

The Sentinel

OF CHRISTIAN LIBERTY

VOL. XVIII

WASHINGTON, D. C., DECEMBER 31, 1903

NO. 52



Sunday enforcement promotes neither the interests of religion nor of society.

"The only way to reduce Sabbath desecration is to begin at home, each and every Christian person (and every other person) to look after himself."

"To make a shoe or sell a coat, up to 12 o'clock on Saturday night, is praiseworthy; to do the same thing, one minute later, is a crime under the Sunday law. He must be bigoted indeed who dares to claim that the lapse of one minute changes wholesome transactions into crimes, and that twenty-four hours later another minute by the clock restores them to wholesomeness again. Such a burlesque and perversion of justice ought not to remain in the sunshine of the twentieth century."

It is just as criminal under the Pennsylvania Sunday law to publish newspapers, operate street-car lines, and run railroad trains as it is to sell fruit, candy, and cigars. Why should the "worldly business" of the poor and humble be suppressed while that of the rich and powerful is unmolested and even sanctioned and upheld? If the law of 1794 should be enforced against the "worldly business" of small tradesmen it should be enforced against the "worldly business" of great corporations, and if it is not enforced against the one it should not be enforced against the other. The way in which it is being enforced in Philadelphia is bald oppression and persecution, and has been rightly termed scandalous and outrageous.

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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Published by
REVIEW AND HERALD PUBLISHING ASSN.,
222 N. Capitol St., Washington, D. C.

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.

TERMS OF SUBSCRIPTION

Single copy, per year.....\$1.00
" " six months......50
" " three months......25
To foreign countries in Postal Union, one year..... 1.50

CLUBBING RATE.

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At the November meeting of the Winnebago County (Minn.) ministerial association at Winneconne, which was attended by most of the Oshkosh clergymen, "the topic of 'Sunday, the True Sabbath,' was discussed, and it was agreed that the first day of the week is the true Sabbath." But can agreement that that which is not so is so make it so?

✦

The ministerial association of Lincoln, Neb., has "decided to discourage Sunday funerals," and hereafter "the pastors will plead with their bereaved friends to either hasten or delay this solemn ceremony until before or after the Sabbath." This action was taken "because Sunday funerals encourage the livermen to stay in business on Sunday."

✦

It appears that at the last convention of the Pennsylvania Druggists' Association, held in the Y. M. C. A. hall at Scranton, this resolution was adopted: "Resolved, That we urge all druggists to discourage Sunday trade by confining their Sabbath day business strictly to 'works of necessity and mercy,' in accordance with the laws of God and of this Commonwealth." It is safe to say that some of the Pennsylvania "Sabbath" leaders were behind this resolution.

✦

"A Sabbath-closing movement" has been inaugurated in Evanston, Ill., by the retail clerks's association. According to the president of that organization, "Evanston stores are kept open on Sundays principally because of the church-goers, who insist upon stopping to shop on the way to and from church." "Many of them will begin their purchases before the services and then return to finish them after church is out. Almost every Sunday Bibles, hymnals, and prayer books are left about on counters where Sunday shoppers have forgotten them." The work of reform in Sabbath observance so far as Sunday is concerned needs to begin with professed Sunday observers, and when the preachers have set them straight they will have done about all that is required of them in the matter.

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VOL. XVIII WASHINGTON, D. C., THURSDAY, DECEMBER 31, 1903

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Sunday-Law Oppression in Philadelphia Again

THERE is more to add to the report given two weeks ago of the Sunday-enforcement crusade that has been carried on by the Philadelphia "Sabbath" Association in that city, and we feel justified in again giving the matter prominence and devoting much of our space to it. There have been some very interesting developments which we had expected to report in this number, but which, owing to delay in receiving the material necessary in the preparation of a report of them, must be reported in the next issue.

It had been the custom all along to have the hearing of the Sunday-law cases on Wednesday of each week, but beginning with the first week in December they have been held on Thursday instead. Officers of the Business Men's Protective Association, the organization of small dealers that is opposing the Sunday-enforcement crusade of persecution, attribute this change "to the desire of the Sabbath Association to protect its witnesses from arrest for violation of the Sunday law on their own part by buying goods on Sunday." "The law provides that warrants in such cases must be issued within seventy-two hours after the alleged offense is committed," and so by having the trials on Thursday instead of Wednesday the "Sabbath" Association is able to have its agents testify at the trials to their own violation of the law in

order to secure the conviction of others without running the risk of being arrested and prosecuted on the strength of their own testimony. The first hearing under this new arrangement was on December 3, and from the report of it given by the *Public Ledger* the next day we take the following:

More than ninety cases of Sunday selling, in violation of the statute of 1794, were before Magistrate South yesterday, and some thirty of them were disposed of. The prosecutor was Rev. George S. Vail, representative of the Sabbath Association. Benard F. Owens, of 1407 Filbert Street, appeared as counsel for several of the defendants. Questions intended to test the veracity of the informers employed by the Sabbath society were frequently met by point blank refusals to answer, which were in most cases sustained by the magistrate. Among the facts involved in these questions were the private addresses of the witnesses, the businesses which they ordinarily followed, and the names of their employers.

Less than half a dozen cases of candy selling were on the list, and only two defendants in these were tried. One of them is J. P. Farmakis, who has four large confectionery stores on Market and North Eighth Streets. A complaint of selling candy on Sunday at each of these places was lodged against him. He paid the statutory fine of \$4, and costs of \$2.50, in one case, and the magistrate showed an inclination to fine him in the others also, but Mr. Owens made a strong argument in opposition, declaring that in levying one fine for

an offense committed on a certain day, the magistrate had exhausted his power so far as charges relating to that particular day were concerned. "Work on Sunday," said Mr. Owens, "under the law is a single offense, whether it be all done in one place or not. You cannot fine a man twenty times, or even twice, for work done on the same Sunday. But you could hold him for one act of selling at one place, and then arrest his representative or employee for selling elsewhere." Mr. Owens promised to produce precedents in support of his contention, and the magistrate held over the question of penalty in the additional charges until next Thursday.

