays during the whole duration of the fair."

After the organization of the exposi-

tion company and the appointment by President Roosevelt of the non-partisan commission authorized by Congress to supervise the expenditure of the government's money, the problem of the Sunday-closing contract presented itself to the Treasury Department, and some delay occurred. It is said that the directors of the exposition company, as well as the government commissioners, met on several occasions and adopted resolutions to authorize the officers of the company to enter into a contract with the Treasury Department for Sunday closing. The various resolutions received careful consideration by the legal advisers of Secretary Shaw, but each was successively rejected as possessing insufficient binding quality. In the meantime the pay of the government's commission was withheld, and accumulated for several months. Finally the exposition company, deciding to comply with the suggestion of the Solicitor of the Treasury, on July 8, 1902, resolved to have a majority of its directors sign a contract on the subject of Sunday closing on terms which were satisfactory to the Treasury. This contract, in its binding clause, provides:

"Now, therefore, in consideration of the payment and disbursement in the manner provided for by said act, of said \$5,000,000 appropriated as aforesaid in aid of said exposition, it is hereby covenanted and agreed by said St. Louis Purchase Exposition Company and by the directors of the said company, that the gates of the exposition grounds shall be closed to visitors on Sundays during the whole time and duration of said fair or exposition."

This contract, signed individually by a majority of the directors, while it has been criticised in some quarters as loose, is regarded as in strict compliance with the terms of the section under which it was drawn, and is declared to be a complete prohibition against opening the gates of the exposition grounds on Sunday. Since its execution, however, and since the dedicatory exercises last April, the exposition company has acquired control of the adjoining Catlin property, with the

intention of establishing thereon the liveliest kind of a midway, or of sub-leasing it for that purpose. In this manner it is said to be possible that, while the exposition proper is "closed on Sundays, "The Pike," as the side-show enterprise is to be called, may not be affected by the Congressional restriction or the Treasury contract, especially as the exposition company, if directly interested in it, would not have it ready for Sunday opening until after the appropriation of \$5,000,000 had been received from the Treasury and the national commission would have nothing to do with it.

This is indicative of how little good will result from the efforts of those who are determined "to enforce the observance of the 'American Sunday'" at the exposition. The exposition may be closed on Sunday (though that is by no means certain), but the closing of it will do more harm than good. Instead of being allowed to spend the day amid the instructive and for the most part certainly not objectionable sights and exhibits of the exposition, the people will be shut outside where there will be an abundance of "wide open" places of corrupting and degrading influence and character to receive them. The result will be a harvest of moral evil such as no Sunday opening of the exposition could ever produce. But of course those who demand Sunday closing of the exposition are not thinking of the welfare, moral or otherwise, of the people; they are thinking of the "Sabbath" and the honor that will come to it by the closing of the exposition on Sunday. The only corruption of public morals that they seem to be concerned with in connection with such an exposition is that of disregard of the "Sabbath" by Sunday opening. This stands out quite plainly in the quotation which we have given from the *Christian Advocate*. It does not seem possible that any person of intelligence

could take so shallow and superficial a view of such a matter as to make Sunday opening or closing the test of the moral influence and standing of these great expositions, but it seems that the editor of the *Advocate* does so. The fair at Chicago was opened on Sunday, therefore it was "corrupting" to "public morals;" this one at St. Louis is to be closed on Sunday, therefore it is all right and "all Christians" "should aid in making this one a success"! Whatever corruption of public morals is chargeable to the Chicago Fair is due to other things than its Sunday opening, to things that will in all probability be just as much in evidence at the St. Louis Exposition, notwithstanding its Sunday closing and the support given it by "all Christians who revere the Sabbath." Sunday opening in itself is no corruption of public morals. In conclusion we would like to ask upon whom rests the permanent stigma of having compelled or induced the Federal government to make Sunday closing a condition of its appropriation of money to the Chicago Exposition, and thus virtually forcing the management of the exposition, under penalty of losing some millions of dollars, to "pledge" Sunday closing? And upon whom rests the permanent stigma of having done the same thing with regard to the St. Louis Exposition? In both cases there was a shameless disregard of the proper relation that should exist between church and state and violation of fundamental American principles. The stigma of this is deeper and more lasting than that alleged to rest upon the management of the Chicago Fair. Not those who disregard these measures for enforcing a religious observance, but those who cause their enactment, have most to answer for at the bar of just public opinion and most deserve its condemnation.

