

The Sentinel

OF CHRISTIAN LIBERTY

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Prosecution of Sunday sellers is not Sabbath reform.

Sabbath observance belongs in the domain of religion and conscience, not in that of civil law and its enforcement.

"Sabbath reform" as carried on by Sunday-enforcement clergymen is another name for oppression and persecution.

A city is not made and kept Christian by oppression and persecution of its small tradesmen and of poor, aged, and decrepit men and women.

That "protection" of the right to rest which means denial of the right to work and sell the law has no right to give and nobody has any right to demand.

The people who cannot have their Sabbath without having other people compelled to observe their Sabbath should be left to get along without their Sabbath.

The one vital motive and object of the Sunday-law enforcement crusade in Philadelphia is the maintenance and enforcement of a religious observance.

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.

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"SABBATH REFORM" OPPRESSION IN PHILADELPHIA

(Continued from page 799)

of rest, therefore all the prosecutions that I have undertaken have been entirely confined to these two lines of business. It is a great source of satisfaction to me that while I have convicted about 2,000 dealers so far, not one innocent man has been among the number. I am now awaiting with growing confidence a move in the direction of law enforcement by Mayor Weaver.

And so it is a source of great satisfaction to this chief inquisitor to know that among the many poor people who have been oppressed, persecuted and robbed during this "Sabbath reform" crusade in Philadelphia that there has

not been one who was innocent of the crime charged—the crime of selling bread and meat and candy and cigars, etc! Fortunately for humanity not many people are so constituted that they could gather satisfaction in the same position. It is only the few who have in them the material for the making of Torquemadas who can in such a situation escape entirely the pangs of conscience and find instead "great satisfaction." The idea that Sunday enforcement is necessary in order "to secure every dealer in his weekly day of rest" is the same vicious idea which we have already noted. The laws of Pennsylvania have no right to "guarantee every worker the right to rest from his work one day in seven" by compelling all the people or any of them to rest on a certain day of the week. Such a high-handed and unwarranted act is not protection in the right to rest one day in seven, but denial of the right to work on one day of the seven. The sort of "protection" that the "Sabbath reform" religionists in Philadelphia allege that they are striving "to secure to every dealer in tobacco and confections in the city," is a sort of protection which the law has no right to give and which it is selfish and vicious in anybody to expect and demand.

One of the communications commending the attitude of the *Public Ledger* was from some one signing himself "Presbyter," who "as a clergyman of the church," said he wished to express his "absolute concurrence in the position taken by you on the question of the enforcement of the blue laws." He said of the Sunday-enforcement crusade that "it is a movement supported I doubt not by many conscientious Christians, but one conceived in bigotry and born to the shame of the Christian religion," which certainly should be the view of it held by all Christians.

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WASHINGTON, D. C., THURSDAY, DECEMBER 17, 1903

No. 50

“Sabbath Reform” Oppression in Philadelphia

*What One American “Sabbath” Organization has been
Doing during the Past Year*

AMONG the half dozen or more organizations in this country which profess to be devoted to the work of Sabbath reform, but which devote themselves almost entirely to the work of Sunday enforcement, is the Philadelphia “Sabbath” Association. During the past twelve months this organization seems to have outdid itself and to have outstripped all the others in the work to which all are devoted. We have from time to time reported instances of arrests, prosecutions, and finings in Philadelphia under the Sunday law, but it will be well to examine more fully and particularly the work that has been done by this so-called Sabbath-reform organization during the past year. It will show clearly what is the nature and character of the work to which these “Sabbath” associations, which make such great pretensions of standing and working for the temporal and religious welfare of the people, are devoted, and also what may continue to be expected in Philadelphia, for it is announced that the crusade that has been waged so persistently during the past twelve months is to be pushed with still greater energy and zeal in the future.

At a meeting of the board of directors of this organization on October 27,

Secretary T. T. Mutchler, who is of course a clergyman, reported “that the candy and cigar committees had since November last obtained evidence against 2,000 violators of the Sunday law in their line of business, and were preparing to push the work with greater activity.” The “barbers’ committee had not been so fortunate, but had prosecuted every barber against whom they could get evidence.” It seems that the city has been districted, and by means of paid agents and “auxiliary organizations” watch has been kept upon every store and stand and evidence secured against all who sold on Sunday. One of these organizations was “Dr. L. Y. Graham’s,” pastor of the Olivet Presbyterian Church, “which works as an auxiliary to the Philadelphia Sabbath Association” and “comprises eighteen divisions or districts in the city.” The work of its members in their respective districts was to “seek to learn what storekeepers do business on the first day of the week contrary to the act of 1794,” and to secure evidence against them. And we are told that in each district or division there are “from three to six ministers interested in the work.”

This crusade has been directed almost entirely against the proprietors of

candy and cigar stores and stands, and in self defense these small dealers formed an organization called the "Business Men's Protective Association." Further, however, than securing the services of an attorney this seems to have secured them no protection. But it has served the very useful purpose of giving publicity to what was being done, for the secretary of this organization, Mr. C. J. Field, has from time to time furnished to the press detailed accounts of the work being done by the representatives of the "Sabbath" Association or as the result of their activity. In reporting this matter we shall draw largely upon these accounts. The following general review of the whole crusade by Mr. Field was published in several of the Philadelphia papers early in November:

A Review of Twelve Months' Work of the "Sabbatarians"

I feel constrained to write you a review of twelve months' work of the Sabbatarians, and of the prosecutions they have brought against one class only, thereby discriminating. Dr. Mutchler, secretary of the Philadelphia Sabbath Association, had twelve months ago comparatively relaxed his distasteful work for some cause or other. He, however, found a lieutenant in the person of the Rev. George S. Vail. November last, 1902, this Geo. S. Vail sent out an edict, announcing that all cigars and candy stores must close, and if after he had warned them they persisted in keeping their stores open, that he would institute prosecutions against each and every one.