One poor shopkeeper, who spoke English very imperfectly, naively asked how Borden, a young man who assists in spying upon small shopkeepers, had learned his name, since it does not appear in the style of the firm of which he is a member. "Oh," said the informer, "we have a funny way of finding those things out." In this instance the "funny way" resulted in A. Altman, of 14½ South Delaware Avenue, being fined \$4 and costs.

M. P. Kensil, of 939 Race Street, who last week was summoned from a sick bed to the court, again appeared, and Agent F. L. Biddle, who had testified against him, now finally owned that he could not positively identify him. "But this witness," exclaimed Mr. Kensil, indignantly, "has sworn that I was the man!" Biddle admitted that he had visited twenty-seven other places on that day, November 22, in search of evidence of Sunday violation, some of them near Mr. Kensil's. The inference was that he might have mistaken one place for another. Incidentally, Mr. Kensil confessed that he sold newspapers on Sunday. "That's an admission," cried Mr. Vail, "that he has sold goods on Sunday. This man is trying to avoid responsibility for that store being open—" Magistrate South: "We are not hunting new trouble. We've got enough as it is. We don't want to tackle the newspapers. We have all we can attend to without that. The defendant is discharged."

G. Hills Stephens swore that he

bought a cigar in Irwin Deitrich's shop, at 225 South Broad Street, on November 22, but neither he nor Borden, who was spying outside while he was within, could be certain that it was the defendant who sold them. There were two charges against Mr. Deitrich. Borden testified in reference to an alleged sale on last Sunday, that he was outside and looked through the window while Stephens entrapped the victim within. "Did Stephens pay for the cigar?" asked Mr. Owens. "I suppose he did." "How do you know a sale was made if you did not see him pay any money?" "I just saw him bending over the counter, going through the motions of buying a cigar." Mr. Deitrich had to pay \$13 altogether, fines and costs, for selling two cigars on two separate Sundays.

One of the first cases to come up was that of P. Segal, of 1104 Locust Street. The plea was made for Mr. Segal that he did not deny the offense charged, but that it was the first time he had been arrested, and he intended to keep his shop closed hereafter. It was strongly urged that he was entitled to clemency. "No, he is not!" exclaimed Mr. Vail. "He is a member of the Business Men's Association, is he not? I object to his being let off. This man's place was open two Sundays running, and he is a member of the association." Mr. Segal was sworn, and said he intended to keep his place closed on Sunday hereafter. Mr. Vail still objected to the remission of the fine. "There is a law which says, your honor," he went on, "that those who commit this offense must pay—" "Yes," interrupted the magistrate, "but they have not all paid; at your own suggestion the fine has sometimes been remitted." "When a man belongs to an association," answered Mr. Vail, "whose object is to fight these charges and to help these men to avoid paying the fines they have incurred, I don't think he is entitled to consideration." The magistrate did not share this view, and Mr. Segal paid only the costs of two cases, amounting to \$5.

Wolf Schaffer, of 1348 Ridge Avenue, a poorly dressed, careworn man, who had sold one cigar to Agent Stephens two Sundays ago, paid his fine almost

with tears in his eyes, and said mournfully: "This means that my baby will have to go without shoes, and she needs them." He turned almost fiercely toward the Sabbath society's prosecuting agent. "Why don't you go for the big corporations?" he demanded. "You go for me because I am poor and can't escape you."

A. F. Green, of 264 South Tenth Street, who had been convicted several times of Sunday selling, paid two fines. He told the chief informer that he would give him a cigar if he came around next Sunday. "There are certain kinds of business," Mr. Green declared, "which must be run on Sunday, just like the business of a cook, and mine is one of them." Mr. Vail: "Yes, but there is a law that must be enforced." "That law was made by a lot of fanatics, and we have a lot of cowards who are afraid to repeal it," declared Mr. Green. "They are afraid of the minority party because it always makes more noise than the majority."

Checks for fines and costs were sent to the magistrate by several defendants who did not care to take the trouble to appear. Among these was J. M. Steever, who keeps a cigar stand in the Broad Street Station, and who was charged with two violations. Fines were paid by C. A. Natter, Twelfth and Locust Streets; L. S. Green, 40 South Broad Street; Jacob Weimer, 10 North Eleventh Street; A. H. Faust, 229 North Ninth Street; P. Atlas, 829 Race Street; William Adler, 225 North Tenth Street; J. G. Blanco, 1100 Arch Street; T. K. Linton, 261 South Twelfth Street; M. Goldberg, Seventh and Arch Streets; D. Forman, Tenth and Race Streets; H. Konesky, Ninth and Locust Streets; A. Schwartz, 246 Arch Street; D. M. Schneyder, 252 North Tenth Street. Many of these paid two fines and double costs. P. Bonini, 137 North Broad Street, on promising not to sell cigars again on Sunday was discharged on payment of costs only.

The day following this hearing one of the interesting developments to which we have referred took place, and to it, which we will report next week, was no doubt due the modification of

the zeal and activity of the "Sabbath" Association in its work of oppression and persecution, which was evidenced by the hearing of the following Thursday. We quote from the *Public Ledger* of December 11:

A smaller crowd than usual and fewer complaints of violations of the blue laws of 1794 were before Magistrate South yesterday. The small candy dealers seem to be less troubled by the argus-eyed informers of the Sabbath Association than formerly. Only four cases against them were called, and only one of the defendants was present to be tried. The absentees, without special request on their part, were indulgently allowed, with Mr. Vail's approval, to defer the climax of their misery until next week. There were also signs that Mr. Vail pursued the work of prosecution with somewhat less zest than heretofore, or else that he had less confidence in the efficiency of the assistants who perform for him the unpleasant function of the spy.