On the basis of a "Sunday-opening canvass" of candidates for the New York legislature from Greater New York, made by its just before the late election, the New York *Evening Post* declares that "amendments to the liquor tax law, as regards the sale of liquor on Sunday, will form one of the most important matters to be taken up by the legislature this winter." The *Post* asked the candidates "to define their position with respect to Sunday sales of liquor."

Forty-nine out of 132 responded. With one exception, the replies were to the effect that changes were imperative. Sixteen came out flatly in favor of permitting the sale of liquor during restricted hours on Sunday, and eight others advocated a "liberal" Sunday, which perhaps means the same thing. Only two of the fifty went on record as absolutely against Sunday selling. Twenty said the law "needs amendment." It appeared to be the opinion of the majority of the candidates that local option was the remedy for existing abuses.

The excise law should be amended by eliminating from it everything that has reference to or is based upon the religious Sunday, but this is not likely to be proposed even by those most in favor of amending and liberalizing the law. A liquor law should deal with the liquor traffic, not with a church institution. If the civic conditions are such that special regulations are needed for a particular day of the week, well and good, but the religious character which may be attached to a day cannot be taken into consideration in the matter without violating the principle of separation of church and state. When regulation of the liquor business ceases to be complicated with regulation of the observance of the religious Sunday the prospects will be much better for remedying "existing abuses," for then one of the most serious of the existing

abuses in the matter for which the law is responsible will have been abolished.

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The young woman who was fined \$5 in New York on October 26 for selling a five-cent loaf of bread on Sunday, whose case was reported in our "Sunday Enforcement" department last week, was not only arrested, but "was locked up at the Fifth Street station until she got a bondsman"! When arraigned in the police court she rightly declared to the magistrate that the whole proceeding was an outrage. He "declared that he did not believe in the law himself, but had to enforce it." This case has been given some prominence by the newspapers, and it is to be hoped that it will serve to arouse a great many people to the injustice of a law that is still allowed to disgrace the statute books. The Sunday law of New York is no better to-day than it was when its unjust, oppressive, and unconstitutional character was so ably pointed out many years ago by the unknown writer whose review of the law is now being reprinted in *The Sentinel*. It is a shame that the law has been allowed to remain upon the statute books so long after such a righteous indictment of it was presented to the people of the State.

✦

It is high time that the advocates and upholders of the idle Sunday by law were finding something at least as good as useful industry to engage the attention of the people on that day. If they do not do it, and do not get the people to occupy themselves with it, they will be justly held responsible for the grave evils which the idle Sunday increasingly entails.

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"The Sabbath question is a religious one, and must be settled on a religious basis."

*Timely Words on the Sunday-Law Question**

THE present confused state of opinions and actions touching Sunday laws and their enforcement is notorious. Confusion, inconsistency and contradiction increase each year. Meanwhile the fundamental religious issues in the case are pushed aside and the church of Christ, the cause of temperance and good government suffer increasing evils. It is high time that the whole question of Sunday legislation be considered anew as a living issue rather than as a meaningless notion or an effete feature of history. Such a consideration must begin with the fact that Sunday legislation was the product of paganism at the beginning and that its evolution and enthronement in history, for a thousand years, was part and parcel of a system which was much nearer "baptized paganism" than it was New Testament Christianity. These important and far-reaching facts must be given a hearing before any adequate consideration or any just conclusions can be reached. Facts ignored are facts still and potent.

