

# The Sentinel

## OF CHRISTIAN LIBERTY

VOL. XIX

WASHINGTON, D. C., JANUARY 28, 1904

NO. 4



*“Reverence for Divine law” as such is no proper object of civil law and its enforcement.*

*“The moral sense is outraged by the spectacle of an offender charged before a court with a crime which he has been tempted to commit by the witness against him.”*

*“The morals of a city are not likely much to be benefited by an association which solicits to, provokes, and shares in, a series of offenses against a law which it exists to enforce.”*

*The only vicious and demoralizing violation of the Sunday law that has come to light in the whole course of the Philadelphia Sunday-enforcement crusade has been the habitual violation of that law by the agents of the Philadelphia “Sabbath” Association in the work of prosecuting the crusade. The violation of the law by the poor shopkeepers was respectable and honorable; the violation by the representatives of the “Sabbath” Association was mean and contemptible.*

*“There is a higher law than the blue laws now being enforced in Philadelphia. There is always some mean, sordid motive behind the enforcement of these obsolete laws. It may be a pretense of piety, or something else, but always there is in it some motive that is mean. The legislature should repeal these laws at the next session.*

**IT IS ALWAYS GOOD LEGISLATION TO REPEAL OBNOXIOUS MEASURES AND ENACT BETTER ONES** in harmony with the spirit of the times.”—See p. 65.

# 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, intererence, 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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Address, Sentinel of Christian Liberty, 222 North Capitol St., Washington, D. C.

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## A BEAUTIFUL AND VALUABLE BOOK

A beautiful and valuable book that is most appropriate for gift purposes is the work "Journeys by Land and Sea: A Visit to Five Continents," by G. C. Tenney. "The spirit of our age is drawing nations and men into closer union, and a better knowledge of each other; travel and books of travel are the great agents of this transforming genius," says the author in the preface. "The knowledge of our fellow-beings, of their circumstances, of the advantages they possess, of the disadvantages under which they live, furnishes the best possible basis for a life of usefulness. The object of this book is to contribute somewhat to this knowledge." The book is a most interesting report of the author's observations and experiences in a journey 'round the world, starting from the United States and going westward. While the writer follows to some extent the highways of travel it has been his purpose, both in description and illustration, to pass rapidly over the more familiar scenes of Europe and America, and give most attention to those regions with which the majority of readers are not so well acquainted. These regions are: Hawaii, Pitcairn, New Zealand, Australia, Ceylon, India, Egypt, and Palestine. A new edition of the work has just been issued after a thorough revision by the author. It is less bulky than the former edition, but contains the same amount of matter and is printed on much better paper. It contains 392 pages and 150 illustrations of superior character. It will be found a most interesting book, wholesome and instructive, and makes especially good reading for the young. Size 6½x9 in. and 1 in. thick. Beautifully bound in cloth. Price post-paid, \$1.50, with the usual discounts to the trade. Address Review and Herald Publishing Co., Battle Creek, Mich., or 222 North Capitol St., Washington, D. C.

A dispatch to the Washington Post from Boston under date of January 18 reported that "United States Senator George F. Hoar to-day was re-elected president of the New England Sabbath Protective League."

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A "rule against Sunday morning delivery of milk" was recently adopted by "a newly-born peddlers' organization" at Detroit, Mich.

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### *The Philadelphia Sunday-Enforcement Crusade Halted*

*The Chief Method of Procedure Held Unlawful by the Court of  
Quarter Sessions—More Correspondence Concerning the Crusade*

IT seems impossible to bring the record of the Philadelphia Sunday-enforcement crusade and agitation to a close, but we hope and believe that this is done with what is presented this week. We have declared in the course of the record that the work of "law" enforcement which the Philadelphia "Sabbath" Association has been prosecuting so zealously and persistently in that city was illegal. We did not mean that it was illegal under the Sunday law itself, but we meant that the whole thing—the Sunday law, its enforcement, and all connected therewith—was illegal under the supreme law of the State. But we might have declared that the work of the "Sabbath" Association, or the most essential part of it, has been illegal under the Sunday law itself—that in its crusade of oppression and persecution of shopkeepers for violating the Sunday law the "Sabbath" Association has deliberately and systematically caused to be violated the very "law" which it has enforced, and for the strict observance of which it professes to stand. We are warranted in saying this by a decision rendered by Judge Martin of the Court of Quarter Sessions on January 8. This decision, with the exception of that rendered by