One of the Sabbath Association's witnesses declared under oath that he had bought a cigar last Sunday in the shop of George Schmidt, 2604 Germantown Avenue. Mr. Schmidt, a man of direct speech and excellent appearance, solemnly denied that any cigars or tobacco had been sold to the witness in his place. "Will you keep your place closed on Sunday hereafter if we let you go?" asked Mr. Vail. "Closed!" exclaimed the accused. "I did close on Sunday, and I lost all my customers. I am ruined by being closed."

Some irrelevant controversy arose, in which the prosecutor contrived to keep his voice uppermost. Mr. Schmidt did not endeavor to disguise the fact that he had again opened his shop on Sundays, after finding how disastrous the closing had been to his week-day trade, but he insisted that nothing had been sold in his shop on Sunday last to the witness. There was no corroboration of the informer's testimony. Mr. Vail grew confused. Several of his questions seemed to indicate that he was fishing for a reason to drop the case. "You say that you closed your shop on

Sunday?" he asked. Magistrate South broke in: "Now, see here! What is the use of all this discussion? I'm getting very tired of the whole subject. The man has said that he opened his place again on Sunday."

"I would like, your honor," said Mr. Vail, "to have the fine remitted in this case." The fine was accordingly remitted, but the defendant paid the costs, because, as Magistrate South had dryly remarked at another hearing, if he did not pay them Mr. Vail would have to do it. Thus in some cases defendants are compelled to pay the expense of unproved charges, lest the funds of the Sabbath Association suffer through the ineptness of its instruments.

H. M. Shive, of 2358 Germantown Avenue, being accused of selling tobacco on Sunday, wanted to test the informer's memory and veracity by questioning him as to the person from whom he made the purchase. The witness confessed himself unable to give any clear indication as to the kind of person it was. "This informer is worse than the man who sells," declared the defendant. "He entices the shopkeeper, and then swears his money out of his pocket." Prosecutor Vail solemnly reminded all present that "there is a law which says you shall not work on Sunday." "You work on Sunday, don't you, Mr. Vail?" asked a representative of the shopkeepers. "Oh, if you say so, I do, of course," retorted Mr. Vail, disdainfully. "And you are paid for it?" "I receive no Sunday wages," answered the prosecutor, bridling up. "You receive wages by the month from the Sabbath Association, don't you?" The reply, which was indistinct, was interrupted by the magistrate's announcement. He said that Mr. Shive was convicted, and must pay the fine and costs.

A new informer, named Penn Roberts, little more than a boy, and who, under instruction from Mr. Vail, refused to give his personal address, appeared in many of the cases. He had bought a few cents' worth of candy on Sunday from J. J. Scheuerer, of 800 Spring Garden Street. Mr. Scheuerer is a pleasant-faced, bald-

headed man of about 50. He gave the boy witness a glance of benevolent pity, and did not deny the statement. The fine and costs were imposed.

One of the first cases was against "John Doe." A young employee of the Union News Company appeared. Last week Mr. Vail failed to obtain the conviction of a "John Doe," who tends one of the newspaper stands in the Broad Street Station, Edward Murray, counsel for the Union News Company, raising the point that the complaint did not furnish data for the identification of any one. Last Sunday Mr. Vail tried again, sending the new informer, Roberts, to get better evidence for the prosecution. Mr. Murray again defended the person summoned. Young Roberts was confronted with "John Doe," but could not identify him. There was an acrimonious exchange of remarks by Mr. Murray and Mr. Vail, the latter showing anger and essaying to silence the lawyer. "Are you an attorney?" asked Mr. Murray. Mr. Vail owned that he was not. "It seems to me, then," retorted Mr. Murray, "that you are taking unwarranted liberties before a magistrate." "John Doe" was once more discharged.

The list of cases disposed of is as follows: fined \$4 and \$2.50 costs each: A. Assa, Eighth and Oxford Streets; W. Barber, 502 North Broad Street; J. P. Brown, 43 South Fifteenth Street; Cornelius D. Cassidy, Eleventh and Walnut Streets; F. M. Cullen, 805 Columbia Avenue; Benjamin Lipschutz, 44 North Twelfth Street; Joseph Hirtzel, 3404 Germantown Avenue; J. M. Stover, Broad Street Station; H. N. Shive, 2358 Germantown Avenue; William B. Wells, 319 North Eighth Street; J. Weitzman, 1128 Spring Garden Street; S. Scharf, Eighth and Green Streets; E. C. Sterner, 20 North Twelfth Street; Joseph Way, 1105 Market Street; M. Zifferblatt, 53 North Thirteenth Street; J. J. Scheuerer, 800 Spring Garden Street; S. Ekelschein, 209 North Tenth Street. Fines remitted, but costs levied: B. A. Gesung, 2844 Germantown Avenue; Ellis E. Harner, 307 North Thirteenth Street; George W. Lake, 2639 Germantown Avenue; George Schmidt, 2604 Germantown Avenue.

