

# The Sentinel

## OF CHRISTIAN LIBERTY

VOL. XVIII

WASHINGTON, D. C., DECEMBER 10, 1903

NO. 49



*The religion which asserts itself with physical force is not Christianity, no matter what it may call itself.*

*Legislators are as much out of place in "exempting" people from observing a day as in requiring them to observe one.*

*"Civil law must not coerce individual action nor curtail individual liberty until they become definitely antagonistic to the general good."*

*"True religion is imparted by example, love, and persuasion. Souls are not driven into the path of righteousness or into the kingdom of God."*

*Much of the iniquity of a Sunday law is in its enforcement of the observance of a religious holy day. The "usual exemption" clause for seventh-day observers does not take away a particle of this iniquity, even in their cases. They are simply given the alternative of observing one of two days. But legislators have no right to require people to observe either the seventh or the first day of the week, and they have no right as an alternative to compelling people to observe one day to require them to observe another. The matter of the observance of Sunday or any other day by the people is something with which the civil authorities by right can have nothing whatever to do.*

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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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WASHINGTON, D. C., THURSDAY, DECEMBER 10, 1903

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**Sunday Legislation for the District of Columbia** Those interested in securing additional Sunday legislation for the District of Columbia are again seeking it from the national legislators, and are evidently determined to persist until they have attained their object. At a meeting of the District Commissioners about the 20th of November "Commissioner Macfarland recommended that the Retail Grocers' Protective Association be advised that the District authorities have not asked any legislation of Congress relative to a Sunday-closing law." This action was "in response to an inquiry of the association," which indicates that the grocers' union is desirous of having such a law enacted as soon as possible, and could hardly wait for the regular session of Congress to have the matter taken up. And evidently the "Reform" Bureau, the religious lobby which has long sought to obtain more Sunday legislation for the District, thought it best not to wait for the regular session, for on November 24 Representative Allen, of Maine, "reintroduced his bill of the last Congress to 'further protect the first day of the week as a day of rest in the District of Columbia.'" With certain exceptions, "the bill provides that it shall be unlawful to transact business, to perform manual labor, or to participate in sports and amusements on Sunday." It excepts "venders of books and newspapers, druggists and undertakers, and the sale of railroad tickets and the de-

livery of baggage." It specifically prohibits the playing of football and baseball, but "does not interfere with the sale of liquor in clubs and hotels under the present law." And "there is a further provision that it shall be a sufficient defense to the charge of having labored on Sunday if the defendant will prove that he habitually observes some other day of the week as a rest day, provided that his Sunday labors do not in any way disturb the peace." This is the "usual exemption," and of course no seventh-day observer who stands for principle in this matter can endorse it any more than he can the law itself. The evil principle of religious legislation is in both. Congress has no more right to require people "to observe some other day of the week as a rest day" than it has to require them to observe Sunday, and that is of course what the exemption clause requires. The matter of people's observing Sunday or "some other day of the week as a rest day" is none of Congress's business, and it is as much out of place in exempting people from observing a day as in requiring them to observe a day. And of course such an exemption amounts to nothing as a protection of the seventh-day observer anyway. He is exempted, "provided that his Sunday labors do not in any way disturb the peace." And of course in the eyes of those who will look after the enforcement of the law, any labor he may do on Sunday will be a disturbance of the peace. He



may work never so quietly and others never so publicly, but it will always be his labor that is most disturbing to the peace. And since he does not observe the legal day, from midnight to midnight, but the Biblical day, from sundown to sundown, there is another way by which he may be deprived, by those who will attend to this matter, of the benefit of the so-called exemption. As has been done before now, notwithstanding he observes the seventh day of the week, it will be held that he does not observe it since he attends to work and business on Saturday evenings. A committee hearing will no doubt be held on this bill before long. We shall report it promptly in *The Sentinel*, and also report promptly any developments that may occur in the meantime. We do not know whether, as was the case at the last session of Congress, a similar bill was at about the same time introduced in the Senate.

#### The Tom Hege Case Again

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In our issue of November 12 we reported that Mr. Tom C. Hege, a Seventh-day Adventist who keeps, or kept, a repair and curiosity shop in Winston, N. C., was on November 2 placed in jail for failure to pay a fine that had been imposed upon him for Sunday selling—for selling watermelons, we reported, but it now appears to have been tomatoes. The sentence which brought his imprisonment was more serious than we had thought, but to its credit public sentiment did not permit its execution. This article regarding the matter appeared in the *Union Republican*, the leading newspaper of Winston, on November 5:

