

The Sentinel

OF CHRISTIAN LIBERTY

VOL. XIX

WASHINGTON, D. C., JANUARY 14, 1904

NO. 2



It is not they who oppose but they who advocate and carry on Sunday enforcement who in that thing are not and cannot be Christians.

Men who "protect their own rights" by violating the rights of others need to be rebuked and restrained when they "protect their own rights."

When it comes to Sunday enforcement the real, genuine law-breakers are those who advocate and uphold it, not those who rebuke and condemn it.

The truly law-abiding and Christian citizen does not demand and engage in any "law" enforcement which outrages the rights of his fellow-citizens.

"Disrespect for the Sunday law" is exactly what its character invites, and what none are doing more to promote than those who are having it enforced.

It is not the presentment of the Philadelphia grand jury, but the crusade of the Philadelphia "Sabbath" Association that is "very strange in the light of intelligent civilization."

No, the Christian will not "favor a disregard of the Sabbath day," and neither will he favor a disregard of the fundamental Christian rule with regard to all religious observances, "Let every man be fully persuaded in his own mind."

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The Sentinel

OF CHRISTIAN LIBERTY

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

JOHN D. BRADLEY, Editor.

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

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

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

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

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

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

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

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

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

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"A section of the Boston clergymen are against the practise of Sunday funerals," reports a Massachusetts paper.

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Messrs. J. L. Ried & Co., Priestley & McIntire, and T. G. Carter & Son, "proprietors of the meat markets in the city of Windsor," Mo., recently gave "notice to the public" through the local paper that they had agreed "to close and keep closed our respective places of business on the Seventh day of the week, commonly called Sunday." Evidently these gentlemen prepared their notice without consulting the calendar.

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At Camden, N. J., on December 13 the pastor of the State Street Methodist Episcopal church declared, in a sermon on the "Sabbath" question, that "there is a great need of proper protection of the Lord's day," and that he "desired to publicly commend the grocers' association in its attempt to close grocery stores on the Sabbath." He thought that "one of our national dangers is the desecration of the Lord's day."

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At Carman, Manitoba, on December 20, "after the evening services, a mass-meeting was held in the Presbyterian church to consider the subject of Sabbath observance," and "addresses were delivered by the Rev. J. R. Coutts, Rev. E. A. Davis, and Mr. J. Haverson, barrister, and president of the Carman branch of the Canadian Lord's Day Alliance." Mr. Coutts "dwelt on the fundamental fact that the Sabbath was divinely instituted," and "objected to Sunday visiting, saying that it prevents people from attending church." Mr. Davis "proved from Scripture that one day in seven should be devoted to rest and worship," and declared that "if the Sabbath were abolished, the spiritual tone of the community would be lowered, immorality would increase, while the people would sink mentally and physically to a lower level." Mr. Haverson "referred to Sabbath desecration noticed by him when visiting an American city."

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Sunday-Law Oppression in Philadelphia Again *Some Interesting Developments*

THE principal article in The Sentinel of three weeks ago pointed out that while the reasonable and necessary inference from a Sunday statute itself (the New York Sunday law of seventy years ago was under consideration, but the points made are substantially true of the Sunday laws of the various States to-day) is that it deals with and prohibits acts that belong in that class of crimes that cannot be lawfully punished in any American State without the intervention of grand and petit juries, it nevertheless provides for and directs the punishment of the offender by deprivation of property or personal liberty without such intervention, but simply upon the personal judgment and determination of a judicial officer of the very lowest grade. And it is thus that offenders have been dealt with in the Sunday-enforcement crusade in Philadelphia, to which the attention of the readers of The Sentinel has been called of late. At the instance and through the efforts of the champions of "Sabbath" observance by law and coercion between two and three thousand persons of the humbler sort have in a little more than a year's time been arraigned in Philadelphia before a judicial officer of the lowest grade and by him (as a judicial officer, of course) deprived of property—hard-

earned and sorely needed property it was, too, in many cases—under a statute which another judicial officer of the same grade in the same city rightly declared in a judicial decision last spring cannot be enforced in any case without the exercise of unwarranted and unconstitutional power by the magistrate undertaking to administer it, because it leaves the determination of the crime to be punished "to the private judgment of the magistrate," so that under it "no crime is committed, no offense exists, except when and as the magistrate may so consider it," thus "practically placing the lawmaking power in the hands of the judiciary."

Well, one of the interesting developments in this crusade of illegal Sunday-"law" enforcement in Philadelphia has been intervention on the part of a grand jury—not very serious intervention, it is true, but serious enough to be very gratifying to all friends of right and justice, and therefore of law indeed, and to be somewhat of an astonishment to the instigators of the crusade—the champions of the illegal Sunday "law" and its illegal enforcement. The day following the hearing in Magistrate South's court on December 3, when "more than ninety cases of Sunday selling in violation of the

statute of 1794" were on the docket as the result of the activity of the agents of the "Sabbath" Association, the November grand jury, in its final presentment to the Court of Quarter Sessions, "took occasion to rebuke the wholesale prosecution of small shopkeepers for selling their wares on Sunday." This was included in the grand jury presentment:

The Grand Jury Condemns the Crusade

A word in reference to the prosecution of so many storekeepers charged with violating the Sunday law will not be out of place. We do not regard it as just and proper on the part of the Sabbath Association to prosecute, and we might say persecute, the cigar and candy dealer for selling on Sunday, as many of those dealers are dependent on that day for what little business they do. To be subjected to arrest and the imposition of a fine is not morally right.