An Able and Excellent Summing Up of the Situation

The announcements in the newspapers preceding the "conference on Sunday desecration" with the mayor of Philadelphia on November 9 led Dr. A. H. Lewis, editor of the *Sabbath Recorder* (Seventh-day Baptist) to suppose that a public hearing on Sunday-law enforcement was to take place before the mayor, and with the intention of speaking if opportunity offered, he prepared the following outline of remarks, which is not only good with regard to the situation in Philadelphia, but with regard to the "Sabbath-reform"-by-Sunday-law-enforcement question wherever it is presented, and it is presented all over the country. There was no opportunity for Dr. Lewis to speak, but a copy of his outline of remarks was left in the hands of the mayor and was published in part in some of the newspapers. It is an excellent and able summing up of the Sunday-law question, and points out the only way by which it can be settled. We had intended presenting it at the conclusion of the report given two weeks ago, but it had to be omitted, and so we present it in connection with the report this week:

The agitation of the Sunday question in Philadelphia and in Pennsylvania has grown for the last twelve months, and promises to be still more extended and vigorous for the next year. The present state of things results from adequate and long-standing causes. Philadelphia, Pennsylvania, and the United States are face to face with the fact that our various Sunday laws are decrepit and inoperative in any consistent or just way. Through the decisions of courts, the action of legislatures, and the power of public opinion, all important business and popular recreations disregard the Sunday law. Such enforcement as is secured against small dealers has degenerated into persecution, and should be called progress of

injustice and intolerance, rather than progress in Sabbath reform.

Although now called a Christian institution, Sunday legislation was of pagan parentage. The first law, 321 A. D., by Constantine, was pagan in every particular. It was not unlike laws, long existent in the Roman Empire, by which many other days, sacred to other gods than the sun god, were exempted from judicial proceedings, and from many kinds of labor. There was no other Sunday law for almost two generations, and the embodiment of Christian ideas or nomenclature does not appear in Sunday legislation until nearly the close of the fourth century. Constantine began the work of transforming Christianity into the state church, after the pagan model. That transformation was rapid, and the full development of the Roman Catholic state church soon resulted, Sunday becoming one of the many days set apart by law under that system. So far as Sunday laws are concerned, Sunday is wholly Catholic, historically and logically. A thousand years of Roman Catholic supremacy followed. Christian history emerged from the shadows of the Middle Ages. Protestants revolted. Under Cromwell, in England, they renewed Sunday legislation on the Roman Catholic basis of a state church, but with an intolerance and narrowness more than Catholic. The Cromwellian type of law, little modified, was transferred to the American colonies. The Pennsylvania law of 1794 is a fair type of that genus, though not quite equal to some of the colonial laws of Massachusetts and Connecticut. With the evolution of Sunday laws in the colonies and the States for the last two hundred years, you are well acquainted. It has brought the present state of things. The Continental Sunday has taken possession of the United States, and existing laws are inoperative or notably unjust.

This is the most vital question in the whole Sunday issue at the present time. The downward evolution and loss of vitality in Sunday observance and Sunday laws is the most prominent fact in the situation. Why?

Prominent among the causes which

have brought the present status on the Sabbath question and the Sunday law is the fact that Protestants have not been true to their own professions in the case. Historically and logically, Sunday legislation belongs to the state-church system, and to the idea of church authority as embodied in the Roman Catholic Church. Protestants denied this doctrine of church authority, and logically, if not actually, the state-church idea. But, with the exception of the Seventh-day Baptists, they retained, or returned, to the Catholic position, and so renewed Sunday legislation, as we have already noticed above.

The progress of religious liberty and the coming of the twentieth century have discarded the state-church idea still further, and hence one reason for the decay of Sunday laws. With advancing ideas as to how far the state, or society, in the aggregate, may legislate concerning personal actions, the decay of Sunday legislation has been inevitable. The best sentiment of these years accords with the truth set forth by the late John Stuart Mill, that civil law must not coerce individual action, nor curtail individual liberty, until that action becomes definitely antagonistic to the general good. No wonder that a law which makes a man a criminal because he sells an apple on Sunday has decayed before the truth concerning individual rights. The Sunday law has decayed because it creates an artificial standard of crime, instead of dealing with actual crime. Almost every act now punished under the Sunday law of Pennsylvania is held to be wholesome, and helpful to society and the commonwealth, except on a given twenty-four hours. To make a shoe or sell a coat, up to 12 o'clock on Saturday night, is praiseworthy; to do the

same thing, one minute later, is a crime under the Sunday law. He must be bigoted indeed who dares to claim that the lapse of one minute changes wholesome transactions into crimes, and that twenty-four hours later another minute by the clock restores them to wholesomeness again. Such a burlesque and perversion of justice ought to decay soon under the sunshine of the twentieth century. That this law must be enforced by spies and through deceit is another evidence of its decay.

Meanwhile regard for Sunday among Christians has decayed. Representatives of all the leading denominations declare that regard for Sunday has declined, and that Christians are largely responsible for the present situation. When the church regarded Sunday strictly, Sunday laws were operative and the decline of regard for that day, on the part of Christians, is a definite factor in the decay of Sunday legislation.

What can and should be done:

1. Remand the whole Sabbath question to the domain of religion and conscience, where it belongs.
2. If employed persons need protection from the exactions of employers, give them protective rest for one day, as they may choose. If a man desires to work every day the law has no right to interfere, any more than it has to forbid him to eat too many fried oysters after midnight.
3. Break up all legal equality between legitimate business and saloons, brothels, gambling dens, and the like, and treat them as crimes per se. Outlaw them on all days, and cease the folly of assuming that they are worse on Sunday than at other times. Above all else, cease to enforce idleness by law, which feeds the streams of evil results that such places produce.

A Philadelphia clergyman says: "Get evidence against cigar stores and candy dealers, and the Lord will bless you." It may be that the Lord will, but it seems as if He would be more inclined to bless some other sorts of business.

The people against whom accusations have thus far been brought are mainly small dealers to whom the Sunday sales are an important part of their business. Inasmuch as it cannot be reasonably claimed that the buying of candy and

cigars on Sunday ruins anybody's morals, it seems as if such a law were rather absurd. . . . People are not going to quit using these things on Sunday if they cannot buy them on that day, but if there is no law against such small traffic a good many poor but honest citizens, of the same social position as the keepers of news stands and fruit stands, will be enabled to make a little

extra money, which means a great deal to them. Candy and cigars are certainly not more immoral in their influence than mince pie and the *Police Gazette*, both of which the citizen may have on Sunday if he goes to the places where they are sold. There are other abuses in Philadelphia better worth chasing than such small game as this.—*Washington Times*.