At the time when this "dictator" was sending out his intimidatory orders thousands of men were employed in tearing up the main streets of Philadelphia for the Philadelphia Rapid Transit Company. Chestnut and Walnut Streets were alive with men every Sunday. Heavy machine hammers and everything went on just the same as on an ordinary day. All this, however, was allowed to pass unnoticed by these

two worthy preachers who had undertaken to dictate what should be allowed and what should not be allowed. Vail's "edict" was not intended for any "large" violator. No; it only meant cigar and candy dealers and druggists. Some of the last named have been fined for selling soda water on Sundays. It is a fair and honest question to ask: Why was this discriminating edict not carried out on all violators? Why should the one class have been selected as especial marks for these two dictators? They never have at any time had the temerity to go up against any larger game than that I have mentioned. Vail has figured in all prosecutions since last November.

Several magistrates were seen by these prosecuting ministers, but refused to act in such unsavory work. Finally Magistrate Thos. W. South took up with their "stupendous" task of helping to close up the harmless businesses herein mentioned. The scenes that have been enacted from the inception of their glorious (?) prosecutions would take too long to describe. But sufficient to say that I have seen the widow who has to support herself and family under the most adverse circumstances, the tottering old men and women, the cripples on crutches — even blind men have been arrested by these Sabbath people and hailed before Magistrate South.

Illustrative of the glaring discrimination which has characterized the crusade, I might cite the case of Edward Hungerford, an employee of Baldwin's Locomotive Works, who also keeps a small store. Two weeks ago he was accused in court by Biddle, an agent of the Sabbath Association, of having accepted a few cents in exchange for goods at his store on Sunday. The paid agent tempted his man into making the sale and then turned upon him, caused his arrest, and sought to have him fined and made an example of as a violator of the law! Hungerford was absent, and his wife came forward and said that her husband was at home laid up with a smashed foot. The magistrate asked how he came to have his foot smashed, and she replied that it was done while at work at Baldwin's. Now

note the comparison: Hungerford could have worked at hard and dangerous manual labor — at work at which, instead of merely his foot being smashed, he might have been crushed to death — at Baldwin’s, in conjunction with an army of mechanics and laborers, all day on Sunday and nothing would have been done about it. But when quietly in his little store he accepts five cents for goods which he is asked to sell, he is hailed to court! I herewith indicate a few specimens of some acts of “necessity” that our good “Sabbath” people wink at while prosecuting the poor and defenseless. Large sums of money are involved in these undertakings:

January, 1903	657.85
February	511.40
March	331.40
April	609.55
May	619.10
June	559.40
July	1,158.00
August	1,045.45
September	756.20
	<u>\$7,213.70</u>
October (there is a possibility of running over \$1,000)....	1,000.00
	<u>\$8,213.70</u>

Hundreds of men, plate layers and laborers, are working every Sunday upon the line. Hundreds of laborers are at work every Sunday on the docks. Another act of “necessity” are the many newspaper stands on Sunday along our main thoroughfares that are not there during the week. I challenge these regulators [of “Sabbath” observance] to act in the premises. I have pointed out the violations. While they denounce the Sunday newspaper in their annual reports, they dare not act toward the newspapers as they do toward the cigar and candy dealers. The Rapid Transit Company on Sunday, October 25, had over 1,000 men employed tearing up and relaying North Eighth Street; in fact they were working harder than they would on ordinary days. We never knew of any arrests made in this direction. Why? It might interfere with a donation to the Sabbath Association. There is no doubt in my mind that that makes the difference. I am in possession of facts tending to show this.

All of the above fines are from cigar and candy dealers. The amount would have been much more, but in the early stage of the prosecutions many were let off by the payment of the costs. The Rev. G. S. Vail, prosecutor in chief, would ask: “Will you promise to keep closed in the future if we remit the fine?” Many did promise, and thus escaped with the payment of the costs. The records show that some have been fined right along, and thousands are never molested. A few have been made especial marks, as the following list will show: J. D. Farmakis, fined 53 times, at \$6.50 each, \$344.50; J. P. Farmakis fined 40 times, \$260; another fined 31 times; another fined 25 times; one druggist, 23 times. The prosecutors have been known to jump from West Philadelphia to Frankford on purpose to pick certain parties. I have a long list showing many similar cases.