Thus the Philadelphia religionists who during the past year have been making it their business to oppress and persecute people in the interests of the enforcement of a religious observance under the hypocritical pretense of regard for law and zeal for its enforcement, have at last secured for themselves a well-deserved rebuke from a body which represents the law indeed — from men who were not self-styled and self-appointed champions of "law and its enforcement," but upon whom rested the actual and legal responsibility of setting in motion the machinery of the law against all perpetrators of crime. These men, with that sense of fairness and justice which should characterize men charged with such responsibility (for it is the first and highest essential in those charged with the administration of justice, and law and its enforcement exist for no other purpose and have no other object whatever), in the discharge of the high duty

with respect to the administration of justice with which they were charged, took occasion in the course of a formal presentment to call attention to the work in which the Philadelphia "Sabbath" Association, in the name of religion, morality, and especially of "law," has been engaged during the past year, and, instead of commending and endorsing it, to declare plainly that it was not just and proper nor morally right, and amounted to persecution. This is the attitude that the administrators of law everywhere should take toward the work of the champions of Sunday enforcement, who know no law but the illegal Sunday "law." The occupations of the eighteen grand jurymen whose sense of right and regard for the principles upon which all genuine law, and all legal law in this country, rests, moved them to this very commendable action are as follows: Clerks, 3; carpenters, 2; plumbers, 2; painter, 1; printer, 1; machinist, 1; engineer, 1; rigger, 1; brass finisher, 1; contractor, 1; florist, 1; conveyancer, 1; dealer, 1; grocer, 1. So it seems that the rebuke which the "Sabbath" Association has received has come not only from a grand jury, but from a grand jury composed of men belonging to the very class in behalf of which it has pretended that its crusade has been carried on. That would seem to be the unkindest cut of all. On December 5 the *Public Ledger* commented thus on the action of the grand jury:

That a body whose particular duty it is to search out and indict violators of the law should turn aside from this duty to protest against prosecutions of offenders against a certain set of laws was a thing unheard of until yesterday. The action of the grand jury in putting on record its rebuke of the blue-law campaigners is surely unprecedented in the legal annals of Pennsylvania. The grand jury, moved by

healthy indignation against the puerility, the folly, against what it probably regards as the insincerity of the movement, against the waste of energy that might be so much better expended, does not hesitate to speak because it might seem to belittle the law, whereas it exists to enforce the law; it calls the prosecutions persecutions; it expresses its sympathy with the candy and cigar dealers who have been victims of the curious zeal which hunts down offenders against minor and antiquated statutes and has no anxiety to punish big, real criminals.

The contention of the *Public Ledger* has always been that it is beginning at the wrong end to worry the keepers of Sunday confectioneries and fruit stalls in a fine frenzy of righteousness, while every species of crime stalks unassailed in a city where political corruption is the grossest known on the hemisphere; where streets are filled with the shame of paraded vice; where womanhood is sold and held in slavery; where no offense and no accumulation of offenses against law, morality or decency, against the property, the rights or the lives of citizens, can be too flagrant to hope for exemption from punishment. That is what this paper has been urging, perhaps to the disconcerting of some good people whose sense of proportion is not so well developed as their piety, but certainly in agreement with the common sense of a majority of our citizens. A grand jury is a body supposed to be peculiarly well instructed as to the morality of a community; it knows better than private persons do how far the laws are observed and what measures are necessary to vindicate them. It is not surprising to find such a body in coincidence with us in a conviction that graver things than the sins of sellers of Sunday cigars and fruit first demand attention.

The Self-Appointed Champion of "Law and Its Enforcement" Denounces the Lawful Instruments of the Law and Its Enforcement

Of course the action of the grand jury did not thus appeal to the instigators of the persecution and oppression which called it forth. They were

astonished, but had enough breath left to express their horror that such a body as a grand jury should "sympathize with law-breakers" and rebuke such "law-abiding" persons as themselves. We quote now from an article that appeared in the *Public Ledger* of December 6:

The presentation made by the grand jury last Friday, declaring the prosecution of small storekeepers for selling cigars and candy on Sundays to be persecution, brought about a conflict of views yesterday between the members of the grand jury and Rev. Dr. T. T. Mutchler, secretary of the Sabbath Association. The latter was moved to make an open denunciation of the grand jury, as follows:

"I don't believe that any man who voted for this presentment is a Christian. I cannot conceive of any Christian allowing himself to favor a disregard for the Sabbath day, much less joining in an action such as the grand jury took in this matter. The action of the grand jury seems very strange in the light of intelligent civilization. As I see it, the plea is that because certain violations of the law are allowed in the Commonwealth that the Sabbath Association should be condemned for trying to have the Sunday laws enforced; that those who want a rest day, barbers, candy and cigar dealers, and the Christian people who believe in the observance of the Sabbath should be criticised. As to the methods employed, I want to say just this: These people first appealed to the authorities for protection, and when this plan failed, they enforced the law themselves, as good citizens have the right to do. And if the exercise of this prerogative meets with the disapproval of the grand jury, or anybody else, it seems to me the fault is with those who sympathize with the law-breakers."