Tom Hege, and everybody knows Tom, harmless, inoffensive, peculiar, conscientious, doing what good he can, and without an enemy, was committed to jail Monday night. The charge

against him was keeping his place of business open on Sunday, and refusing to pay fines and costs aggregating some \$7.40. Mayor Eaton sentenced him to the county roads for thirty days, and pending removal to the roads had Tom incarcerated, and the penalty would no doubt have been exacted, but public sentiment was against the act, and Tom was released Tuesday morning. Tom is a Seventh-day Adventist and believes in working six days and resting the seventh. This he claims the Bible teaches (none will deny it), and he observes what he believes to the letter. If all men would do the same there would be no need of mayors' courts, jails, court-houses, or a country road force. For opinions' sake as well as religious convictions many a man has suffered imprisonment and martyrdom at the stake, for the seed of our churches was the blood of their martyrs, and Tom is to be admired rather than condemned. He accepted the edict meekly and without the spirit of resentment. The affair created considerable interest, and while some questioned Tom's transgression of the Sunday ordinance, yet a principle was involved, and the upholding of honest convictions, regardless of the consequences, is a spirit to be admired and will ever be by all conservative, thinking humanity. The fine would have been paid a dozen times, if necessary, but that was not the question. The authorities considered the matter from a temporal or legal standpoint, and that the ordinance against doing business on Sunday was effective alike to Jew, Greek, and Gentile; that if one took exception all had the same right, and that the law is no respecter of persons; that the constitutional birthright to worship God as conscience dictates was not at stake, and that Tom or any other man could serve Him seven days a week if he so desired, so long as he did not trespass upon the ordinance generally accepted and approved by a community. But herein is the weak point of the city administration. Street-cars are allowed to run, livery stables to do business, railroads to operate, postoffice to be kept open, a Sunday paper issued, etc., while special privilege is granted the



drug stores to sell soft drinks, cigars and tobacco, and then in the face of such licensed transgressions, arrest, fine, imprison, sentence to the county roads, and brand as a jailbird and a convict a citizen who is moral, honest, conscientious, God-fearing, and without an enemy, for doing the same thing conscientiously as he reads and interprets the Bible, is a principle past our comprehension and is a travesty on justice and equal rights to all men, look upon it as you may. If Sunday is to be observed, as we believe it should, then let us first set the example before we try to force others to our way of thinking. True religion is imparted by example, love and persuasion. Souls are not driven into the path of righteousness or into the kingdom of God.

A week later this paper reported that it had received a number of comments upon and some exceptions to the above article, but declared that "in substance our opinion remains unchanged"; that "the law is the point at issue, and is unjust, as it licenses and permits violations of the Sunday ordinances on the one hand while for the same offense, actuated by conscientious principles, it punishes another"; and that "a law should affect all alike; otherwise it is nothing more nor less than a farce." From another Winston newspaper of November 5, *The Sentinel*, we quote the following:

The defendant refused to pay the fine and cost on the ground that he recognizes Saturday as the Biblical day of rest, and this day he keeps. Tuesday Mayor Eaton ordered Tom released from jail. When seen by a reporter before his release, Tom stated that if sent to the roads he proposed to do his duty. He admitted keeping his store open on Sunday and selling various articles, and also stated that when released he proposed to continue to keep Saturday for Sunday, and to keep his store open on Sunday and sell goods as heretofore. Tom had just finished eating his breakfast when the reporter

called, and was reading his Bible. The case has attracted much attention and comment pro and con. A number hold that Tom and his religious liberty should not be interfered with. Others say that if the mayor allows one man to sell goods on Sunday why should not others be permitted to do the same thing? There was talk of making up the money to pay his fine, but when those inclined to contribute were told that Tom proposed to continue to do business on Sunday, they replied that they would not give anything. Mayor Eaton has instructed Chief Crutchfield to see that Tom does not keep his place open on Sunday. If he persists in doing so his store will be locked up by the chief.

And in the same paper it was reported four days later (on November 9):

Yesterday, in accordance with instructions from the mayor, Chief Crutchfield went around to Tom's place, locked the door and kept the keys. It appears that if Tom wishes to do business on the Sabbath he will have to seek other fields.

So it seems that Tom Hege is to be compelled to close on Sunday, to observe the day, even if he is not to be imprisoned and worked in the chain-gang. Public sentiment in Winston has done well to refuse to permit the latter, but it will not have adequately secured and protected Tom Hege in his rightful liberty until it prevents the former also. It is not made clear in the reports, but we suppose that Mr. Hege's release was due to his fine having been paid by citizens. A feature of the matter that was made prominent in the local discussion was the alleged imprisonment of Mr. Hege in a cell with a negro. It was at first reported that the occupant of the cell with him on the night of November 2 was a negro, as were most of the other prisoners. The *Union Republican* immediately inquired: "Is it the policy of white supremacy and good