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 Sunday law seems to find occasional violators despite the penalty inflicted for such offenses," reports the *the Great Bend (Kan.) Item*.

✦

It was recently reported in New Mexico that "the Santa Fe *New Mexcian* is waging a sturdy fight for the observance of the Sunday law in this Territory."

✦

At St. Paul, Minn., on December 12, "Judge Hine continued eighteen Sunday-closing cases to December 26, pending habeas corpus proceedings in the district court."

✦

Policemen visited several pool and billiard rooms in Utica, N. Y., on December 6, and "notified the proprietors that the resorts must be kept closed on Sundays, and that no operation of the tables on that day would be tolerated."

✦

"A crusade for the abolition of Sunday work in the markets and meat stores" of Cincinnati, Ohio, was inaugurated recently by the meat cutters' union, and "will be pushed by C. E. Schmidt, vice president of the Amalgamated Meat Cutters' and Butcher Workmen's International Union."

At Albany, N. Y., on December 1, John Small, a barber, was arraigned before Recorder Bevans in the court of special sessions on the charge of "violating the Sunday barbering law," but was discharged "owing to insufficient evidence."

✦

At Beverly, Mass., early in November the carpenters' union attempted "to stop Sunday work on the plant of the United Shoe Machinery Company," and "addressed letters to all ministers in the city asking their aid in assisting the union to stop the work."

✦

This significant note recently appeared in the *Glenwood (Minn.) Herald*: "The question of Sunday closing might be profitably discussed not over a thousand miles from Glenwood. The law is now clear on the subject, and leaves really no chance for any discussion."

✦

At Macon, Ga., on December 8, M. F. Cameriero, a fruit dealer, "was fined court costs for selling fruit on Sunday." "The city authorities make it interesting for those who violate the Sabbath here," said the press dispatch, "and then the offenders have to reckon with the State authorities."

This was reported from Elwood, Ind., on December 11: "During the last month Constable Bravey of this township has arrested and convicted seventeen men who hunted on Sunday, and, after deducting court costs and the money allowed the various funds, has turned over \$240 to the State auditor."

✱

It was recently reported from Shelbyville, Ind., that "the ministers, liverymen, and the undertakers of this town have gone into an odd combine." They had "agreed among themselves that there shall be no funerals on Sunday." "The ministers set up the claim that the funerals sadly interfere with church services."

✱

A dispatch from Fremont, Neb., under date of December 9, said: "The retail grocers of this city are considerably agitated over the Sunday-closing question. Several places on Main Street are open for business Sundays. No particular complaint is made of one merchant who is a Seventh-day Adventist and closes on Saturday, but is open for business on Sunday. Unless all but the Adventist can be persuaded to close their doors Sundays prosecutions may follow."

✱

Two weeks ago we made note of the fact that at Great Falls, Mont., on November 12 a representative of the ministerial association served formal notice on the manager of the opera house that there must be no performance as advertised on the following Sunday evening. The formal notice read as follows: "We desire to call your attention to section 530, penal code of the State of Montana, and beg to inform you that we shall take every needed step to see that said law is enforced, with its full penalties, in case a violation of said statute occurs on Sabbath evening, November 15, or any other Sabbath day." The notice was signed by six clergymen.

✱

At Galveston, Tex., on December 1, F. G. Weis, manager of the Grand Opera House, and E. B. Arnold, man-

ager of a theatrical company, "were arraigned before Recorder Royston on two charges of violating the Sunday law, it being alleged that they produced a theatrical performance in the city of Galveston on Sunday, November 29, contrary to law." Trial of the cases was postponed until a jury could be secured. On the same day two members of the theatrical company were arraigned "on a similar charge in Justice Fountaine's court," and "upon motion of the State the cases were continued in order that the prosecution might prepare its side of the controversy."

✱

The Des Moines, Iowa, *News* of December 4 reported: "J. S. Connolly, manager of the Mirror Theater, who was arrested Monday at the instigation of the Des Moines ministerial association on the charge of violating the Sunday-closing law, will resist prosecution. Connolly's defense is in Article 14 of the Federal Constitution, which guarantees to every citizen immunity from arrest without due process of law. He will also plead that he is giving Sunday shows in the interest of charity, and will produce receipts for money received and expended along this line. He says he has 'helped more Des Moines poor than all the ministers put together,' and that he will not close the Sunday benefit shows."

✱

In Philadelphia on December 4 "seven barbers were each fined \$4 and costs by Magistrate Stratton for violating the blue laws by shaving on Sunday. The prosecutor was W. H. Reeves, the business agent of the barbers' union, who told the magistrate that each Sunday he spent in spying on barbers. Usually, he said, he found the front door closed, and, in some cases, he had to go to a side door or to the rear and peep in." "James Freidman, of 241 Lambert Street, said he was ignorant of the law, and because it was an accommodation to some of his patrons he had kept his shop open a little while each Sunday. Mr. Freidman and two assistants were fined. Samuel Zimmerman, 754 South Second Street, and one assistant; William Stelzer and William

Ring, 793 South Second Street, were each fined. They all admitted they were guilty, but pleaded that some of their customers could not get to the shop on Saturday, and that they could not afford to offend them by refusing them a shave early Sunday morning."