"Does it not strike you," Dr. Mutchler was asked, "that the opinions of the grand jurors, diametrically opposite to yours, may represent the general opinion of the public in this matter?"

"No, I suppose that some one member of the grand jury has proposed tak-

ing an action of this kind, and as no one particularly felt like challenging an opposition to it, that those who were in favor of it carried it through without opposition. It is known to all that one or more active advocates of any measure can, by their influence, carry such measure through a body when a number of indifferent ones would passively consent rather than actively oppose the same."

"But does it not seem to you significant that the grand jury should declare its opinion in this matter so clearly and decisively?"

"Let me refer on the other hand to the board of managers of our Sabbath Association, forty-eight in number, to the divisions of our city, nearly one hundred in number, to hundreds of ministers and hundreds of thousands of Christian people in our city and State who stand in one solid rank against any such movement or proposition. We can hardly understand how it is possible for men of the character such as should compose a grand jury to go so far out of their way as to criticise law-abiding men when they protect their own rights by enforcing a law which protects them."

And so the first and foremost thought in Mr. Mutchler's mind with regard to the action of the grand jury was that no man "who voted for this presentment is a Christian." In this Mr. Mutchler showed that the first and foremost purpose of the work of "law" enforcement in which he and his associates have been engaged, and for which they have received a well-deserved rebuke from the grand jury, was a religious, a "Christian," purpose. And he did not leave in doubt the specific religious, "Christian," purpose for which he and his associates have been employing the police courts of Philadelphia. It has been to prevent "a disregard of the Sabbath day," to enforce "the observance of the Sabbath." And the purpose of Mr. Mutchler and his associates in this matter is the purpose of all clergymen and religious people who

engage in the work of Sunday-law enforcement, no matter what they may say their purpose is. Mr. Mutchler "cannot conceive of any Christian allowing himself to favor a disregard of the Sabbath day," and therefore he knows that the grand jurymen who disapprove of his Sunday-enforcement crusade of oppression and persecution are not Christians! The trouble with Mr. Mutchler is that he is too much imbued with the anti-Christian idea that the state owes it to Christians to compel other people to conform to their religious practises, at least in the matter of "Sabbath" observance, and that it is the duty of Christians to have the state do this anti-Christian thing. Another thing that is the matter with him is that he is too oblivious of the fact that a grand jury is not an ecclesiastical body, and that regard for or disregard for a religious observance is something that is of no concern whatever to such a body. And still another thing that is the matter with Mr. Mutchler is that he imagines that about all there is of Christianity is comprised in a certain church-and-state-established religious observance that in fact is no more a part and parcel of Christianity than is the worship of the sun. In giving his idea of how it was that the grand jury came to take the action that it did, Mr. Mutchler lets us quite fully into the secret of how it is that there can be such a crusade as that which he and his associates have been engaging themselves in during the past year. The religious idea with respect to Sunday which moved them in this work is held by a great deal less than a minority of the people of this country to-day, and a still smaller proportion of the people are in favor of the enforcement of the laws which this idea, in the ignorance of former times and generations, has caused to become in-

corporated in the legislation of the state. Yet in the face of the popular sentiment, these laws are enforced, and such crusades as that which has added to the disgrace of Philadelphia during the past are carried on. The secret of it is that a few religious bigots, or trade-union bigots, as the case may be, are able by means of old laws which no longer have the support of public sentiment, to do what scarcely anybody in the community but themselves approves, "as no one particularly feels like challenging an opposition to it, so that those who are in favor of it carry it through without opposition." "It is known to all," says Mr. Mutchler, "that one or more active advocates of any measure can, by their influence, carry such measure through a body when a number of indifferent ones would consent rather than oppose the same." Mr. Mutchler no doubt speaks from experience in this matter, for he is a leading Sunday-law advocate, and it is in exactly this way that Sunday measures are passed and their repeal prevented in these days. It is thus that the Sunday-law advocate gets his petitions and resolutions "unanimously adopted" at "mass-meetings." But Mr. Mutchler was mistaken in his idea that the action of the grand jury was to be accounted for in the same manner that the carrying through of the projects and crusades of the champions of Sunday enforcement in these days is properly explained. It was the grand jury, and not one member, that was behind the presentment which so displeased Mr. Mutchler. We quote again from the article in the *Public Ledger*:

**Grand Jurymen Reaffirm and Justify Their
Rebuke of the "Sabbath" Association**

Members of the grand jury were seen, and without exception justified their course in condemning these wholesale arrests of petty dealers for viola-

tion of the blue laws of 1794. Charles Coyle, one of the grand jurors, when seen at his home, 2215 Race Street, said: "I think the action of the Sabbath Association in selecting for prosecution the smaller cigar and candy dealers in this city was decidedly unjust. It was the general opinion among us jurors that such a vast amount of discrimination had been made by the association in swearing out warrants that our rebuke was timely and just. . . . If the Sabbath Association wished to put a stop to all Sunday trade, why didn't it go after the larger stores, for instance, the one in Broad Street Station? We jurors discussed this unjust discrimination among ourselves from every possible standpoint, and our decision was entirely in accord with our respective opinions."