This being the anniversary of the present miserable crusade, I made up my mind to make a little investigation, and accordingly visited the controller’s office, and perused Magistrate South’s monthly returns, and separated the Sunday fines from the ordinary fines. The figures for the Sunday fines are as follows:

Last November the public was led to believe that “a cigar and candy Sunday-closing organization” had come into existence. Such an announcement was made by the Rev. Geo. S. Vail. The affidavits which have been sworn to before Magistrate South in the weekly prosecutions against the dealers bear the signature of Geo. S. Vail only, and are not made in behalf of any cigar and candy “organization.” The following extract from the sixty-third annual report of the Philadelphia Sabbath Association, regarding the closing of candy and cigar stores on Sunday, leaves no doubt as to what organization it is for which Mr. Vail has been acting:

November, 1902	\$ 96.35
December 3d	211.15
December 22d	657.85

“We opened up a subscription for

this special work and co-operated with the candy and cigar men in arranging to begin the movement, and, in connection with them, secured G. S. Vail as business agent to take charge of the work. During the month beginning November 9 [1902] Mr. Vail sent word throughout the city that on and after November 23 all who continued to sell candies and cigars on Sunday would subject themselves to prosecution. On the date named he went out with those he had arranged to help him and secured evidence against sixteen. The following week they were arrested, brought before the magistrate, and convicted. The fine in these cases is the same as in barber cases, viz., \$4 fine and \$2.50 costs. It is our judgment that no movement in favor of Sabbath observance was more needed in our city than this, and if the work is carefully and judiciously carried on, as it has been begun, it will be a complete success. Mr. Vail deserves much praise for the manner in which he has proceeded thus far, and we have perfect confidence in him."

This "Sabbath-reform" crusade in Philadelphia during the past twelve months has been one of oppression and persecution not only in the sense in which any enforcement of Sunday laws is such, but has been so in an especial sense because of the shameless and outrageous discrimination in the enforcement of the law. Well was it declared by Mr. Field in conclusion: "Persecution and oppression breed contempt. The cause of religion is not advanced by such methods."

Some of the Trials

Mr. Field has written up and had published in the Philadelphia *Item* quite minute accounts of several of the wholesale trials that have taken place in the course of this crusade. It will be worth while to present extracts from some of these accounts. The latest account that we have is a report of trials on November 25, from which we quote:

Magistrate Thos. W. South had before him twenty-six alleged violators of the Sunday law, many of whom were, as usual, old men and women, trembling with fear, as though a serious crime confronted them. These, however, were let off by the judge with the costs, \$2.50. Even this, with the trouble they are put to, is disgraceful. Biddle and Hoover were the only witnesses.

E. H. Koch, who keeps a bake shop at Thirteenth and York Streets, was quivering with rheumatism and ague when he approached the bar. Agent Hoover testified that he saw candy sold in Mr. Koch's shop. The shopkeeper said that the sale of candy brought him no profit, and that he kept his place open on Sundays only to supply bread to his neighbors. Mr. Vail extracted from him a promise that he would not sell candy again on Sunday, and the fine was remitted, the defendant paying \$2.50 costs. Mrs. Martha Cavanaugh, of 1042 York Street, stood inside the bar, a picture of dejection, as evidence was presented to the effect that she had sold two cigars on Sunday. She was dressed cheaply, but neatly, in black, and her tear-stained face was framed in becoming gray hair. She silently admitted the offense. She said that her principal business on Sunday was selling newspapers. "Will you promise that you won't sell cigars again on Sunday?" asked Mr. Vail. In a low, pathetic voice the woman made the desired promise. Then she, too, was discharged upon payment of costs. . . . Agent Biddle testified that he saw a woman sell candy in Carl Schneider's newspaper and cigar shop, at 2462 North Seventh Street, to Agent Hoover, on Sunday. The defendant said his wife had sold candy on Sunday against his express command. "She forgot," he explained. "You had better tie a string around her finger, then," remarked the magistrate. W. H. Dewees, a druggist, of 2501 North Eighteenth Street, pleaded guilty to selling cigars on Sunday. "Hereafter," he said, "I am going to get a doctor to prescribe them for my customers." "That will not save you," said the magistrate. Mr. Dewees would not promise to abstain from repeating his offense, and paid the fine

and costs. The following persons also were fined: Louis Bleiman, 304 North Second Street; C. J. Roth, 910 Susquehanna Avenue; D. Weidman, Broad and Cumberland Streets. Ira H. Moore, Tenth and York Streets; C. A. Martin, Cumberland and Opal Streets; and A. Eubank, 1616 Cumberland Street, paid costs only.

A sensation was made in court when Mr. Samuel Stern, of 304 Susquehanna Avenue, was called. He readily responded, and when Biddle was about to be sworn, Mr. Stern, in a dramatic manner, pushed Biddle's hand away from the Bible, and would not allow any testimony, but made a stirring address, and paid up his \$6.50. He spoke as follows:

“Judge, I object to this man placing his hand upon the Bible. I have too much respect for the book and its contents. This man, by putting his hand on the Holy Book, commits a sacrilege. . . . It seems to me to be useless to attempt to deny that my place was open for business, or deny making any sales, even if Vail's spies would not be capable of proving it. Your honor, looking around this room, and seeing these poor people, half frightened, looking upon the prosecutor [Vail] of these people, being a representative of Christianity, I very much regret Christianity stoops so low — that one bearing the title of “Reverend,” a doctor of Christianity, should be a prosecutor of his own fellow beings. With all due respect to religion and your efforts in one direction only [turning to Vail] I ask you whether there is not a better way to save sinners than this? These people are making only a scant and bare living—and then to make them observe a law which is over one hundred years old. Don't you think it would be better and more Godlike to preach against the supposed violation of the Sabbath day, instead of persecuting these poor people? You cannot enforce the old law. To-day Philadelphia has a population of nearly one and a half million people, and therefore it is impossible and ridiculous to try in these times to enforce such a law. No broad-minded man who has a Christian spirit, and respect for his fellowmen, can ever ap-