government in this county to confine white and colored prisoners in the same cell at the jail?" and Jailor Thompson indignantly denied "that Tom Hege was put in a cell with a negro," and declared that "when he took charge of the jail he found that whites and colored had been allowed to stay in the same apartments, but that this custom was promptly changed and was never broken during his administration." "Owing to his familiar and ungodly conversation with the colored people there," and to the dimness of the light in the cell, Mr. Hege supposed, until informed otherwise by the jailor, that his fellow-prisoner was a negro, and so stated when interviewed by a reporter. Later, in response to requests that he do so, he acknowledged his mistake in a card to the press. But of course it makes no difference with the real question what was the color of the person with whom he was confined; in this case the character of the association certainly could not have been much worse if the man had been black instead of white. To put a man in jail for selling tomatoes and then to make a to-do about his being locked up with a negro is to swallow a camel and to strain at a gnat. A feature of each issue of the *Union Republican* is "Justice's Letter" of comment upon and discussion of topics of current local interest. In the issue of November 26 the writer of this "letter" had this to say first:

You know I sometimes wonder why men, even if they do try to fool other people, try to fool themselves. We have had two cases in print in this State in the last few days, one right here amongst us in the case of Tom Hege, and the other at Durham in the case of Prof. Bassett. In the last thirty or forty days the *Charlotte Observer* and the *Virginia Pilot* have been boasting about the freedom of thought and action now in the South; yet right here

in Winston we have seen a man arrested, tried, fined, put in jail with the filthiest kind of prisoners, so filthy that he thought some of them were negroes, and finally sentenced to the public roads, just as a common thief, for no other cause than worshiping God as he honestly believed he should. Sec. 26 of the first article of the constitution of North Carolina says:

"Sec. 26. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience."

Tom Hege believes the seventh day of the week, which is our Saturday, is the original Sabbath ordained by God as the day of rest, the day upon which He rested and therefore hallowed as such. Acting upon this belief Tom rests on that day; he will visit the sick, he will carry his Bible with him, he will read every consoling passage of Scripture that he can find, he will pray with them, and when he leaves he leaves his blessing with them and does not expect and will not receive pay for his prayers. No man who knows Tom doubts his sincerity, and in my judgment the fear of death disturbs no man in this community less than it does Tom Hege. But many say—some have said it to me—we do not object to Tom's worshiping on Saturday. So far so good, but Tom believes that the command, "Six days shalt thou labor," is just as binding upon him as "the seventh day is the Sabbath of the Lord thy God; in it thou shalt not do any work." Then when Tom, having rested and worshiped on the seventh day as the commandment says he shall, undertakes to work the other six, as the same command says, also, he should, he is arrested and sentenced to work in the chain-gang, clothed in stripes, under the guns of the guards, on the public roads of this county; and yet our people talk about free speech and free action in this State.

We Gentiles have been cursing the Jews for nearly two thousand years for killing Christ, and we are at it yet, even while we are putting men in



prison and in the public chain-gang for worshipping God according to the dictates of their conscience. Christ was a very aggressive man; he denounced the whole Jewish priesthood; he called them a generation of vipers; he called them hypocrites and liars; he drove them with a whip of cords from the temple, and said he would destroy the temple itself; he undertook to set up and did set up a new religion; he destroyed the system of sacrifice and tithes so far as his religion was concerned; and yet with a religion so radically oposed to that of the Jews, with a teacher so aggressive as Christ was, he was allowed to preach his doctrine and attack the Jewish church for three years, and still we talk about what a bad people the Jews were. With Tom Hege's and Prof. Bassett's cases before us it does not lie in our mouths ever again to abuse the Jews about Christ, for we would hang and draw and quarter any man in less than thirty days who would come to this State and preach a doctrine half as radical as Christ did.

We hardly think things are as bad as this in North Carolina, but it is certain that the law under which Tom Hege was arrested and sentenced to the chain-gang, and for which the people of the present generation are not responsible except as they permit it to remain upon the statute books, is in principle identical with that which inspired the Jewish religious leaders in their course with regard to Jesus. The Jewish leaders simply carried to its ultimate conclusion the principle which is embodied in the Sunday law of North Carolina as well as of other States—the principle of religious intolerance, of force and coercion in religion.