Harry S. Cohen, of 2837 Kensington Avenue, who was secretary of the November grand jury, said: "I respect Dr. Mutchler as a minister; but I cannot coincide with the attitude of the blue-law association and its methods of securing evidence against alleged violators of the Sunday law. I think the association would do better in ridding the tenderloin of its evil houses and taking unfortunate women from their vile surroundings. This would conform to the teachings of Christ, and such a work would be worthy of commendation, not only by a grand jury, but by the whole community. The representatives of the association who make it their duty to secure evidence against storekeepers are violators of the Sunday law themselves by reason of being employed on Sunday in making such purchases. The November grand jury was an exceptionally intelligent body of men. We thought it was un-Christianlike on the part of the association to prosecute, and, I say again, persecute storekeepers, their action falling with especial hardship on the poorer class of storekeepers."

Louis C. Wiley, of 2301 Boston Avenue, another of the grand jurymen, said: "The members of the grand jury were respectable, law-abiding citizens, and they were conscientious in the attitude they took regarding the 'blue-law' prosecutions. They only said what

they believed it their duty to say. What appealed to me especially was that these prosecutions seemed to be aimed particularly against the smaller and poorer class of business men."

Timothy Dorney, of 1225 Vienna Street, another jurymen, said: "We believe we were justified in the stand we took."

J. C. Moyer, when seen at his home, 924 Lehigh Avenue, said: "Dr. Mutchler's opinion is of no more value than that of any other citizen. The action of the grand jury was taken after proper consideration. It was in defense of the persecuted small storekeepers. If the blue-law society would prosecute the large dealers, there would be no need for such action as taken by the grand jury."

Rudolph Luthy, of 2451 North Corlies Street, said: "It doesn't matter what Dr. Mutchler may say on the subject, the people of this city know that the small storekeepers have been discriminated against by the agents of the blue-law association. While discussing the subject yesterday a case was stated before the grand jury in which the proprietor of a large cigar store had been permitted to go 'scot free,' while a poor neighbor had been fined several times for violating the blue laws."

At a public meeting on December 11, Mr. H. S. Cohen, who was secretary of the November grand jury, declared: "Facts were brought before us, and, after careful consideration, we were unanimous in our action. The jury was made up, I believe, of a representative body of Philadelphia citizens, and the charge that it was controlled by one man in this matter is not true." The thing of course which moved the grand jury to its action was the glaring and outrageous discrimination which has been so conspicuous a feature of this Sunday-enforcement crusade carried on by the Philadelphia "Sabbath" Association. And discrimination and partiality is not peculiar to the Philadelphia Sunday-law crusade. It marks all Sunday-law enforcement in these days.

**Other Champions of "Law and Its Enforcement"
Denounce the Action of the Lawful Agents
of the Law and Its Enforcement**

The denouncement of the action of the grand jury did not end with Mr. Mutchler's utterance. On December 7 the Methodist Preachers' Meeting of the city, "after an address by Rev. Dr. T. T. Mutchler, in which he told the ministers that the foreman of the grand jury was a cigar dealer," adopted the following, which was prepared by a committee of three clergymen:

The Methodist Episcopal Preachers' Meeting has heard with surprise and deep regret of the action of the November grand jury, condemning the enforcement of the Sunday law, which has been carried on by a candy and cigar Sunday-closing committee, representing large numbers of these dealers. The fact that the foreman himself is a cigar dealer, but not in sympathy with the great majority of his fellow dealers who desire Sunday closing, largely explains this resolution. We regard it as the duty of the grand jury at all times to stand for a strict enforcement of all laws, and it is anarchistic and demoralizing to a community for this jury, which should be representative of the best American citizenship, and in a court of justice, to encourage lawlessness. We believe in the American Sabbath, and heartily commend the work of the association and its efforts to encourage and assist these dealers in their Sunday-closing movement.

So in the opinion of the Methodist clergymen of Philadelphia the action of the grand jury was "anarchistic and demoralizing" and an encouragement to "lawlessness." The Sunday-enforcement clergyman is so constituted that always in his opinion anything that is in opposition to his anarchistic, demoralizing and lawless desire and determination to compel and coerce people to observe the pagan and papal institution to which he pays, and would have

everybody else compelled to pay, an idolatrous homage, is anarchy and lawlessness. It is a curious fact that that of which men are most guilty themselves they are most ready to accuse others. The flinging of the charge of anarchy and lawlessness by Sunday-enforcement clergymen, which they do so freely, is an illustration of this fact. The fact that the Methodist preachers of Philadelphia are religionists who want the religious Sunday enforced upon the people, although in this they are not in accord with, and do not by any means have the sympathy of the great majority of their fellow-citizens, largely explains their resolution condemning the action of the grand jury. The Presbyterian clergymen also formally protested against the action of the grand jury, but were somewhat more temperate in doing so than the Methodist ministers. On December 14 the Presbyterian Ministerial Association adopted the following, which was "offered by Rev. Dr. Loyal Y. Graham," one of the leaders of the Sunday-enforcement crusade:

Whereas, the grand jury in its presentment went out of its way to administer a rebuke to citizens of this city who are endeavoring to enforce the Sunday law, and by its deliverance encourage the violation of law, therefore,

Resolved, That we express our deep regret that men appointed for the maintenance of law and order should discourage those who are endeavoring to have existing laws enforced.