prove of this action of your so-called Sabbath Association. . . . Your honor, instead of bringing these people here and exacting their hard-earned money, which is earned by the sweat of their brow, if the law is to be enforced, let it be by the proper authorities, and not by a handful of men who are well fed and comfortable, and sit in their homes, with plenty at their command, laughing at the persecution of their poorer brothers. Your honor, the reason I did not want this man [Biddle] who is a spy of this Christian gentleman [Vail] to be ‘sworn,’ was because no man who acts in the capacity they do can ever lay his hand on the Bible without committing sacrilege. No American citizen who has any principle would ever go around on Sunday securing evidence (?) in the manner they do, however much they might benefit by it. I thank your honor for allowing me to express my feelings, and right here is my Thanksgiving feast, ‘six fifty.’ While you are eating your turkey think over our loss. Your honor, all this money is blood-stained, and the city would do well not to accept it, or put it with the ‘honest-earned money.’ All the chance we have here is as much as Jesus had before Pontius Pilate.”

In answer to the judge about keeping closed in the future, Mr. Stern said: “I am not in the habit of making promises I cannot keep. I do not lie; and cannot tell a lie.” Mr. Stern told me afterward that he had taught Sunday school, and felt a delight in his work. He now supports an aged father and mother, and his wife sends money to help her mother in her declining years. We hope that our opponents will soon see their mistake, and give up this system of persecution and use moral suasion.

This is from the report of the trials on November 4, when about forty dealers were arraigned:

The hearings took place as usual before Magistrate South on Wednesday last, when about forty unfortunate dealers were accused by the Rev. G. S. Vail and his hirelings of violations of the Sunday law. Lately the informer

does not have to buy; if he says he sees the sales made, no matter what distance he stands from the store he is spotting, his testimony is accepted. No matter how much the defendant denies, he has to pay up, and when the veracity of the informers is questioned, the judge will say: "Until I find he is lying, I will believe him. You are fined \$6.50."

Samuel Berman, who conducts a cigar store at the southwest corner of Thirty-second and Market Streets, was among the first called. Albert Hoover testified that he had entered the store last Sunday and saw cigars sold. "As you have nothing to say, I'll fine you \$4 and costs," said the magistrate. Samuel Greenstein was not so reticent. His place is at 3138 Market Street. He was charged by Hoover with selling a plug of tobacco last Sunday. Greenstein wanted to know how Hoover could see what transpired in the store while he (Hoover) was on the street. "Why, your honor, there is a man next door to me who sells chestnuts, peanuts, and everything most on Sunday," cried Greenstein. "Why ain't he arrested?" The magistrate did not know, and intimated that he cared less. Greenstein paid over the \$6.50. John Nardini, 1808 Market Street, sold tobacco on Sunday, said the agent. "I don't sell tobacco, I sell cigars," said Nardini. Agent Vail asked that the case be postponed until further evidence was obtained. Ralph Hart, old and feeble, told a pitiable tale, which brought tears to the eyes of several in the courtroom. Hart conducts a small cigar store at 709 Oxford Street. He was charged with allowing tobacco to be sold at his place on Sunday, October 25. Agent S. L. Biddle made the charge. In a trembling voice the old man said: "I am nearly blind. For two years my wife has been an invalid, suffering from paralysis. The few cigars and little tobacco I sell is my only support, and business is so poor I can hardly make a living. Deprived of my Sunday sales, I don't know what I'm to do. I only take in a few dollars Sunday, but that means so much to me." "Don't you think you could live if you closed the shop on Sunday?"

asked the magistrate. "No, your honor," was the answer. Hart was discharged. "I always close my store at noon Sunday and go to church," said Jeffrey Smedley, whose tobacco store is at 1433 Filbert Street. The agents doubted this, and Smedley was fined \$8 and costs upon two charges. J. D. Farmakis, a heavily-built Greek, was charged with allowing the sale of candy at his store, 1211 Market Street, on the three past Sundays. He had just returned from Europe, he said, and did not know of any violation of the law at his place of business. Farmakis has but one eye, and it snapped savagely as he paid over \$19.50. Others who were fined \$4 and costs for selling on Sunday were: Joseph Kane, a clerk at the Hotel Vendig; Angelo Bonini, 1704 Market Street; C. S. Dougherty, 1536 Market Street; C. H. Cummings, 3950 Lancaster Avenue; Charles Spiegel, 714 Vine Street; Peter Haubert, 46 North Delaware Avenue; E. C. Ramey, 38 North Broad Street; C. W. Buckley, 3101 Spring Garden Street; J. G. Blanco, Eleventh and Arch Streets; Michael F. Ahern, 536 North Thirty-sixth Street, and Franklin F. Neurer, 830 Vine Street. E. J. Stehnel, 161 North Ninth Street, was fined \$8 and costs. Maximilian J. Nachbar, 4108 Haverford Street, admitted selling a cigar last Sunday, but upon his promise not to repeat the offense was released on costs, \$2.50.

Agent Vail said that 2,000 convictions have been made since November 23, 1902. When asked if 80 per cent of these were small dealers and proprietors of corner stands, he admitted that they were.