No one feature of the Sunday-law question is more troublesome to-day than its relation to the saloon. The licensed saloon system has been evolved and developed until it is an immense commercial and political factor in all our affairs. So long as that system continues its commercial and political power will increase rather than diminish. Present tendencies indicate the extension and strengthening of the license system through direct fees or taxation, or both. It must therefore be considered as a permanent and powerful factor in business, in social life, and in politics. The thing which the licensed liquor traffic most desires is leisure on the part of the lower

classes. The saloon is supported by these, but its support is comparatively meager when they are busily engaged in the ordinary affairs of life. Work days are the poorest days for the saloon. Leisure days are its harvest time. Experience shows that when a saloon is protected through the license system during the week it will in some way secure the patronage which naturally comes when men are idle. Out of this fact has arisen the difficulty of closing the saloons on Sunday, the evasions and subterfuges represented by the Ruines Law hotels in the city of New York, and similar evasions, subterfuges and difficulties in all great cities. The problems thus created are real, extensive, and difficult.

Present legislation concerning Sunday and the saloon is largely in favor of the saloon. The Sunday laws which forbid ordinary and legitimate business upon that day make it possible for the saloons to use these as a safeguard against the enforcement of the laws closing their doors. This fact needs no more than statement, for almost every community in the land has felt the force of it. In some way or other the liquor traffic will profit by the enforced leisure which Sunday laws require. Hence it is that those laws which forbid "worldly business" and "recreations" on that day put a premium upon the lower vices, upon drunkenness, social impurity, and similar evils which go hand in hand. However difficult it may be, it is evident that a clear separation must be secured between legislation touching the sale of liquor on Sunday as a holiday and the creation of that holiday through enforced idleness. The general line of that separation is so plain that we suggest the following: If, in the light of practical and scientific facts, it shall appear that one day of

* From editorial articles that have recently appeared in the *Sabbath Recorder* (Seventh-day Baptist).

leisure must be secured to each employed person, by state legislation, let such a law be passed as will give to each employed person one day of leisure in each week, if such a day of leisure is desired, but let the law securing compulsory idleness on any day be abolished.

It is now generally taught by religious leaders that the requirements of the Bible and the religious obligations touching the Sabbath question are all met by the observance of any one day in the week, the day to be determined by individual choice under the law of Christian liberty. This is an universal claim when men oppose "Saturday observance." If this position be correct it carries with it the corresponding conclusion that the law of the state has no right to go farther in the matter by enforcing leisure upon a special day. The claim that all men must be compelled to remain idle on Sunday in order that those who desire may have the day for rest and worship is as faulty in logic as it is false in fact. For example, devout Jews and devout Christians have observed the seventh day of the week, unprotected by civil law, from the beginning of our history as a nation, as they have, also, in England and elsewhere throughout all time. It is unnecessary, illogical and un-Christian for the civil law to force all men into idleness on Sunday, as required by our existing laws, because some men (they are by no means in the majority) devote that day to religious duties for conscientious reasons.

On the other hand, when it is clearly apparent, as it must be to every unprejudiced observer, that the Sunday question in the United States has reached a point where enforced leisure promotes and supports abounding evils, the question of practical morality, to say nothing of Christianity, compels

to the conclusion we have already suggested. Those who uphold Sunday legislation as a direct or indirect aid to religion and to the spiritual improvement of the masses are bound to show that idleness on Sunday, under legal compulsion, does promote morality and religion. The question of an idle Sunday is before the tribunal of experience, of reason, and of Christianity. It is time to recognize the fact that only a small portion of the people of the United States hold Sunday in reverence as a religious institution or employ the leisure of Sunday from the religious standpoint. This is true of those who have wealth, position and leisure on other days, as well as of the masses who have little or no leisure except on Sunday. It is undoubtedly true that the illiterate, the irreligious and the depraved are injured by compulsory idleness on Sunday more than they are benefited by it. It must be recognized as a fact that when the law calls the average laboring man from his usual honest occupation, and obliges him to pass Sunday in idleness, he is forced into a series of weekly temptations of a dangerous and degrading kind. This is notably true in large cities, and in all populous places where from the nature of the case there is greatest depravity and little or no incentive toward higher living. Because of this fact some men have argued that Christianity was left Sabbathless by its Founder in order to avoid the degradation which attends idleness where religious conscience is absent. We do not believe this, but we do believe that the Founder of Christianity taught complete separation of church and state, and refused to recognize anything like the civil control which Sunday laws now bring to bear, in order to present the higher and divine idea of Sabbath-keeping.