Resolved, That we call upon all good citizens to enter their protest against such action on the part of the grand jury.

In connection with his presentation of the resolutions Mr. Graham declared:

This action of the grand jury is unprecedented in the courts of law. We ought not to pass it by. We are now at a point where, unless we as Chris-

tians rise up and defend the Sabbath, we will soon have — or we have it now — a widespread, open Sunday like those in other cities.

When these gentlemen become wrought up they never fail to show the church-and-state, religion-by-law character of their work. Let Christians "rise up and defend the Sabbath" as much as they please, but do not let them rise up and use the civil law and the civil courts to enforce its observance upon others. Whenever they do this or attempt to do it their action should not be passed by, but should be rebuked and prevented by all, whether jurymen or Christians. The action of the grand jury in this instance may be unprecedented, but a better precedent could not be established, and it is to be hoped that it will be followed in other places where clergymen persecute and oppress people in the interests of the religious Sunday. In connection with adoption of the resolutions last quoted it "was announced that the Committee of Fifty, which a few weeks ago waited on Mayor Weaver to urge the enforcement of the Sunday law, would shortly present a statement regarding the Sunday-closing matter to the public." Ten days later the following statement, which was "signed by members of the Committee of Fifty, and T. T. Mutchler, secretary," was given to the press:

We, the undersigned, members of the Committee of Fifty appointed in the interests of the better observance of the Lord's day, desire to make the following statement in reply to the extraordinary presentment made by the grand jury to the Court of Quarter Sessions on Dec. 4, 1903.

The action of the grand jury in putting on record its rebuke of those engaged in enforcing the Sunday law is surely unprecedented in the legal annals of Pennsylvania. We believe this deliverance was due to their ignorance

of their duty, the law and the facts which they presumed to criticise. Their duty as jurors is to "indict violators of the law," and not to condemn those who seek to have a law enforced which has received the approval of all our courts, supreme and county, for over a century. We recommend to the grand jury and our citizens generally the following decision of the court:

In *Commonwealth vs. Funk*, Ninth Pennsylvania, Quarter Sessions Washington County Court Reports, 278, President Judge McIlvaine, on April 14, 1890, says: "It may have been a convenience and gainful to his employers; but if we decide that necessity means convenience and gain, we emascuate the statute and sweep away the guards which the legislature threw around not only the morals of society, but the physical health and well-being of both men and beasts. If Sunday be surrendered to the fierce rivalry to get gain, or to a disposition to conduct business in the most convenient way, it might as well be blotted from the calendar of days. But we have no right to give up this institution. It has come down to us with the most solemn sanctions, both of God and man, and if we do not appreciate it as we ought, we are at least bound to preserve it. 'Our duty,' says Chief Justice Woodward, 'requires us to construe the statute so as to accomplish its purpose, which was to enforce the observance of Sunday instead of obliterating it.'"

The justification which the gentlemen offer for the work for which they were rebuked is no justification at all. Those who have watched them know, without having court decisions quoted to them to show it, that the purpose of their persecution and oppression of the small dealers in Philadelphia has been "to enforce the observance of Sunday," to "preserve" that religious "institution." But the fact that its purpose is to enforce a religious observance and to "preserve" a religious institution is hardly a sufficient justification, in this country, for a civil stat-

ute and its enforcement, especially when it is enforced in the manner in which the Sunday law has been enforced in Philadelphia during the past year. A million court decisions could not justify such a "law" or such enforcement of it. The decision quoted is all that any one could wish to establish the fact that the Sunday "law" and its enforcement is an outrage upon the natural and constitutional rights of citizens.

A Grand Jurymen Responds

The resolutions adopted by the Presbyterian clergymen led one of the grand jurymen to make this response in a communication to the *Public Ledger*:

Knowing that the *Public Ledger* stands forth pre-eminent for all that is just and right, I therefore beg to call attention to the resolutions passed by the Ministerial Association of the Presbytery of Philadelphia, wherein the November grand jury is denounced for calling the public's attention to the injustice done by the un-Christianlike prosecuting and persecuting of the poor cigar and candy storekeeper, who is trying to earn much-needed daily bread, and who is obliged to sell on Sunday that he may earn that daily bread. I beg to state that the grand jury did no more than the duty that was incumbent on them. They had the right to criticise, for they had sufficient evidence which fully warranted much-disliked criticism. It is further asserted that the grand jury does not regard law and order. I have but to refer to the work of that November grand jury. We were in session twenty-three days, and during that time we found 1,096 true bills, referring to all nature of crime. Let this ministerial association remember that in the city of Wilmington, Del., a short time ago, a minister incited the people into such a state that law and order were in no way regarded, and through his pulpit utterance the fair name of the State of Delaware was blackened. The Ministerial Association of the Presbytery of Philadelphia can render better service than criticising

a body of men who faithfully and honestly did their duty as grand jurors, whereby all the people of the city and county of Philadelphia were more or less benefited. Let these ministers resolve to stamp out vice and crime by beginning active work in the right direction, rather than attempting to take the daily bread from the mouth of the poor storekeeper. Let these ministers do God's work according to the Gospel, and they will be doing all that Christianity stands for.