The following is from the account of the trials on August 12, when 116 dealers were arraigned:

Magistrate South's court on Wednesday last was an almost continuous scene of disorder and pandemonium. One hundred and sixteen blue-law victims were ordered to appear to answer charges of selling cigars or candy. The charges as usual were made by the Rev. G. S. Vail, whose name appeared to all the affidavits. The court was packed

to suffocation, and lasted from 9 a. m., to 2:30 p. m. Before the court opened, Attorney Francis Tracey Tobin requested of Judge South that he grant a continuance for one week of certain cases he was interested in, but this was positively refused.

The first case called was that of H. Bristow, of 532 South Sixteenth Street. C. Purnell, colored, who said he was a barber, testified that he bought a cigar at defendants store, but on cross-examination admitted that he could not identify the defendant. Bristow, however, was fined \$6.50. B. Gottlieb, of 1119 Ridge Avenue, was accused by another agent, Biddle, who said he bought a cigar of a woman at a store on Ridge Avenue, owned by Gottlieb. Gottlieb was fined \$6.50. In this particular instance Gottlieb does not live there or have anything to do with the store. J. Levey, of 1412 South Broad Street, was charged with the sale of one pack of cigarettes. Purnell said he was not sure as to the identity of the man, but Levey was fined \$6.50. In paying his fine, he said: “That man will swear to anything. They are all professional swearers.” Vail looked askance.

One of the most important cases was that of S. Smith, who was charged with sales to the new man — A. T. Beadle — for Sundays, August 2 and 9. When, however, he gave his testimony he failed to describe Mr. Smith. Upon being pressed to describe the party he bought the cigars of, he said he thought it was a smooth-faced young man. Smith said he had no such person around. During a pause, Chris. Levey, who stood behind Smith, said to Smith: “You appeal your cases, and I’ll pay half.” Then came a racket and everybody was on their mettle. The judge, jumped up and roared at Chris. that he was a loafer and a bum, repeatedly, and closing his docket, said: “The court adjourns for five minutes while I go out and attend to him.” Chris. in turn, talked back, but was persuaded to quit. It was more like being beside the ring of a prize fight. But no one got licked, while many times there was a prospect of something about to happen. If some of the very good Chris-

tian subscribers of the Sabbath Association could only gaze on the glorious work of the hirelings to whom they trust for the good of the community, I think they would feel sick at heart.

Yes, indeed. It does not seem possible that Christians could give any countenance or support to such work or to an organization which engages in such work. We are glad to say that it meets with no sympathy from the secular press. The *Public Ledger* has especially and repeatedly spoken out against it, and rightly characterized it as “scandalous persecution.” From two editorials which it published respectively on October 30 and November 6 with regard to the matter we quote the following:

The “Public Ledger” Protests

The enforcement of the antiquated Sunday laws against the small dealers in candy, fruit, and cigars takes on the aspect of a selfish persecution. It is boasted that 2,000 persons have been subjected to fines and “costs,” and the reports of recent hearings show that very many of them are poor women and old men, blind men and cripples, who eke out a scanty subsistence by an innocent trade that harms no one and in no way disturbs the public peace and order. These people are subjected to the inconvenience and ignominy of arrest and the grave hardships of an onerous fine, while greater offenders go unmolested and drinking dens, gambling houses and the abodes of indescribable vice carry on their lawless traffic with the full knowledge of the police and under the patronage of powerful influence. It is an outrage upon law and order and common decency. These prosecutions, it appears, are not undertaken out of regard for the sanctity of the first day of the week. The statutory authority is invoked from motives of business. Shopkeepers upon a larger scale, who can afford to close on Sunday, are unwilling that the smaller people should take advantage of such little neighborhood trade as comes to them on Sunday, and it is

they who have instigated this scandalous "crusade," whose selfishness makes it the more outrageous. Those who have a real respect for law . . . ought to assert themselves unmistakably against a prostitution of the forms of law that discredits lawful authority.

Suppose that a man who has worked all the week and has earned his Sunday rest should indulge himself in a cigar; and suppose that the man or woman who keeps the little shop around the corner shall sell a cigar to him; is that a crime to be visited by arrest and punishment? The man might go to an illicit drinking place and drink and gamble away his earnings with none to molest; but if he gave his child a nickel to buy an orange, the poor fruit vender who was so wicked as to sell an orange on Sunday would be pounced upon by the constable the next day and mulcted in more than the whole earnings of the week. And this travesty of justice is carried on in the name of morality and religion!

Where is this thing to end? If it is criminal to traffic in ice-cream and candy on Sunday, it is equally criminal to buy and sell newspapers. Our great industrial establishments, which cannot wholly suspend operations on Sunday, are violators of the law. The law is violated by the baker and the milkman, and above all by the railway companies that transport tens of thousands of people every Sunday to enjoy their one day of recreation in close contact with nature in the park or in the study of the beautiful in art in the galleries and museums. Is the whole community to be arrested and fined?

The courts have come to the defense of society by declaring the ancient statutes inapplicable to works of recognized necessity, and the busybodies are driven to seek their victims among the little shopkeepers, who can disturb nobody, but who have nobody to protect them. The constable gets his fees and the informer his share of the fines, but wherein is the public benefited? The whole proceeding is selfish, intolerant, unjust. It is the more strenuously to be depreciated because of the reproach it brings upon the cause of public sobriety and reverence which it misrepres-

sents, straining at small offenses while flagrant vice, in gambling den and brothel, on Sundays and weekdays alike, flaunts its hideous form unchecked by official power and unvexed by the self-constituted censors at whose misdirected zeal the vicious laugh and the judicious grieve.