**Sunday Laws far  
Out of Date**

the New York *World* declares that "our Sunday excise law is the last conspicuous relic we possess of that theory

of government which held that laws were to be made not from the standpoint of the rights and privileges of the people, but from the standpoint of ecclesiastical authority and the opinions of the preachers." And is the excise Sunday law more conspicuous than other Sunday laws, or more truly a relic of the sort described? It is not the only Sunday law that remains. In New York as well as elsewhere there remains the general Sunday law prohibiting "all labor on Sunday, excepting works of necessity or charity," as well as "all shooting, hunting, fishing, playing, horse-racing, gaming, or other public sports, exercises or shows," and "all noise disturbing the peace of the day." The excise Sunday law may be the relic of the sort described that is most conspicuous in public attention in New York, but it is not the relic of that sort that is most conspicuous upon the statute books. Following the above declaration the *World* recalled the conditions in which American "Sabbath" legislation originated, and to which only it is fit and appropriate:

At one time all our laws were made in this spirit. As colonies we were organized in great part rather as religious than as political societies. There was no recognition of an individual right to be exempt from the coercion of ecclesiastical authority. One of the earliest colonial agitations called for "the making of a draught of laws agreeable to the Word of God." Thus from the first the Scriptural idea was dominant, and every act objectionable to the preachers was treated as a crime. For profane swearing a man was to be set in the stocks or imprisoned. Equal penalties were fulminated against "the abominable practise of drinking healths," and "the excessive wearing of lace and other superfluities" was strenuously forbidden. In Virginia it was the law that every colonist should attend public worship twice on Sunday. For disobedience to this law a man



might be publicly whipped, and for a third offense he suffered death. "Smiting, cursing, or stubbornly disobeying father or mother" was a capital offense in Connecticut in 1640. In Massachusetts Quakers and Roman Catholics were banished, and if they returned the penalty was death. Trial by jury was repudiated because they "could find nothing of jurymen in the Old Testament." Our early history is full of this spirit, by which acts not criminal from any just standpoint of legal obligation, were treated as crimes solely because they were contrary to some intolerant puritanical code of conduct. Laws of this nature are peculiar to a rudimentary state of society, and the world generally has left them far behind. They are pre-eminently contrary to our theories of government and the rights of the citizen. Yet they linger with us in one offensive form. Though our constitution declares a total separation of church and state and absolute religious liberty, these laws maintain a discrimination based upon a religious idea.

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**Christianity Not  
Guilty**

The sort of history that has been made by professed Christians when in a position to employ force is perhaps the most depressing thing met with by the Christian student of history. Some of the darkest records of history are the records of the doings of professed representatives of Christianity; in the name of that religion and avowedly in its behalf have been enacted some of the worst dramas of history. This melancholy fact was recently put quite strongly by the *New York Sun* in affirming that certain criticisms and censure directed by a correspondent "against the Roman Catholic Church and its hierarchy" were, if justified at all, "applicable to all organized Christianity":

If our correspondent will follow the history of Christianity in Europe from

the time it first gathered strength to assert itself with physical force he will read a record of war, persecution, atrocity, and fierce human passions inflamed by religious enthusiasm which is not exceeded if it is equaled in its darkness in the history of any previous religious propaganda of which we have the record.

When confronted with the terrible record "of Christianity in Europe from the time it first gathered strength to assert itself with physical force," the Christian says, and he says rightly, that it is not the record of Christianity, but the record of a monstrous perversion of Christianity—the record of what, though Christian in name, was devilish in reality. He who is really acquainted with Christianity knows that its spirit is the farthest possible from the spirit of intolerance, persecution and violence, and that to the extent that professed Christians have the latter spirit they are at war with the religion they profess. But nevertheless the Christian can hardly expect that those who know not Christianity as he knows it, and who judge of it only by the course that has been pursued over and over and the record that has been made for it by so many of its professed disciples and representatives, shall hold it guiltless of the crimes that have been committed in its name. The shameful record of the violation of human rights that has been made by professed Christians has not been due entirely to the selfish, ambitious, arrogant and cruel, but is due in no small degree to men who seemed to have no other desire and purpose than to serve and promote the interests, not of themselves, but of the religion which they professed, and who we must believe were moved by what were to them most important obligations of religion. Almost without exception professed Christians, however humble and dis-



interested personally, have begun to assert authority over the minds of others and to persecute those whom they have assumed to pronounce heretics as soon as the means to do so was in their hands—Oh! what a melancholy and disheartening fact for one who knows that Christianity is the hope of mankind! So it is hardly to be expected that the very true and proper declaration made by the Christian when confronted with these things, that Christianity is a religion of peace and goodwill to men, and has never persecuted and never can persecute, shall carry conviction to the minds of non-Christians and be to them a sufficient and satisfactory exoneration of it from the guilt that seems to attach to it. From their standpoint it is very difficult to see that Christianity has not been responsible; and no wonder, for the fact is that what was proclaimed and taught as Christianity was very much to blame for what took place. In view of this the scholarly response below which the words of *The Sun* called forth from Professor Goldwin Smith, the eminent publicist and historian, is especially gratifying and important, for Mr. Smith is an agnostic. In the following, which was printed in *The Sun* of October 11 and was written with reference to the statement which we have quoted, he exonerates Christianity from the guilt which some would indiscriminately impute to it, and points out the real sources of the crimes which mark "the history of [so-called] Christianity in Europe from the time it first gathered strength to assert itself with physical force:"

Of the crimes committed in the name of Christianity it is impossible to speak with too much sorrow and abhorrence. But the guilt, I submit, attaches not to Christianity itself, but to malignant influences under which it has fallen.