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At Norristown, Pa., on November 9 and 12, Judge Aaron S. Swartz "reversed the finding of Justice of the Peace Fitzwater, of Springfield township," in the cases of twenty-eight persons who had been convicted by the justice of violating the Sunday law. "Certain amusements were in operation on August 16, 1903, at Chestnut Hill Park, and the defendants were charged with engaging in worldly employment on Sunday as managers or owners of these amusements." As the evidence did not show that the defendants "were in any way interested or connected with the park either as owners or lessees, or that they had any part in the operations as owners or managers," Judge Swartz held that "it fails to support the convictions." But he took occasion to let it be known that his action was not due to any unfriendliness to the Sunday law by saying in his decision: "Violations of the act of April 22, 1794, should be punished. Every citizen who has a due regard for law and the observance of God's day will assent to this proposition. This law is part of our established customs, and we must protect them as essentials to our social life. Much as we regret the growing tendency to disregard what are termed Sunday laws, we cannot convict persons charged with violations in the absence of evidence showing guilt."

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"The matter of the observance of the Sunday ordinances" was before the city council of Crete, Neb., on December 2. "About six weeks before a body of prominent citizens appeared before the council urging that it secure a better observance of the Sunday ordinances, and by order of the council the mayor had the ordinances relating to Sunday observance published and distributed to all the business houses.

There were a few who did not conform thereto, and this body of citizens were determined that all should observe them and all places should be closed on Sunday. To this end about twenty of the prominent citizens again appeared before the council and argued the matter with the mayor and council, and made a second demand for the enforcement of the ordinances. Mayor Buck felt that he had done his duty and that if the citizens had any further complaint they should file complaints and prosecute the offenders. The citizens felt that it was the duty of the city government to enforce the laws. The council finally instructed the mayor to put on a special police for a couple of Sundays and see if compliance with the ordinances by all could not be secured. The mayor was also instructed to enforce the penalties against any parties failing to comply with the ordinances. The citizens seem to manifest an attitude of seeing the matter through to a finish."

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At El Reno, Okla., recently it was held by District Judge Irwin, who is a member of the supreme court of the Territory, that the Sunday law in force in Oklahoma "does not prohibit Sunday entertainments given for the edification and enlightenment of the people, and which do not disturb and interfere with the religious and physical comfort of the citizens." The ruling was made in the case of Manager Patterson of the El Reno opera house, who had been prosecuted "for opening the house to Sunday entertainments." "Judge Irwin held that if the law applied to the Sunday theater in the manner sought to be shown by the complainants, it would also apply to lectures in churches, sermons and any other class of entertainments or religious services intended for the enlightenment and betterment of the people. To give a performance in an opera house, where the peace and quiet of the citizens are not disturbed, the judge thought, the law does not touch. He therefore dismissed the case and instructed the sheriff to release the prisoner." It is said that "Judge Burford at Guthrie and Judge Burwell at Oklahoma City have

also passed upon the same law in those cities, and each holds the same opinion as does Judge Irwin." This opinion is a good one, but not from the standpoint of the Sunday law. The Sunday law is intended to prohibit and prevent everything that is inconsistent with the religious observance of the day, regard-

less of whether the public peace is disturbed or not. But of course the law, on Sunday as at other times, should not interfere with people unless the public peace is being actually disturbed. And of course a theatrical performance is no more of a disturbance of the peace than is a church service.

When Does It Commence?

When does the "Sabbath" which has assumed to itself the guardianship and support of the civil law begin and end? What is the exact period of time that it covers? This is by no means as well settled as may be supposed, or as it should be in view of the fact that people are required under penalty to observe it. The point was suggested by an arrest for "Sabbath-breaking" in Melbourne, Australia, a short time ago. An account of the incident, together with a consideration of the point suggested, appeared in the *Australian Signs of the Times*:

A lad was recently arraigned in the police court in Melbourne on the information of a constable charging that "he did deal on Sunday by selling newspapers in Bourke Street." The evidence disclosed the fact that the lad, in company with another boy, was selling newspapers at ten minutes past twelve on Sunday morning, to which the defendant offered no denial. The magistrate, after questioning the lad a few moments regarding his reasons for violating the law, remarked, "You cannot sell papers on Sunday," to which the defendant replied, "It was Saturday night." "What! Saturday night?" replied the magistrate. "No, after Saturday night," interjected the constable; and he then called the attention of the bench to the fact that newspaper boys were to be found selling papers in the streets until one and two o'clock in the morning. The remarks of the magistrate upon hearing this explanation are worth reflecting upon. He said: "Oh, absurd! This is cutting it very fine. I thought it was in the daytime. It's very trivial." After

making these few comments he dismissed the case. There is, however, a principle involved in this incident which might be worth considering. Rigid Sunday-keepers would say the constable was quite right, for in the cause of Sunday sacredness all business, work and pleasure must cease at midnight, and as it was already ten minutes past the hour which ushered in Sunday, therefore the constable was right to prosecute those who were carrying on trade of any kind. But it is a debatable question at what hour Sunday begins. In English civil law Sunday is reckoned from midnight to midnight and therefore as a civil institution we may conclude that Sunday begins at midnight. But as a rest-day, appointed by the church, according to canon law it should be observed from vespers to vespers. In Scotland, in the reign of King William, A. D. 1203, it was enacted that "Saturday from twelve noon ought to be accounted holy," and "that at the tolling of a bell the people were to be employed in holy actions, going to sermons, and the like, and to continue thus until Monday morning," a penalty being laid on those who did contrary. In 1214, during the reign of Alexander III, King of the Scots, it was enacted "that none should fish in any waters from Saturday after evening prayer till sunrise on Monday." In England labor was forbidden "from 3 p. m., on Saturday until sunrise on Monday." In France millers were forbidden "to grind their corn from Saturday evening till Sunday evening." In the reign of Charles II a law was placed on the English statute book which may be regarded as the foundation of all Sunday laws in England and her dependencies. It enacted "that no artificer, workman, laborer, or other person whatsoever, shall do or exercise any

worldly labor, business, or works of the ordinary calling, upon the Lord's day, or any part thereof (works of necessity and charity only excepted)," and "that no person or persons whatsoever shall publicly cry, show forth, or expose for sale, any wares, goods, or chattels whatsoever, upon the Lord's day, or any part thereof." Sunday, as a religious institution, depends for its authority entirely upon the enactments of popes, kings, and church councils, and therefore, being brought into its present position of honor by "the canons and decrees of councils, the decretals of popes, and orders of particular prelates," says Dr. Peter Heylyn in his "History of the Sabbath," "it doth not stand so firmly and on such sure grounds but that those powers which raised it may take it lower if they please; yea, take it quite away as unto the time, and settle it on any other day as to them seems best."