When people see poor folk punished for selling a cigar or an apple on Sunday, while flaunting vice is "wide open" for the well-to-do, will they not insist that the outworn statutes which permit such iniquity should be wiped from the books? Possibly this is the motive of the "Sunday-closing" agitation. Certainly this is its most probable effect . . . The petty persecution now carried on, to the advantage of no one but the agents and constables who enjoy the "costs," is justified by no public interest and no consideration of good morals or good sense, and it is for those who have a regard for either, and who would not see the law brought into general contempt, to insist that it shall cease.

The Crusade Renewed

But evidently the leaders of this crusade, in their blind, narrow, and intolerant zeal, are oblivious alike to the protests of just men and to the certain destruction which they are inviting and hastening for their dear "Lord's day" act of 1794. Regardless of whether or not it be justified by public interest, good morals, or good sense, they propose to continue right on with their miserable "Sabbath-reform" crusade. About the middle of October this call was sent to the clergymen of the city:

Dear Brother: In view of the fact that business is being carried on in our city on Sundays in several banks, in a large number of dry goods and clothing stores, photograph galleries, laundries, candy and other stores in open defiance of the law of our Commonwealth, we propose holding a meeting at the Y. M. C. A. rooms, Fifteenth and Chestnut Streets, third floor, on Tuesday, October 27, at 2 p. m., to take

some practical action to have this wholesale Sabbath desecration discontinued. We earnestly request your presence and co-operation in this important matter.

It seems that this meeting was called for the purpose of taking steps to have the city authorities do what was held to be their duty in the matter of Sunday-law enforcement, and when it convened “a motion to exclude reporters ‘out of courtesy to the city officials’ was carried.” Then, in this “Sabbath-reform” star chamber, “the name, address, and occupation of every alleged violator of the Sunday law in the city, together with evidence to show that the law was being violated,” were given in reports presented. It is said that there were “nearly 5,000 names, including five banks, hundreds of dry goods and clothing stores, hundreds of laundries, and about 3,000 cigar and candy stores.” “After several speeches on the subject” it was decided to appoint and send a delegation of fifty “prominent ministers and laymen” to “wait on Mayor Weaver and insist on his ordering that all store doors be barred on Sunday.” Dr. Mutchler declared outside the meeting: “We are friends of the mayor, but we desire to acquaint him with some things he does not know.” Later it was decided to enlarge the delegation, and “invitations were sent to eighty men of prominence in church affairs in the city.” On the day appointed, November 9, “fifty-nine ministers and laymen, headed by Rev. L. Y. Graham,” waited on Mayor Weaver in his private office, and Mr. John H. Converse, the most prominent of the laymen, handed him this petition:

As representatives of the various churches of Philadelphia we desire to express our thanks for your prompt action last summer in suppressing the violation of the Sunday law in the

parks of our city. With your permission we now desire respectfully to call your attention to certain flagrant violations of the Sunday law as specified in the accompanying statement, and to request you as the chief magistrate of our city to take such action as may be necessary for the proper enforcement of this most salutary law.

With this a list of several hundred of the names and addresses presented in the star-chamber meeting “was handed to the mayor, and he was asked to order prosecutions.” The persons against whom such extraordinary steps were taken to have the public authorities proceed were such dangerous characters as “sellers of milk, meat groceries, soda-water, cigars, etc.,” and the outrage which they had committed against society, and which called for the special attention and action of the chief executive of the municipality, was the selling of these terrible things “on Sunday.” It was reported that the mayor said in response to remarks made: “I appreciate what you say, and am going to keep the city a Christian one. I take pleasure in learning that it is now the most Christian city in the country.” From which we infer that the spokesmen of this delegation of “prominent clergymen and laymen” stated to the mayor that Philadelphia, the city which Mr. Lincoln Steffens tells us is not only one of the most corrupt in the country, but enjoys the especial distinction of being the one of that class that is most contented in its corruption, was “the most Christian city in the country,” and asked him “to keep the city a Christian one.” But of course with the champions of “Sabbath” reform by law there is but one good—Sunday observance; and but one evil—Sunday “desecration.” With them Sunday observance is the length and breadth of Christianity. To them that city where Sunday observ-

ance is vigorously enforced is a Christian city, no matter how notorious and pre-eminent may be its corruption. When the cities of this country become "Christian" after their ideal they may be and can be at the lowest depths of infamy to which they can descend; and part of their infamy will be the very persecution and oppression which marks the course of "Sabbath reform," and to which bosses and corruptionists will always be ready to give approval and support in return for a "clean bill" for themselves and the city in which they thrive from the professed moral and religious leaders who know no evil but that of "Sunday desecration."