Evidently this grand jurymen has a better understanding of the Gospel method of work than have the Sunday-enforcement clergymen of Philadelphia. Where do they find warrant in the Gospel for their crusade of coercion in a matter in which the New Testament says, "Let every man be fully persuaded in his own mind"? In this matter of Sunday enforcement it is the grand jurymen who are on the side of Christianity, not the clergymen who assume to say that the grand jurymen are not Christians because they have rebuked them for their anti-Christian and, fundamentally, wholly illegal crusade.

Another Interesting Development—"Sabbath" Association Agents Prosecuted

Another interesting development in this Sunday-enforcement crusade in Philadelphia has been the arrest and prosecution of agents of the "Sabbath" Association. On December 17 the *Public Ledger* reported:

Shopkeepers whom Rev. Geo. S. Vail and his assistants have been pursuing under the blue law of 1794 for keeping their places of business open on Sunday, had their opportunity in court yesterday. Magistrate O'Brien held Mr. Vail on his own recognizance, and also Saunders Biddle, one of his aids, for trial on the charge of inciting to a breach of the peace. J. Mason Borden, another assistant informer, was placed under \$600 bail on the charge of perjury, and a charge of alleged Sunday

violation by Mr. Vail and his staff in the collecting of evidence against shopkeepers was taken under advisement.

John D. Farmakis, a confectioner, who has been arrested and fined some seventy times at the instance of agents of the Sabbath Association for keeping his stores open on Sunday, has taken retaliatory measures, and caused the arrest of Vail, Biddle and Borden. In the warrants Mr. Farmakis charges each of them respectively with worldly employment on Sunday, and that each, by "going from place to place and securing evidence against the deponent did, by his actions, in company with others, incite a breach of the peace." A charge of perjury had also been preferred against Borden.

From 2 o'clock in the afternoon until after 5 the small office of Magistrate O'Brien, at 332 North Broad Street, was packed with spectators. The charge of perjury against Borden was made by Mrs. Annie Hutter, of 2524 North Tenth Street. Borden swore on Thursday last, before Magistrate South, that he had bought a cigar in the woman's shop on the afternoon of the previous Sunday. Mrs. Hutter, who is about forty years old, with honest but resolute brown eyes and poor but tidy attire, says Borden swore falsely when he gave this testimony, and that the man bought nothing of her. About six weeks or two months ago she was fined for selling cigars on Sunday, and she said under oath that since then she had sold neither cigars, tobacco nor candy on Sunday. Her only trade on that day is newspapers, and she opens her place for her customers about 6 o'clock in the morning and closes as soon as her supply of newspapers is sold. A lodger in her house corroborated her statement that Borden was not in her shop on Sunday before last. By persistent questioning on points covered by previous questions, Mr. Vail apparently sought to make the woman stultify herself. Once Bernard F. Owens, who represented the prosecution, severely rebuked him for seeking to entrap the witness by taking advantage of her imperfect knowledge of English. When Mr. Vail asked Mrs. Hutter if she had not been sitting on her windowsill dur-

ing part of the afternoon, she responded, with a naive accent of indignation: "Yes—I could do that, couldn't I?" She told Mr. Vail that her husband was an engineer. "He has to work Sundays for wages," she said, "just the same as you."

The charge of incitement to breach of the peace against Mr. Vail was first heard. Mr. Farmakis testified that Mr. Vail went to his store at 9 Market Street on December 6, accompanied by two of his spies, and tried to enter. Mr. Farmakis said he met him at the door, and told him the place was not open; that no sales were being made, and that he could not enter. Mr. Vail seemed bent on entering, he declared, and he found it necessary to push him backward. Meanwhile Mr. Vail addressed him in loud tones, while his assistants, who stood by, laughed and jeered. About fifty persons began to congregate about the door. Mr. Vail failed to enter the store, and with his aids returned up Market Street. Mr. Farmakis immediately afterward proceeded toward his other Market Street store, near Twelfth Street. At the corner of Twelfth Street he said he and Vail came together again, and had a warm discussion, and that Mr. Vail told him tauntingly that he would have him again before Magistrate South, having got abundant evidence for a further imposition of fines. He characterized Farmakis, the latter said, as a foreigner who refused to obey the laws of the country. Mr. Farmakis says he retorted that he was as good a citizen as Vail, and that he pursued a more honorable calling. He said he did not spy upon poor shopkeepers for the purpose of bringing them into court and swearing hard-earned money out of their pockets. At a particularly strenuous point in the argument Mr. Vail invited him to "shut up," and a big crowd gathered again. Other witnesses were John M. Georgeosis, candy dealer, of 105 Market Street; J. S. Urquhart, one of his clerks, and John K. Armeilus, employed at Mr. Farmakis's store, 1211 Market Street. Their testimony substantially corroborated that of Mr. Farmakis. After a rather indiscreet cross-examination by Mr. Vail, Mr.