The vital doctrines of Christianity as preached by its Founder are the fatherhood of God and the brotherhood of man. Our faith in these doctrines may be failing; our faith in the brotherhood of man would certainly appear to be undergoing eclipse. But there is nothing in them which could possibly lend itself to atrocity or persecution. When the inquisitor sought a warrant in the gospel for his religious murders, he could find nothing more to his purpose than the words in the parable of the Great Feast, "Compel them [the guests] to come in," or St. Paul's saying, "I would that they were cut off which trouble you," which only the blindest bigotry could construe as a longing for an auto-da-fe.

Islam propagated itself by the sword. Christianity in its native character propagated itself by the word preached by peaceful missionaries, who, taking their lives in their hands, converted the barbarians and founded the Christian nations.

The Founder of Christianity said that His kingdom was not of this world. Had that saying been kept there could have been no persecutions. By keeping it in after days the Baptist Church has won a distinction unhappily almost unique. When the Empire, after struggling long to extinguish Christianity, bowed to it and made it the imperial religion, it extended its political despotism over the church. Orthodoxy, i. e., the doctrine patronized by the court, became law, heresy became treason; and the ill-starred, though perhaps almost inevitable, union produced the inevitable results. Ecclesiastics denied their Lord by appealing to the secular arm. Christianity, however, humanized the Roman law, notably with regard to slavery.

Special influence and authority could not fail to attach to the bishops of the two imperial cities, Rome and Constantinople; especially to the bishop of Rome, who was not overshadowed by the presence of the emperor. In the dissolution of the Empire, the Roman See became a rallying point for the Western church. But there was really no pope in the present sense of the term, no spiritual dictator claim-



ing autocratic and universal authority over the church, before Hildebrand. Gregory the Great denounced the title of universal bishop as blasphemous. Hildebrand it was who created the universal despotism, using as his instruments German rebellion and Norman conquest, as well as a clerical militia detached from humanity and bound to the Papacy by the enforcement of celibacy. There is not in history such another mockery as the pretense of this autocrat and his successors, including Innocent III, Alexander VI, and Julius II., to represent the preacher of the Sermon on the Mount. Here we have the main source of persecution and all its atrocities; hence flowed the extermination of the Albigenses, the Inquisition, Alva's reign of blood in the Netherlands, the massacre of St. Bartholomew, and the Dragonnades. The Crusades, with any atrocities which they may have involved, were more the work of Christendom at large, but they can hardly be set down as atrocities; they were really rather a war for the defense of Christian civilization against the intruding tide of Mohammedan conquest, an irruption of moral barbarism, as is now plainly seen.

All the time genuine Christianity was not left without witnesses. It showed itself in such characters as that of Anselm, in such writings as the "Imitatio Christi."

Protestant Christianity could not at once get clear of the medieval tradition. But presently it did. It has repented of its crimes and renounced persecution. The Syllabus, which is the latest manifesto of the Papacy, reaffirms in plain terms the principle of intolerance, throwing down the gauntlet to modern civilization and the liberty of opinion, which has been won by the struggle of ages for humanity. Infallibility cannot repent. The Papacy, moreover, continues to use the political intrigue of the Jesuit, who, there can be little doubt, by his influence over a superstitious woman had a share in bringing on the Franco-German War.

The religious character would in any case, no doubt, have displayed its weaknesses. There would have been extravagance, bigotry, controversial

heat and rancor; perhaps fanatical and sectarian affray; but without the influence of the Empire and the Papacy there would not have been these enormous crimes.

Catholicism and Papalism, though they have unhappily come to be identified, are essentially distinct. Catholicism, as its name imports, is universal. Papalism is Italian. Only Italians can be popes. The very few historical exceptions are exceptions which prove the rule. Catholicism, with all its characteristics and graces, was fully developed before Hildebrand. There is nothing characteristically papal in the writing of Thomas a Kempis, Pascal or Fenelon. Larcordaire and Montalembert were thoroughly Catholic, but as friends of liberty, thinking that it could be reconciled with Catholicism, they were disavowed by the Papacy.

I need hardly say that I do not pretend to orthodoxy. But I plead for a fair consideration of all real phenomena, whether they appear to fall within the domain of physical science or not. Christianity in itself and apart from its unhappy entanglements with imperial despotism and papal usurpation, seems, by the principles which it has propagated and the characters which it has produced, to have been up to the present time a great power, to say the least, of moral progress, and one which is not easily explained by physical evolution.