Its Leaders Moved to Write in Defense of the Crusade

It seems that the "Sabbath reform" leaders were stung somewhat by the *Public Ledger's* very proper and just expressions regarding their work, and on the day that they waited on the mayor they also had a communication to that paper prepared, which was published the next day over the signature of Rev. L. Y. Graham. We quote from it:

The committee appointed to confer with the mayor of our city concerning the suppressing of violations of our Sunday law desire to express our unqualified disapproval of the statements made in an editorial published in your paper, entitled "A Scandalous Persecution." We do not believe our Sunday laws are antiquated, for they have received the approval of all the courts, supreme and county, the legislature, and of the law-abiding citizens of Pennsylvania for over a century. It is to be regretted that since November last 2,000 persons have been subjected to fines and costs for violation of the Sunday laws in our city, which heretofore has been justly proud of the reputation of its citizens as law-makers and not law-breakers. Even if it be true that some of those convicted are poor women and old men, it is not a justifiable ex-

cuse for their lawless actions. The statutory authority has been invoked not "from motives of business," but because of the violations of the laws of our Commonwealth. The prosecution of the lawless preserves and protects our government and its citizens from anarchy. The founders of our State were liberty-loving, God-fearing, and law-abiding citizens, and their descendants are not less so. The newspapers as a rule have always been conservative of law and order, but they degrade their profession when they publish editorials that teach disrespect for the Sunday law.

This is just like the Sunday-enforcement clergyman, especially the statement with regard to the conviction of "poor women and old men." But one sentiment influences the average Sunday-enforcement clergyman when engaged in his special work, and that is the sentiment which influenced the Pharisees when they cried, "We have a law, and by our law he ought to die." The enforcement of the (Sunday) "law," no matter what injustice may be wrought, is the only thing that they will listen to. In the same issue (November 10) in which the above communication was printed the *Public Ledger* published another editorial, headed "The Committee of Fifty," from which we quote:

The committee whose purpose is to hail to court and fine the humble proprietors of fruit stands, cigar stands and candy counters does not falter in its work. Yesterday it conferred with the mayor over the deplorable state of a city in which, though the nefarious merry-go-round and the death-dealing soda fountain no longer carry on their dreadful ravages at Woodside Park on Sunday, it is still true that an apple, a stick of candy, or even a cigar, can be bought on that day, openly in the heart of town, of shameless purveyors. Yesterday, also, this committee solemnly composed an open letter to the *Public Ledger*, condemning the attitude

of this paper — and incidently misrepresenting it.

The intentions and motives of the personnel of the present Sabbatarian movement have been shrouded in some mystery. The events of yesterday clear the matter to this extent: It is now apparent that the campaign has no other motive than a desire to enforce the statutes against Sunday selling in what is sincerely conceived to be the interest of religion and of respect for law; and that the good men behind it know of no other violations of the Sunday legislation than the obscure individuals whose crime consists in accepting a few old nickels for petty sales of fruit, candy, and tobacco.

We hold that these gentlemen are engaged in a crusade unworthy of their energies in the presence of real evils, gigantic evils, appalling evils, in the combat against which they give no aid. They are neglecting weighty matters to occupy themselves with pitably trivial ones. They meet in a city hall rank with corruption, foul with civic dishonors, that makes the name of Philadelphia a byword throughout the land; they have assembled, fifty of them, ministers of the gospel and leaders in the religious life of the city, to address the mayor in formal resolution and petition. And what do they say? They thank the mayor for his “prompt action last summer in suppressing the violations of the Sunday law in the parks of our city”! The streets down which these gentlemen passed to the city hall reek with crime and moral filth. Gamblers, boodlers, and every variety of those, men and women, who live by vice, infest them. Upon them open licensed drinking dens where the law is habitually violated and unlicensed speakeasies protected by official favor, the existence of which is a defiance of law; pool rooms and policy shops and houses of infamy—known to everybody. Is it to the existence of these things that the committee of fifty call the mayor’s attention? Do they care to voice the horror of the community at the release on straw bail of human beasts who prey on young womanhood, selling it into slavery of unspeakable shame? No. Their endeavor for right-

eousness exhausts itself in giving his honor the names of small confectioners, tobacconists, druggists, and a few butchers and grocers and such like modest — almost without exception poor — trades folk, who have violated the blue laws of 1794, by selling, forsooth, a glass of soda-water to a thirsty child. How is it possible to feel respect for a movement of so feeble a purpose?

We are not specially concerned to point out — though it furnishes alone a sufficient condemnation of the present crusade — that it has nothing to say against multitudes of worse offenders on the same point of Sunday labor and Sunday selling. Why do they not proceed against news-dealers? Why do they not arrest laborers on the streets, at the docks, or on the railroads, when the work is not of necessity? We say to Rev. Dr. Conwell, Rev. Dr. Stevens, and others, that they might be about better business. We urge it upon Mr. Converse that he is not doing the best work he can do. Crimes are proceeding while you, gentlemen, are arresting poor vendors for selling bread and meat on a Sunday morning. Boys and girls are being ruined, and men and women dragged into tragic degradation; the whole population is being corrupted by the spectacle of iniquity seated in power, secure and unassailable; wickedness, actual, monstrous, is triumphing everywhere—while you, gentlemen, are breaking up Sunday peanut stands! Unsheath your swords against the dragons, Mr. Converse, Dr. Conwell, Mr. Gibbons; don’t waste your time treading on the worms.

This merited arraignment went home, and at once several communications came to the *Public Ledger* strongly protesting against its “injustice to the committee of fifty,” and “against its attitude toward the Sabbath observance question, as voiced in the series of editorials on the subject.” Under the double-column heading, “The Blue Law Crusade,” the *Public Ledger* on November 10 published on its editorial page four of these communications, together with two approving its position. Rev.