Farmakis was recalled by Mr. Owens, and testified that through the instrumentality of Vail and his assistants he had been fined between seventy and seventy-five times for selling candy on Sunday, and that he had paid into the city treasury on this account about \$500. Mr. Vail had boasted, the witness said, that he would do his utmost to shut up his stores. Q. Had you not found it necessary to eject one of Mr. Vail's agents from one of your stores some time last summer, and did it not seem to you on Sunday, December 6, that probably an attempt would be made by him and his men to enter your place against your wishes, and for the purpose of informing against you if possible? A. That is the way I regarded it. Mr. Owens explained that this evidence was introduced to show that the purpose of Vail was to induce Farmakis to commit violence, and thus to furnish new ground for his arrest. In summing up, he said that Mr. Vail was well aware that Mr. Farmakis would interpret his visit as hostile and provocative, yet Mr. Farmakis had not abused him at all. On the other hand Mr. Vail had taunted Mr. Farmakis, and his assistants had jeered at him. And this was not the first time. For Sunday after Sunday Mr. Vail had done the same. There was undue interference with Mr. Farmakis. Vail was there to molest him, and did molest him.

After the magistrate had announced that he would hold Mr. Vail for trial, the charges against his two aids were more quickly disposed of. The evidence against Borden of inciting to a breach of the peace was found to be insufficient, and he was discharged; but Biddle was held to answer as a confederate and abettor.

The charge of violation of the Sabbath brought against Vail, Borden, and Biddle was supported by the testimony of Farmakis, Georgeosis and Fields, though this evidence was not very explicit. It was shown that Mr. Vail obtained on Sunday evidence of Sunday selling, but it was not shown exactly how. Fields testified that he had watched closely the movements of Vail and his assistants, and had seen him send the latter forth in various direc-

tions to do their work. The Sunday Cigar and Candy Sunday-Closing Association in its regular report, he said, styled Vail its "business agent." Magistrate O'Brien reserved his decision in the cases of Sunday violation until next Wednesday.

We have not learned the outcome of

this matter. Next week we shall report one or two more hearings that have recently taken place of the cases of shopkeepers who have been prosecuted under the Sunday law by the agents of the "Sabbath" Association, and also present more excellent comment that has been made by the *Public Ledger*.

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.

It is reported from Muskegon, Mich., that "the Sabbath union is conducting a fight against the saloons to put a stop to selling liquor on Sunday." On December 20 "members of the Sabbath union went the rounds of the saloons," and "union officials say they have evidence against seventeen liquor dealers." "If warrants are issued for these, the circuit court will have twenty-four cases of Sunday violations on its calendar."

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In Justice Tris's court at Des Moines, Iowa, on December 22, Aaron Richman was "fined \$3.33 and costs, making his expenditure over \$13, for selling merchandise on Sunday." "As a defense Richman claimed that he only changed a pair of shoes," but "the State introduced several witnesses who had seen people going from the store on Sunday with bundles beneath their arms." The Des Moines *Capital* very appropriately headed this item of news, "Sunday Violation Punished." Strange, isn't it, that in the United States today men should be punished in civil courts for violating a religious observance? It is strange, but it is literally true.

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It was reported from McKinney, Tex., on December 21 that "a Blue Ridge druggist has been arrested on a grand jury indictment for selling cigars on Sunday." It must be con-

sidered a serious offense to sell cigars on the first day of the week at that place. The dispatch continued: "County Attorney Merritt states that under the existing State law it is his duty to prosecute for the selling of goods of any character on Sunday, except that a grocerman may sell provisions until 9 a. m. Shrouding material, he says, may be sold at any time, but drug stores can only sell drugs, and hotels, boarding houses, and restaurants can only sell meals, under the existing Sunday law."

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It was recently reported from Dallas, Tex., that "the Sunday-closing question is one of the intense local issues of the time in Dallas." The police force has been active of late in "apprehending violators of the Sunday-closing law" against saloons, and a controversy has arisen "between City Judge Smith and Police Commissioner Blaylock because of the few convictions in the city court of saloonmen charged with Sunday-law violations." On December 20 "four saloonmen were arrested and placed under bond, charged with selling intoxicating liquors on Sunday." The police commissioner declares: "We propose to continue our vigorous campaign against the violators of the Sunday-closing law. I have given strict orders to the police to see that this law is enforced."

The Utica (N. Y.) *Press* of December 21 reported: "A week ago yesterday three Utica sportsmen went to Remsen, where they shot three habbits. A couple of days later one of them was astonished to receive a call from a Remsen officer, who charged him with hunting on the Sabbath. The Utican obeyed the summons to appear before a Remsen justice, and paid a fine of \$7.50. Later in the week another member of the party was served with papers, and settled for a similar amount. They will do no more shooting up Remsen way on the Sabbath. There is a section of the law that prohibits 'all shooting, hunting, and fishing on the first day of the week, and all noise disturbing the peace of the day,' but it has not always been customary in this part of the State to enforce it against hunters and anglers."