This line of thought might be con-

tinued at length, demonstrating the fact that those who believe that Sunday should be regarded religiously, and that its observance should tend to the uplifting of society, ought to be the first to ask for the cessation of compulsory idleness with its attendant temptations to crime and degradation. They ought to ask this also, that the question should be freed from all complications with politics and with lower considerations, and placed, once for all, upon its true basis as a religious institution, regard for which, in order to be helpful or morally or religiously healthful, must be based upon regard for divine law, and therefore upon conscience toward God, and not compulsory obedience to a civil law of human enactment.

No reform can be attained on a false basis nor by wrong methods. Such efforts are self-destructive. True Sabbath reform is a vital issue. Popular theories and prevalent methods obscure the truth and thwart reform. The Sabbath question is a religious one, and must be settled on a religious basis. Sunday legislation was the direct product of the state-church system of pagan Rome. There was not a single Christian characteristic in the first Sunday edict. Sunday legislation was developed in Christian history as a part of the state-church system of Romanized Christianity. Under that system Sunday became the leading ecclesiastical-civil holiday. This evolved the Continental Sunday. Puritan Protestants continued Sunday legislation after the Roman Catholic model, with a large

admixture of Levitical Judaism, under the false claim that the Fourth Commandment had been transferred from the seventh to the first day of the week. Both these errors have been rejected in the light of facts and through the growth of religious liberty. Still the ancient Sunday laws remain on our statute books, working evil results by enforcing idleness and preventing the proper consideration of the Sabbath question as a religious issue. Gathering evils will increase until two radical changes take place:

1. The separation of all legislation touching the business of liquor selling from legislation concerning other forms of business. Liquor selling is opposed to the general welfare of society. It is a menace to good order, pure politics, and clean government. It should not be associated by law with any form of legitimate business.

2. Civil laws which enforce general idleness on Sunday must be repealed by a natural process of decay or by formal action. The evolution of history has written this verdict. The revolution must come, quietly or by storm. The friends of religion and of genuine Sabbath reform ought to aid such revolution instead of opposing it. The time is ripe. The logic of events — another name for divine power — is forcing men to gather the harvest. They may temporize, compromise and argue, but the results of historic evolution cannot be evaded. He is wise who heeds God's voice in history, and God's decisions as they appear in tendencies and evolutions.

According to the *New York Sun* "Good Friday" is now "recognized as a holiday" by the States of Alabama, Louisiana, Maryland, Pennsylvania, and Tennessee. A bill to make

this church holy day a public holiday was introduced in the New York legislature at the last session, but did not get through. Such a bill will be, but should not be, passed later.

An Indictment of New York's Sunday Law*

VIII

PERHAPS it may be alleged that the liberty of conscience granted by the constitution "shall not be so construed as to excuse acts of licentiousness, or justify practises inconsistent with the peace and safety of the State," that labor and recreation on the Sabbath day are licentious acts, and the law suppressing it therefore not unconstitutional? Change the term licentiousness used in this objection for the word immorality and the allegation has already in these remarks been more than once refuted. But without stopping to show that the term "licentiousness" in the sense in which it is used in the constitution is synonymous with that of "immorality," I will proceed to answer the objection by asking, What sabbath day is profaned by working or taking recreation on it? Certainly not the first-day sabbath. The

law itself admits this truth by allowing the seventh-day sabbateans to do their work on Sunday; otherwise the law itself would be on that account "licentious." Nor can the seventh-day sabbath be profaned by the work or recreation of those who do not acknowledge it as their religious sabbath. This fact the law in question also acknowledges, because it permits everybody, as a matter of moral and political right, to work, play, or rest from labor as they please or as may best accord with their opinions on the subject. Then labor and play on either of those two sabbath days are no more "acts of licentiousness" within the meaning of the constitution than they are within the meaning of the law in question, which allows and justifies work and recreation on both those sabbath days. If labor on the first-day sabbath was immoral, as I have before had occasion to remark, the law allowing it would be so too. If it is licentious to labor on that day, the law which tolerates it would be licentious also, and hence unconstitutional. If labor on that day could, by any plausible sophistry, be misconstrued into a practise "inconsistent with the peace and safety of the State," the law which allows it would partake of the same character, and on that account be unconstitutional.