"The demand of fanatical Sabbatarians that all labor shall cease throughout the nation on the same day is impracticable," says the *Chicago Inter-Ocean*, which thinks "the complexity of modern life is such that it is not possible for all workers to rest on the same day," and that "if all should stop on a given Sunday across this continent, then because some men rested on that day in New York others would have to be idle on Monday also in Chicago, and still others on both Monday and Tuesday in Denver, and still others on Wednesday or Thursday as well in San



Francisco." However, the *Inter-Ocean* thinks "it is advisable that every man should rest on some day, not only for his own benefit, but for the general well-being of society and the state," and that "one day in seven is practically the necessary amount of rest needed by the average of humanity." In this connection it says:

In this case, as in many others, modern science and the verdict of modern commercial experience confirm the wisdom of the day of rest decreed by the legislation attributed to Moses. Take what view of the inspiration of the Bible one may, in this as in all the rest of its practical rules of general application, all experience and all scientific investigation prove its authors to have been absolutely right.

If they were absolutely right in this matter of a weekly day of rest, then those who advance the "one-day-in-seven" idea cannot be right, for "the day of rest decreed by the legislation attributed to Moses" was not "one day in seven," but "the seventh day." It was not any day of the week, but a certain, particular day of the week.

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"Are we all degenerating to that extent which requires our health, our morals, and our actions to be subject to the guidance of persons who happen to be in authority? are the great mass of the people such helpless creatures that they cannot manage their own affairs and must needs be looked after by the authorities?" asks the *Washington Post* with regard to certain regulations that exist and that are being proposed in Washington. The *Post* says nothing of the regulation now pending in Congress to "further protect the first day of the week as a day of rest in the District of Columbia," but with regard to none can such inquiries be more pertinent. In no respect is "the tendency in this country at the present time to-

ward paternalism in its most extreme development," which the *Post* rebukes, more conspicuous than in the growing demand for legal regulation and enforcement of "a day of rest," as if individuals themselves are not competent to look after the matter of their physical rest, and "must needs be looked after by the authorities." The *Post* well says that "if this movement is not checked it will lead to a most indifferent citizenship and a most complete abandonment of all those forceful characteristics which make the American people prominent among the nations."

✦

If Sunday laws are civil regulations why do so many of them contain exemptions for those who religiously and conscientiously keep another day as the Sabbath? The fact that they do this is conclusive evidence of their religious character. Another thing: if Sunday rest is a legitimate civil requirement, a duty to society, what right has the law to exempt any from it even on grounds of religion? The fact that the law does exempt some on grounds of religion from the requirement of Sunday rest proves that the law does not hold Sunday rest to be a duty to society, for the law does not allow the performance of duties to society which it undertakes to enforce to be interfered with by people's religious convictions.

✦

"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. It is unnecessary, illogical and un-Christian for the civil law to force all men into idleness on Sunday because some men desire to devote that day to rest and worship."



## 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 "stores and shops" of Lidgerwood, N. D., were closed on Sunday, November 8, "pursuant to Mayor Morrow's order."

✦

Six "Sunday hunters" were fined the costs by Squire Mackelfresh at Winton Place, Ohio, on November 13, "as Sunday hunting is illegal in Ohio."

✦

At Roxbury, Mass., on November 16, George Grow was fined \$50 for keeping his stable open on the Lord's day for the purpose of selling horses." He appealed.

✦

It is reported from Kansas City, Kan., that "all grocery and dry goods stores will be closed Sundays hereafter." "This move is the result of the action of the merchants' association."

✦

The proposition debated at the first meeting of the present season of the New Britain, Conn., Y. M. C. A. debating club was, "Resolved, that public Sunday amusements be prohibited." "The affirmative won."

✦

In the course of a sermon at St. John's Episcopal Church in Butte, Mont., on October 25, Rev. S. C. Blackiston declared that "Sunday theatrical performances disobey the laws of the State, and whoever attends them is a law-breaker."

✦

A protest against Sunday labor on the contract of asphaltting the streets of that city was entered by the New Albany, Ind., ministerial association on November 16. They declared: "We believe this to be demoralizing to the city and community, as well as in violation of the statute, and enter our unqualified protest against further desecration of the Lord's day."

At Chelsea, Mass., on November 16, Benjamin Kimbleman "was before the court charged with violation of the Lord's day, it being alleged that he was at work in a Chelsea house at paper-hanging" on the previous day. He pleaded not guilty, and the case was continued.