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W. T. Wood, a grocer of Des Moines, Iowa, who has recently been twice arrested and prosecuted at the instance of the local retail grocers' association "on the charge of violating the Sunday law," and each time acquitted, has turned upon his prosecutors, or persecutors. On December 21 he "filed two petitions with the clerk of the district court asking \$5,000 damages in each case against the retail grocers' association for alleged malicious prosecution." "The petitions set out the dates of the two separate times that Wood was arrested upon the complaint of the retail grocers, on the charge of breaking the Sabbath," and "allege that the prosecutions against him were instituted without reasonable or probable cause, and that the defendant maliciously, wilfully, and wrongfully caused the arrests and made the prosecutions." Mr. Wood claims that as the result of the actions of the defendant "his health has been damaged, his mind greatly disturbed, and that he has sustained damage to his reputation in the amount of \$2,500 in each case, to which amount he asks the court to assess the further sum of \$2,500 as exemplary damages." Whether malicious or not, Sunday-law prosecutions are a form of injury to which no man or woman should be subjected, and for

which the law should afford no basis whatever.

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Strict enforcement of the Sunday law against saloons has been inaugurated at Little Rock, Ark., where "for the past two months the Sunday saloons have all been forced to close tight on Sunday between the hours of 9 a. m. and 1 p. m., but have kept open the rest of the day, paying a fine of \$25 the following Monday." But now they are no longer to be allowed to disregard any of that portion of time which the law undertakes to make everybody respect and observe as "holy." In a public statement on December 21 Mayor Lenon said: "I have called upon City Attorney Cockrill to prosecute each violator of the Sunday-closing law to the fullest extent of the law. I have instructed the officers to see that all saloons are kept closed from midnight Saturday to midnight Sunday, and the proprietors of all places found open between those hours will be prosecuted. This keeping open of saloons on Sunday must stop, and with the council and city officers backing me up, I am sure my efforts will succeed. Offenders cannot escape with the payment of \$25 fine for each Sunday. The city attorney holds that the maximum fine is \$100, and all will be fined this amount hereafter. The law provides the fine for the keeping open of the door of a saloon for ingress or egress, as well as for the sale of beer and liquors." It is stated by a local paper that "nearly all the saloonmen agree that it would be better if all saloons were closed all day Sunday." We are of the opinion that it would be better if they were closed all day every day. The fact that nearly all the saloonmen agree to their closing all day Sunday shows that their closing all day Sunday does not interfere with the liquor traffic.

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Certain saloon-keepers of Las Vegas, N. M., having been "indicted for the violation of the Sunday-observance law," were recently "called before Chief Justice W. J. Mills," who "lectured them severely upon the necessity of observing the existing laws."

At the National Anti-Saloon Convention in Washington a few weeks ago a card was distributed on which was a quotation from the *Christian Endeavor World* containing this: "O for the time when decent men everywhere, of whatever party, voters and officials together, shall unite to say: 'The saloon is wrong. Sunday and weekday it is wrong!'" This is the truth, but those who make so much of the Sunday closing of the saloon, as do the religious leaders of the anti-saloon forces, virtually declare by their course that there is a great difference between the saloon on Sunday and on week days; that if it is not all right on week days, it is very much less wrong than on Sunday. When will they unite to say that the saloon is wrong on all days? When will they cease a course which virtually affirms that the saloon is not a very bad thing on week days, but is only such on Sunday?



It may be hard for the Philadelphia Sunday-enforcement clergymen to understand "how it is possible for men of the character such as should compose a grand jury to go so far out of their way as to criticise" them for what they have been doing, but for other people it is hard to understand how it is possible for men of the character such as should compose the Christian ministry to go so far out of their way as to demand the maintenance and enforcement of a religious observance by the state, and to engage in the oppression and persecution of men and women in the supposed interests of that observance.



In its "Sabbath-observance" crusade during the past year the Philadelphia "Sabbath" Association, we are told, "co-operated with different business as-

sociations desiring to diminish Sunday labor and trade." It is safe to say that the "Sabbath" Association initiated or solicited this co-operation in every instance. However, it is true that the commercial motive is becoming the ally of the religious motive in the unchristian and unjust cause of Sunday enforcement.



It would be interesting to know what right of Mr. Mutchler and his associates, or anybody else, is invaded by the shopkeepers of Philadelphia in making Sunday sales, and which they must enforce the Sunday law to "protect." The only "right" that is protected in that way is the "right" to force their religious idea with regard to the "Sabbath" upon other people.



Although the Sunday-enforcement clergymen do not seem to be aware of the fact, protection of people in their rights in this country does not include compelling other people to conform to their religious practises. That is a sort of "protection" of people's rights that obtains somewhat in Russia today, but which fortunately is out of date in more enlightened countries.



The sort of "law" enforcement that is demanded and engaged in by the Philadelphia clerical Sunday-law champions of "law and its enforcement" has been rightly declared by a leading newspaper of that city to be "a prostitution of the forms of law that discredits lawful authority."



"Christian people who believe in the observance of the Sabbath should be criticised" when they make observance of the Sabbath mean enforced observance.

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 Sunday 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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