Being only a human ordinance, and having no Scriptural authority whatever, the obligation to keep Sunday as a day of rest, the manner of its observance, and the time at which its observance should be commenced, depend upon the civil laws that are put in operation, and the caprice of the individuals who are appointed to administer the laws. When persons are charged with a violation of Sunday laws the offense is frequently magnified or minimized, just as the administrator of the law believes the convenience of the community has been served or interfered with. The principle involved receives little consideration. For instance, it will readily be conceded that if it is a sin to trade on Sunday, and Sunday is defined to commence at midnight, then it is as much a transgression to trade ten minutes past midnight as at ten minutes past noon. The case referred to above was dismissed because the offense was committed during the night-time, but had the constable caught the boy selling papers in the daytime, it is a question if the lad would have been dealt with so leniently. Wherein lies the difference? Evidently it will be found in public expediency. Melbourne church-goers would receive a shock to their morals if boys were al-

lowed to sell papers in the streets in the daytime on Sunday, but so long as the crime (?) is committed when the church-goers are in bed, out of sight and hearing, public convenience and opinion is not interfered with, and therefore it is held that the transgression is too trivial to be noticed. The great daily newspapers open their offices on Sunday evening long before the midnight hour, for the acceptance of advertisements for Monday's papers, and for the transaction of other business; but we never hear of prosecutions being instituted against these newspaper proprietors for infringing Sunday laws. Wherein lies the difference between selling newspapers on Sunday and printing newspapers on that day? The principle involved is the same, but it is wholly a matter of expediency.

Another feature of this paltry prosecution which might incidentally be referred to, is that Sunday (counting from midnight) had not arrived at ten minutes past twelve, because, since the introduction of "zone time," Melbourne time is twenty minutes in advance of true time. Therefore, according to the evidence, the alleged offense actually took place ten minutes before midnight, true time. This incident is but another illustration of the confusion into which man-made religious ordinances are liable to be thrown. Following God's plan of reckoning the day, from sunset to sunset, the Sabbath is not affected by changes in time brought about by men, for God's great timekeeper, the sun, marks the beginning and ending of each day with unerring regularity.

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**Clergymen Discuss
"Sabbath" Observance and "Desecration"**

The semi-monthly meeting of the Lincoln, Neb., ministerial association at the city library in that city on December 7 was taken up with a discussion of the question of Sunday or "Sabbath" observance, or rather of "Sabbath desecration," for it was with a paper on this topic that had been prepared by the pastor of the First Presbyterian Church that the discussion be-

gan. There was "considerable argument leading to some mirth, but to no very satisfactory conclusion." Some of the questions raised were: "Should the Christian people of Lincoln ride on the trains from one town to another or on the street-cars to and from church services on the Sabbath? Should they put notices in the Sunday papers? Should the children eat candy, the young people go riding, or the older ones smoke cigars and read the Sunday papers?" "On some of these questions the ministers agreed almost unanimously, but on others there were many who held opinions extremely different as to the method of dealing with and destroying Sabbath desecration." "The great difficulty throughout the meeting was that it is hard to say where the limit should be placed, and many admitted that no set rule can be fixed for the observance of all the people, and that they themselves were doing some of the things mentioned on the day of rest, yet did not consider that in their cases it could be mitigated." The matter of having gas for lighting and cooking, thus entailing labor on the part of the employees of the gas factory, was brought up, and the pastor of the First Christian Church declared that he could not agree with those who said that "we must have the gas to cook our dinners." "I say to my brothers," said he, "you don't need to cook your Sunday dinner; give your stomach a rest as well as your body, or eat cold food if you must eat." At this point the speaker was interrupted with these interrogatories: "How about the lights in the churches? Shall we preach in the dark?" To which the response was made: "No, no; I don't want to go that far, but we must set a limit somewhere." "As to the riding on trains on Sunday, nearly all agreed that it is

only in extreme cases that men need to travel on Sunday, provided all people agreed to stop traffic on that day. Some questioned the possibility of not using the street-cars on the Sabbath." It was stated that there are people who "belong to some denomination which possibly has only one church, and that away off in another part of town, so that they must use the street-cars to ride to and from their church services." To this some of the sticklers for the creed of strict Sunday observance replied: "That is rather foolish. These people should not be such sticklers for creed. They can get the Holy Word at some church near their own home, save their money, and discourage the necessity for conductors and motormen on Sunday." Others said: "We are not of that opinion. If a person cannot get that which satisfies his soul in a denomination near home, he is entitled to go elsewhere if he chooses." The paper on "Sabbath desecration" declared with regard to the Sunday newspaper "that this institution was one of the great sins perpetrated on the holy day," and that "it cannot be said to be conducive to good in any way." Yet the speaker declared in the same connection that "there are a great many good things, many things of special interest, of which you and I are very desirous to learn, which are held back for the Sunday edition, and we must read the Sunday papers to get them." Some one asked, "How about putting notices of Sunday services in these papers?" and declared, "We are doing it." Then the secretary of the Y. M. C. A. said: "I have notices in the Sunday papers, just the same as the rest of you. More than that, I have been paying to have signs on the street-cars on Sunday announcing our afternoon meeting. It may be that I am