*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.

It was doubtless because the religious liberty of mankind had always been assailed under the pretense of supporting religion, suppressing vice and immorality, or serving God, that the constitution wisely provided that the liberty of conscience thereby granted (guaranteed) should "not be so construed as to excuse acts of licentiousness [immoral acts], or justify practises inconsistent with the peace and safety of the State."

And what is licentiousness in its most unlimited sense but unrestrained liberty, and in its more qualified and common acceptation, the abuse or excess of rational liberty? And what can be a greater abuse of "the benevolent principles of rational liberty" than when one denomination of religious sectarians, no wiser, no better and no more honest than their neighbors, invades the religious rights and domineers over the consciences of their fellowmen? What is more immoral, or licentious than that act of "spiritual oppression and intolerance" which, under the pretense of "suppressing immorality," forces one portion of the community to conform to religious tenets they neither profess nor believe? What act more unjust, cruel and licentious than that which, by depriving men of their property and scourging then by imprisonment, compels them against their consciences to conform to the religious creeds of others, which they conscientiously believe to be untrue? What act more inquisitorial than that which vests justices of the peace and courts of law with ecclesiastical jurisdiction, giving them authority to inquire into the religious creeds of men, to know "of what sort they are," to judge if they are orthodox according to the statute, whether or not they live in accordance with their own religious tenets, and to punish them if they cannot prove that they keep a stated day as "holy time" on which to worship God, and unless they can prove a negative, that they do no work on their own sabbath day! The law under consideration authorizes and justifies all these unrighteous proceedings; and if such are not the very acts which the constitution interdicts as oppressive and intolerant, if they are not such acts of licentiousness which the constitution declares the liberty of conscience

thereby granted shall not be so construed as to excuse, language is destitute of meaning and written constitutions empty nonsense; and worse than nonsense, when perverted by construction and made to justify the very wrongs its plainest sense forbids.*

After attempting and failing to sustain the law in question on the ground of religion and morality it would savor much of subterfuge to allege that it is intended merely as a civil regulation, and not to favor or support any particular religious sectarian tenets. This is not the truth, and to prove it so I must repeat arguments which more than once have been used in the course of my remarks on the subject under consideration.

The law, as has before been observed, interdicts labor, etc., on the first-day sabbath as immoral; which immorality, however, is allowed to be practised by all who keep the seventh day as "holy time." Now, if it was merely intended as a civil regulation, why exempt any one from conforming to it? And why exempt any on the condition that they keep the seventh day as "holy time"? This law most assuredly was intended to effect some object. It would excite a smile to hear it asserted that its object was to oblige those to keep Sunday as a sabbath who conscientiously and religiously believe in the divine appointment of that day as such! The antithesis of the proposition then is irresistible and must be admitted, land us where it will; viz, that the object of the law, concurring with its obvious meaning, its express provisions and its practical operation, is to oblige those to keep Sunday as a religious sabbath who do

*This argument applies in other States as well as in New York, for there is perhaps no American State that has a Sunday law that does not also have in its constitutional guarantee of religious freedom a provision like that upon which this argument is made.—EDITOR.

not conscientiously and religiously believe in the divine appointment of that day as such. Whether the legislature has a right to prohibit labor and recreation on any day, as a temporal act, or act of civil jurisprudence, or whether it would be an act of good

policy to do so, are questions not necessary now to discuss, admit, or deny. Those points, however, may not be so clear as that the law in question was a regular act of legislation.

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 city council of Watertown, S. D., has "voted to prohibit Sunday theatricals."

+

M. F. O'Leary, a St. Paul, Minn., grocer, was fined \$5 in the police court on November 3 for "keeping his store open on Sunday."