✦

In the police court at Dedham, Mass., on November 16, two persons "were each fined \$10 for hunting on the Lord's day," and seven "were fined \$5 each for card playing on Sunday." It is said that "the police are determined to stop card playing on Sunday." Why on Sunday more than on other days?

✦

At Merrill, Wis., on November 9, "a warrant was sworn out against L. Krom, for selling goods on Sunday." A customer who had purchased a suit that did not fit, wished to exchange it for another, and Mr. Krom's offense was in acceding to this request on Sunday. "The majority of the business places are unanimous on the Sunday closing."

✦

At Great Falls, Mont., on November 12, "Rev. Mr. Agar, on behalf of the association of ministers, waited upon Manager Frary of the opera house, and served formal notice that if the performance booked for the following Sunday evening was given both he and the managers of the show would be arrested under section 530 of the penal code." The ministers did "not object to the character of the show, but to the Sunday performance," and "do not propose to yield this point during the present season."

✦

A barber "who was detected shaving men in his shop" at Dubuque, Iowa, on Sunday, November 15, "was



arrested on the charge of violating the Sunday law." "He was arraigned before a justice of the peace, plead guilty, and paid a fine and costs, amounting to \$5. Four members of the local barbers' union appeared against him. The union has taken his union card, which he kept in his shop, away from him until the question of whether or not he shall be dismissed from the union is disposed of."

✦

At Anderson, Ind., on November 16, the manager of the opera house, four of the attaches, and eight members of a theatrical company "were arraigned before Magistrate Van Pelt on charge of desecrating Sunday by giving a performance." "The defendants filed a plea for a change of venue." The arrests took place during the performance of the preceding evening, and were made on affidavits sworn out by the pastors of the First Methodist Episcopal, the Noble Street Methodist Episcopal, and the Central Christian churches.

✦

A resolution calling for an "investigation of the general question of Sabbath desecration" was adopted at a meeting of the ministerial association of Lincoln, Neb., on November 16. Its adoption was preceded by speeches calling for "action against the authorities" of the State university for "permitting football excursions and other pleasures on the Sabbath" by students. Rev. Mr. Lorimer demanded that they "should be brought to time," and attempted to have a motion adopted appointing "a committee to look into the matter," but instead the motion mentioned was adopted.

✦

At Davenport, Iowa, on November 20 the retail butchers' association "received a committee from the trades and labor assembly which had been appointed to negotiate the matter of closing the meat markets on Sunday." The committee wished to have the shops "closed entirely on Sunday," but a compromise was effected. A contract covering the time "from November 29, 1903, to April 1, 1904," was drawn up and signed whereby the mem-

bers of the butchers' association bound themselves "to discontinue Sunday deliveries" and "to close at 10 A. M. Sunday." "The butcher bosses expressed a willingness to close all day Sunday, if the grocers could be brought to follow suit."

✦

At Galt, Ontario, recently "some of the people of the town were somewhat surprised to see a gang of men at work on the electric light lines on the Sabbath." "It was thought to be a case of violation of the Lord's day act," and the town officials were at once consulted regarding the matter. From them "and experts it was found that the work was one of necessity on account of the state of the wires, it being dangerous to work with them when the power was on the trolley line." This, together with the fact that "there was no disposition on the part of any one to distort unnecessarily the quiet and rest of the Lord's day," prevented what otherwise would have been a case of Sunday enforcement.

✦

It was decided by a jury in Commissioner Wright's court at South McAlester, I. T., on November 14 "that a fruit and cigar store could stay open on Sunday without violating the law." The "reform" mayor had "recently issued a proclamation ordering everything in town closed on Sunday, filling prescriptions for the sick being the only exception. A confectioner refused to obey the order and was arrested. He admitted selling cigars, fruit and soda drinks, but claimed that the Arkansas Sunday law, which applies in Indian Territory, would ruin the business if literally enforced." And it seems that the jury decided not to enforce it in this instance. "The town was excited over the matter," as "drug stores, cigar stands and news stands have never been required to close on Sunday before."

✦

On November 28 the Commissioners of the District of Columbia "received from the corporation counsel an opinion in which it is held that no barber shops in the District can be opened on



Sunday, even though no barbering business be transacted." This opinion was called forth "by the application of a local barber to open his shop on the Sabbath in order to shine shoes. He stated that he had chairs for this purpose in his shop, and that if he was allowed to open his shop he would do no barbering business and would cover all barber chairs." The corporation counsel "quoted a paragraph from one of the earliest laws of the corporation of Washington, which prohibits the opening of 'barber shops or places where such business is done on Sunday,'" and "interpreted this to mean that a barber shop could not be opened on Sunday for the purpose of shining shoes."