doing wrong, but I hardly believe that I am." He thought that "as long as these things do not stop, if we wish to carry on our work successfully we must make use of them," and "several others spoke emphasizing this sentiment." "All agreed that children should not eat candy, that men should not smoke, and that young people ought not to go riding on Sunday." "By eating candy the children induce the confectioners to keep their shops open on the holy day; men should not smoke especially on that day for the same reason, and by using the buggies and horses the young people tempt the livery men to keep their establishments open." Very wisely and very unusually for such a body, "it was finally agreed that the only way to reduce Sabbath desecration is to begin at home, each and every Christian person to look after himself and do all in his way that he can to lessen the evil," and that "it would be useless to start any sweeping reforms until the people of the church can place their own action entirely above reproach." And in connection with this determination it was "requested that the committee which had been appointed to look into the observance of the Sabbath be discharged," and "this was done." The course that has been adopted in this matter by the Lincoln ministerial association is not one that most of the other ministerial associations throughout the country that give attention to this matter adopt — indeed, we recall only one other instance where this course has been adopted. But it is the Christian course, which the method of "law and its enforcement" decidedly is not.

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Some one has written from Massachusetts to the New York *Tribune* that

"Sunday games are getting more and more to be the order of the day, paving the way for an easy descent to, first, a preliminary bracketing and eventually a complete blotting out of the Fourth Commandment." It would be interesting to know what connection there is between the Fourth Commandment and Sunday games. This correspondent also says that "had God only foreseen the present-day necessity for care-relieving amusement He would have made the commandment read, 'Remember the Sabbath day to deep it divertingly,' and again that "if God had only foreseen the requirements of our twentieth century business He would surely have written, 'Remember the Sabbath day to keep it financially.'" And had He written the commandment to meet the requirements of the present-day "Sabbath" agitators He would have written: "Remember the Sabbath day to enforce it upon others. Six days shalt thou labor . . . ; but the first day is the Sabbath; in it thou shalt do no work, except that of spying upon thy neighbors and getting evidence for the purpose of prosecuting those who may be caught working or selling. Induce all whom you can to sell to you in order that you may have them fined or imprisoned, for that which is evil in them will be accounted as righteous in you." The people who have substituted Sunday observance for Sabbath observance have done more toward bracketing and blotting out the Fourth Commandment than ever has or ever will or ever can be done by Sunday games, work, and traffic, and they are very foolish in appealing to it against them. All that those who engage in Sunday games, work, and traffic need to do when denounced on the authority of the Fourth Commandment is to point to the example of those who thus appeal to the commandment.

THE Sunday=Law Question

Is one of growing importance. Enforcement of the old laws is reviving, and demand for the enactment of new laws is increasing. The issue presented is vital, and the principles involved fundamental and far-reaching. The publications below should be read by all who would be informed on the question. They deal with it from the broad standpoint of the accepted principles of civil and religious freedom, and will commend themselves to every impartial and candid reader.

THE LEGAL SUNDAY: Its History and Character

BY THE LATE JAMES T. RINGGOLD, OF THE BALTIMORE BAR

This is a very able treatise on the history and character of the Sunday as an institution protected and enforced by the civil law. It is divided into four parts, as follows: Part I. "The Historical Aspect of the Question," including a very rare history of the Brownists, who set up an established church and the Sunday laws in America. Part II. "The Moral Aspect of the Question," including six chapters on the various features of Sunday laws. Part III. "The Constitutional Aspect of the Question," containing five chapters on the enforcement of Sunday laws, and deals with the grounds and arguments on which Sundays laws have been upheld. Part IV. "Supplementary," drawing the distinction between immorality and incivility, also between vice and crime, together with some observations on "Clerical Slumming." This work covers its topic thoroughly, and will appeal especially to lawyers, judges and others desirous of a semi-legal treatise on the question. The book contains 252 pages; bound in cloth and paper, at 50 and 25 cents respectively, postpaid.

"DUE PROCESS OF LAW" and the Divine Right of Dissent

BY ALONZO T. JONES

It is said that until 1891 the judicial branch of the United States government had never been called upon to take cognizance of the Sunday-law question. In that year the question of enforced Sunday observance was brought before the Circuit Court of the United States for the Western District of Tennessee by the appeal of the celebrated King case from the State courts. In remanding the prisoner Judge Hammond attempted to justify Sunday legislation and its enforcement, even to the extent of "persecution," and limited and denied the American doctrines of civil and religious freedom. The dictum in this decision was probably the most remarkable and astonishing expression on the question that has ever come from any American court, certainly from any Federal court, and it should be examined by every American citizen. This pamphlet is a masterly review of the decision in the light of American and Christian principles. In an appendix the decision is given verbatim. The appendix also includes the decision of the Supreme Court of California in *Ex-parte* Newman, declared by the author of the pamphlet to be "the only judicial decision ever rendered upon the question of Sunday observance by law that accords with the common principles of right or justice." He desires that "the principles of this masterly decision might become ingrained in the intellectual make-up of every person in the United States." It alone makes the pamphlet one of special value on this question. Pamphlet, 120 pages, 15 cents, postpaid.

THE NATIONAL SUNDAY LAW

BY ALONZO T. JONES

This is an enlarged report of the argument made by the author before the United States Senate Committee on Education and Labor of the Fiftieth Congress on the Blair national "Sunday-Rest" bill. The arguments then presented and called forth by the questions and arguments of members of the committee, are good for all time on the Sunday-law question, and as has been declared by a leading Sunday-law advocate, make "mighty interesting reading." The whole range of the question is covered. The argument is based on Scripture and history, Constitution and law, showing the limits of civil authority, the unconstitutionality of Sunday legislation, and analyzing Sunday laws and showing their practical workings in various States. "The positions taken will bear the severest test of every form of just criticism." Another national Sunday bill is certain to come before Congress before long. Read this pamphlet and be prepared to pass judgment upon the wisdom and justice of such a measure. Pamphlet, 192 pages; price 25 cents, postpaid.

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