+

At a recent meeting of the city council of Chicago "Alderman Beilfuss asked for an opinion from the city counsel on the right of a blacksmith to do business on Sunday."

+

"For having been found in a saloon on Sunday six women and nine men were sentenced to six months in the city prison" by Magistrate Flammer in New York on October 26.

+

"Charged with violating the Sunday law relative to barbering," Edward Carty, a barber of Albany, N. Y., recently "gave bail before Justice Brady for a trial in the police court on November 5."

+

An ordinance "to provide for the closing of barber shops on Sunday and fixing a penalty for violating the same," has been adopted by the city council of Sacramento, Cal., and approved by the mayor.

+

At a recent State convention of Congregationalists at Menominee, Wis.,

"President Roosevelt was petitioned to prohibit the Sunday opening of the money-order department of post-offices."

+

At the annual convention of the National Union of Shiprights, Joiners and Calkers of America in Detroit on October 29 it "was decided to stand for a nine-hour day and to do away with all Sunday work."

+

The Detroit *News* of October 22 reported that "a number of barbers have presented a petition to the mayor asking that the Sunday law relative to closing shops be enforced," and that "the petition has the endorsement of the trades council."

+

At Binghamton, N. Y., on October 26 "the case of Abraham Cohn, charged with a violation of the Sunday law in selling goods from a grocery store on Sunday, came up for trial in the recorder's court." "After hearing the evidence Judge Roberts imposed a fine of \$20."

+

The Presbyterian Synod of Illinois recently "adopted by a unanimous vote a resolution condemning the opening of the State Fair on Sundays, and recommending that a committee be appointed to co-operate with committees from other ecclesiastical bodies to confer with the State board of agriculture to 'prevent a repetition of the violation of divine law.'"

A "campaign for the enforcement of the Sunday-closing law" was recently inaugurated "by the churches of Snohomish County," Wash., at a convention which was held in Everett at the call of "a committee of the ministerial association." At this convention "a general discussion of the Sunday law, with special reference to its application in Snohomish County, took place."

✦

At Madison, Wis., on October 25 "a force of about thirty carpenters worked on the new grand stand in order to finish it in time for the Chicago game." "This called out a protest from a number of religious people, and Dr. Updike, pastor of the Congregational church, called on the police to stop it. He was told that there was no law which would warrant them in acting."

✦

The church people of Englewood, Ill., who had "hoped to stop Sunday theatrical performances under an ordinance passed by the town of Lake, have been disappointed by a legal opinion by Corporation Counsel Tollman, which states that the town of Lake ordinance prohibiting Sunday theatricals lost its legality when the town became a part of Chicago and its ordinances were superseded by the city code."

✦

"The Sunday laws in regard to the running of freight trains" were enforced upon the Barnum & Bailey show in Alabama recently. The show was at Birmingham on October 24 and was to be in Atlanta, Ga., on the 26th, but as the circus trains "could not be loaded and gotten across the Georgia line before midnight" on the 24th, and were not allowed to run on Sunday, the show was a day late with its advertised appearance in Atlanta.

✦

On complaint of an agent of the retail clerks' association four grocers, Edward Partington, Henry Johnson, George Duchesne and Peter Primeau, were arraigned in the police court in St. Paul, Minn., on October 27 "on the charge of keeping their places of business open on Sunday." They pleaded

not guilty, and the cases were continued. The next day Mrs. Theresa Schandler, a confectioner, was arraigned on the same charge, and her case was continued until the time of the other trials.

✦

A "Lord's Day" Alliance meeting for the Northwest Territories of Canada was held at Regina on October 27. Two days later one for Manitoba was held at Winnipeg. Both were attended and addressed by Rev. J. G. Shearer, the general secretary of the Canadian Alliance. His topic at the latter meeting, which was one of "special interest," was: "Our Canadian Sabbath; What We Have We'll Hold." Other speakers at this meeting were "Attorney General Colin H. Campbell, the suffragan bishop, Dean Matheson, and Father Drummond." "The question of Sunday street-cars in Winnipeg was considered."