Frank B. Parkin, of the Grace Methodist Episcopal Church, declared that the editorial from which we have just quoted did "particular injustice to some of the most prominent members of that committee of fifty," and, as was very evident, that "this committee was organized not to undertake a general crusade against all the sins of humanity, but was directed solely against Sabbath desecration." "Dr. Mutchler is not a persecutor," he affirmed, but "is standing as the representative of the general sentiment of the Christian people of Philadelphia against the breaking down of the Christian Sabbath." This brings to view the object, and the only object, of this crusade—it is in behalf of the "Christian Sabbath" that the machinery of the law is being employed. In other words, it is plainly a crusade of religion by law, and nothing else. Evidently appreciating somewhat the fact that something more than "the general sentiment of the Christian people of Philadelphia" is needed to justify the use of the law and the courts in such a crusade, Mr. Parkin asserted that "next to the public school system as the great assimilator of the foreign elements, the American Sabbath, as it has been observed from the days of William Penn to the present time, will do more to protect our city and State against the evils of immigration than anything else." Enforce a religious observance in defiance of American principles and in harmony with European principles in order to counteract the evils of European immigration and to assimilate the foreign elements!

Another member of the committee of fifty declared that "the purpose of the committee of fifty is to do what it can to make Philadelphia a Christian city." Another avowal of the purely religious nature of the crusade. He said also:

The *Public Ledger* cannot afford to say that it is not in sympathy with the general purpose of the Sunday law of 1794. The civil Sabbath is a recognized institution in America, the boon of her toilers and the safeguard of her Christian principles. The laws which conserve it in our Commonwealth were enacted for the two-fold purpose of their protection and the protection of Christian worship from unnecessary distraction. The crusade which has been assailed by the *Public Ledger* was undertaken in the interest of countless journeymen and small dealers who fell back upon this protection.

Yes, the purpose of the enactment of the Sunday law was "the protection of Christian worship," or more accurately, its legal establishment and maintenance, at least so far as Sunday observance is a part of that worship. The other alleged purpose was one unknown to the enactors of the law, and it is in no sense the purpose of the religionists who uphold and enforce the law to-day. It is a pure invention hypocritically pleaded in defense of what is indefensible for what it really is. Another protestant, C. A. R. Janvier, also put forward this excuse about helping the toilers and the trademen, as if it were not perfectly plain that the one vital purpose of the whole crusade was to maintain and enforce a religious observance:

It is utterly unfair to represent the movement as an oppressive attack on resisting but helpless victims. Both in the cases of the barbers, and now in the cases of the cigar dealers, the Sabbath Association has been acting in behalf of organizations representing the trades themselves. A very large proportion of the candy and cigar dealers would be only too glad to close if the closing could be made general. Since some are determined to keep open, the rest must do so or go out of business. There are scores whose sentiments are expressed by one who said recently: "We honestly want to close, and we

have tried to, but our customers are leaving us, and there is no alternative but to lose our Sabbath unless the law compels all to close.

The Philadelphia Methodist ministers have told the tobacco jobbers of the city that if the tobacco dealers could not continue in business unless they could sell on Sunday that they should go out of business, and that if they (the jobbers) wished to be counted as law-abiding citizens that they had better join in the crusade for the enforcement of the Sunday law. With a great deal more propriety can it be said to such dealers as are brought to view in the above quotation that if they cannot continue in business without having the law invade the just liberty and rights of their competitors, confiscating one-seventh of their time and making them criminals for doing perfectly harmless acts, that they should go out of business, and that if they wish to be counted as men who have regard for the rights of their fellows, for the fundamental principles upon which all just laws and free government rest, that they will oppose such injustice and unwarranted denial of rightful liberty? This plea that "we" must "lose our Sabbath unless the law compels all to close" is absolutely vicious, and should receive no tolerance whatever. It assumes that in order for some men to exercise their rights other men must be denied theirs. The people in this country who can't have their "Sabbath" without having other people compelled to observe their "Sabbath," should be given to understand very unmistakably that the only thing for them to do is to get along without their "Sabbath," for to do what they demand would not only be an outrage upon the rights of others but a plain defiance of the fundamental principles, legal and constitutional, of the nation. For our part we believe

that this idea has its inspiration not so much from dealers and tradesmen as from the religionists who in this way seek to justify their enforcement of a religious observance.

The first and longest communication of protest and defense was from "George Stroud Vail, Business Agent Philadelphia Sabbath Association." He declared that the statements of the *Public Ledger* "concerning the movement of which I am in charge have been made of so serious a character that it becomes necessary for me to require the proof," and throughout his communication, which also took up the letter of Mr. Field reviewing the twelve months' work of the "Sabbath" Association, he attempted to attach the imputation of utter falsity to many of the statements that had been made "concerning the movement of which I am in charge." The following is about all there was in the communication that is worth including in this report:

It is asserted that the whole proceeding is "selfish, intolerant, unjust." Since when has it become wrong for men to protect themselves from unfair and lawless competition by seeking the protection which the law was enacted to secure? The laws of Pennsylvania guarantee to every worker the right to rest from his work one day in seven, and the tobacco and candy dealers propose to secure this for themselves, the *Public Ledger* to the contrary notwithstanding. . . . Now a word as to the object of the movement I represent. Our intention is to use the law to secure to every dealer in tobacco and confections in the city of Philadelphia his weekly day of rest, which under the present conditions, many of them, but for the law's assistance, will be unable to obtain, and nearly all will gladly welcome a general closing on Sunday. My services were secured last year on behalf of dealers in candy and tobacco who desired to secure Sunday as a day

(Concluded on second page of this number.)

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