✦

In its "Legal Notes" the New York *Times* prints the following on "Sunday Laws," which shows how some points that have arisen in connection with Sunday enforcement have been decided by New York courts: "The following cases bearing on Sunday laws are to be found in Volume LX. of the 'Lawyers' Reports Annotated.' Forbidding a barber to exercise his trade on Sunday is held in *State vs. Soper* to be a proper exercise of the police power and not to restrain him unconstitutionally of personal liberty or deprive him of liberty or property without due process of law. The hearing of charges against a member of a benefit society, and expelling him from membership because of violation of the rules are held, in *Pepin vs. Societe St. Jean Baptiste*, not to be a judicial proceeding within the rule which forbids such proceedings on Sunday. Whether the pumping of an oil well on Sunday is a work of necessity within the meaning of a Sunday law is held in *State vs. McBee* to be a question for the jury, where the evidence is conflicting as to the injury which will be caused by not pumping it."

✦

The Hyattsville (Md.) *Independent* of October 31 gave this report of an instance of Sunday enforcement that had just occurred in that locality, which is just outside the District of Columbia: "Justice Arthur Carr of

this town evidently believes that law, like wine, loses none of its efficacy by reason of age. Monday evening, in the presence of an interested gathering that taxed the capacity of his court, he convicted three citizens of Brentwood on charges of Sabbath-breaking, under a statute originally passed as far back as 1723, and amended in 1860. On Sunday last Constables Wallace C. Raybold and Charles W. Barr perambulated over to the rapidly growing section of Brentwood, known as Mechanicsville. According to the statements of the officers, complaint had been filed that the industry and thrift of this community had led them into evil ways. To be more explicit, the constables had been informed that there was considerable labor being performed at Mechanicsville in violation of an ancient statute in such cases made and provided, and to the detriment of the peace and moral advancement of that section. They accordingly organized a raid on a small scale, and it proved successful. When they arrived on the scene they discovered Messrs. George Houser, and Wesley and Edward Weidmeyer busily engaged on a new house being erected by the first named. The officers promptly placed these energetic citizens under arrest, and each left \$5 collateral for their appearance in court Monday. They appeared as per agreement and, under advice of their attorney, Mr. Elbert Dent, entered a plea of guilty. Mr. Dent submitted that the house upon which the accused were working had been left in a precarious condition on the previous Saturday, and that it was necessary to do the work. He stated that none of the prisoners were aware of the existence of the law (which was probably the case) and that the services performed by Messrs. Weidmeyer were in the nature of a charitable act and that no compensation was paid Mr. Houser's neighbors for their assistance. Houser acknowledged that he was doing some painting on the house, the real necessity for which, especially on Sunday, did not appear clear to Judge Carr. After dwelling upon the bad moral effect likely to result in a community where the Sabbath was not ob-



served, Judge Carr, in view of the fact that a portion of the work at least appeared to be a necessity, and that this was the first time the accused had ever indulged in Sabbath labors, dismissed the cases. He, however, compelled the three Brentwood citizens to pay the costs in the cases, and each was assessed the sum of \$3.25. This was paid promptly. The statute that caused the accused all their trouble reads as follows:

"No person whatsoever shall work or do any bodily labor on the Lord's day, commonly called Sunday; and no person, having children or servants,

shall command, or wittingly or willingly suffer any of them to do any manner of work or labor on the Lord's day (works of necessity and charity always excepted), nor shall suffer or permit any children or servants to profane the Lord's day by gaming, fishing, fowling, hunting, or unlawful pastime or recreation; and any and every person transgressing this section, and being thereof convicted before a single justice, shall forfeit five dollars, to be applied to the use of the county."

Judge Carr declared that future violations of this statute would result in harsher treatment of the offenders.

A resolution calling for the appointment of a committee "to co-operate with the committees from other denominations in bringing before railroads and manufacturing companies the matter of a better observance of the Sabbath day," was presented and discussed at a meeting of the Presbyterian Synod of New Jersey at Lakewood on October 21. "The discussion brought out the assertion that the General Assembly's special train travelled on Sunday on the way to Los Angeles in order to see the Royal Gorge on Monday." It is not at all improbable that those who concern themselves so much with other people's Sabbath-keeping are more strict with others than with themselves.

In a breach of promise suit at Philadelphia, on November 13, Judge Beitner is reported to have ruled, in accordance with the contention of attorneys, that "a promise on Sunday to marry, even if bona fide, is worthless because made on a dies non." Another illustration of the virtue (?) of the legal "Sabbath," but of course strictly legal, for as the judge declared, "Under the laws of Pennsylvania a contract made on Sunday cannot be enforced." A contract made on Sunday should be as valid as one made on any other day.

+

Wabasha, Minn., "citizens and business men are again agitating the closing of business houses on Sunday."

### THE LEGAL SUNDAY

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