✦

It was reported from Appleton, Wis., on October 24 that "spokesmen of the clergy and other persons interested in the movement to close the Appleton theatre on Sunday have served their ultimatum on Manager Conway, declaring that they propose to arrest a number of people in the audience, all the employees of the house, and all the principals of the company, in the hope of deterring people from going to the theatre for fear of arrest, and causing companies to cancel their engagements rather than be detained here for trial." The theatre management was not disposed to yield to this ultimatum.

✦

"The first arrest and conviction for violation of the Sunday shooting law in some years" was reported from East Hartford, Conn., on October 27. On the previous day "George and Michael Damroth, of Burnside, were before the town court charged with violating the law by hunting on Sunday. Both were found guilty and fined \$10 and costs each. In the case of George Damroth, the court ordered him to pay the sheriff's fee of \$20 allowed by the State for an arrest and conviction, so his fine and costs amounted \$36.85." The young men were arrested by a constable and

deputy sheriff, who were evidently out on Sunday for the purpose of finding an opportunity to secure the \$20 dollars allowed by the law for a conviction, and "were taken to Wells Hall and locked up, but were released on bail furnished by their father."

✦

"A movement to strictly enforce all Sunday-closing ordinances in existence" is reported to have begun in Kansas City, Kan. On October 29 "a committee from the Merchants' Mutual Association called upon Mayor Gilbert and asked him to assist them to have all stores, barber shops, fruit stands, etc., closed on Sunday." "The mayor told the committee to bring the matter before the council," and it was expected that this would be done "at the next council meeting." Of course the religious forces have a hand in the matter. On the afternoon of November 1 there was to be held "a public meeting under the auspices of the Chelsea Law Enforcement League at the Chelsea Congregational Church to discuss 'the more general observance of the Sabbath.'"

✦

It was recently reported from Appleton, Wis., that "plans are being formulated for a crusade upon the Sunday night theater and the keeping open of saloons on the Sabbath." Business men had been waited upon by "a committee of clergymen and others with a view to ascertaining their opinion regarding the contemplated action," with the result that "a considerable sum of money" had been "subscribed by various business men to be used in the prospective prosecution of offenders." "Legal aid in the procedure" was to be obtained, and it was "probable that an attorney from one of the larger cities of the State" would be engaged. "The crusade, it is stated by those interested, is not so much for the purpose of trying to increase church attendance as it is to enforce the Sunday observance laws, and to make the community thoroughly law-abiding."

✦

The St. Paul, Minn., grocers who are fighting the Sunday-closing law in the

courts have again met with a reverse. On November 2 Judge Jaggard of the district court quashed the writ of habeas corpus that had been sued out in the case of P. G. Hoffman, the test case, and "held the Sunday-closing law of 1903 to be good and valid." "Its title was found to be sufficient," and "the classification involved not so 'palpably arbitrary' as to justify the court in setting aside legislative action." The previous opinion of Judge Hine of the municipal court was pronounced "admirable." Just preceding the rendering of this last decision steps were taken by the smaller grocers to organize for the purpose of "fighting for their rights to the bitter end." They believe that the retail clerks have been induced to carry on their Sunday-closing crusade "by the proprietors of the larger stores in the down-town district where there is no occasion to keep open on Sunday," and that "the enforcement of the Sunday-closing law would compel the suburban grocer to go out of business." Therefore they are "getting stirred up in the matter, and will make a fight all along the line." They threaten "to boycott all union-made goods unless the retail clerks' union immediately puts an end to the fight against grocers who keep open Sundays," and announce that henceforth "there will be no more pleading guilty when a grocer is arraigned in court to plead to a charge of violating the Sunday-closing law," but "each one will demand a separate trial before a jury, and the cases will be carried to the higher courts if necessary." And "if the law is sustained in the higher courts there will be an effort to have some changes made in the law by the next State legislature." Meetings to perfect an organization and to prepare for the "fight" were called for November 5 and 6, and a committee had been appointed "to see that every grocer who opposes the Sunday-closing law" was in attendance.

✦

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