Judge Gorman last spring, is the most noteworthy thing in the whole course of this Sunday-enforcement agitation in Philadelphia. As we reported two weeks ago, an interesting development of late has been prosecution of some of the "Sabbath" Association agents by some of their victims. The first of these prosecutions was instituted against Albert J. Hoover, one of the most prominent and active representatives of the "Sabbath" Association in the crusade, and it was in his case that the decision to which we refer was rendered. The matter was thus described by the *Public Ledger*:

Hoover was prosecuted and convicted for buying a cigar on Sunday. He made the purchase for which he was arrested as an agent for the Sabbath Association, and to obtain evidence of violation of the blue laws. On similar evidence the crusaders against Sunday selling during the past year have had, it is said, fines aggregating over \$11,000 collected from small shopkeepers. The prosecutor in Hoover's case was the Business Men's Protective Association, for which Bernard F. Owens was the attorney. It was alleged that Hoover was receiving pay for obtaining evidence for the Association, and thus was engaged in a worldly employment on Sunday. Magistrate C. Harry Fletcher, before whom he was

brought, fined the agent \$4 and costs, which were \$2.50. This judgment was appealed from.

The appeal was to the Court of Quarter Sessions, and the ground upon which it was taken is made clear in the decision mentioned, which was reported by the *Public Ledger* on January 9 as follows:

A decision handed down by Judge Martin, in Quarter Sessions Court No. 3, yesterday, in effect declares unlawful the manner in which the Cigar and Candy Dealers' Sunday-Closing Association obtained evidence of violations of the blue laws. The judge, in this decision, affirmed the conviction of Albert J. Hoover, an agent of the Association, for buying a cigar on Sunday, and dismissed his appeal from the court in which he was convicted. The decision takes a comprehensive survey of Sunday legislation, looking backward over Sunday laws for fifteen centuries, and citing similar legislative acts in several ages. The judge makes the following points:

1. Sunday legislation at first was intended to make the observance of the day a religious duty.
2. All worldly employment, excepting such as was necessary, was forbidden by such laws.
3. Buying, as well as selling, was prohibited by Sunday legislation.
4. Buying cannot be made a work of necessity by being done by an informer in quest of evidence of a violation of the law.

The decision will, it is believed; greatly hamper the blue-law crusade. The text of the decision is as follows:

#### Text of the Decision

Court of Quarter Sessions, Commonwealth vs. Albert J. Hoover. Martin, J. Jan. 8, 1904.

Albert J. Hoover, the defendant, was arrested upon a warrant charging him with a violation of the act of 1794, relating to worldly employment on Sunday. After hearing, he was convicted and subsequently appealed. It appears from the magistrate's transcript that the testimony produced at the hearing proved that the defendant,

in the County of Philadelphia, "on Sunday, Oct. 18, 1903, while agent for a society, bought a cigar." It was claimed at the argument that, while selling a cigar was within the prohibition of the law, its terms did not extend to buying; and that defendant, when making the purchase, having acted as a detective employed to convict sellers, if he was performing worldly employment or business, his work was one of necessity within the exception contained in the act.

Sunday legislation is more than fifteen centuries old, and the "historic argument" is of value in construing the existing law.

"All Sunday legislation is the product of pagan Rome; the Saxon laws were the product of Middle Age legislation of 'The Holy Roman Empire.' The English laws are the expansion of the Saxon, and the American are the transcript of the English." (Lewis's History of Sunday Legislation, p. 70.) The first Sunday law, the edict of the Emperor Constantine, was the product of that pagan conception developed by the Romans, which made religion a part of the state. The day was to be venerated as a religious duty owed to the god of the sun. During the Middle Ages the civil authorities exercised the right to legislate in religious matters after the manner of the Jewish theocracy. The English Reformation introduced for the first time the doctrine of the Fourth Commandment to the first day of the week. While Christianity is part of the common law of this State (*Uptegraff vs. Commonwealth*, 11 S. and R, 394; *Sparhawk vs. U. Pass. Ry. Co.*, 54 Pa., 407), it was said by Reed, J., in the latter case (p. 443): "Judge Bell, in *Specht vs. Commonwealth*, 8 Barr., 325, puts the Sunday law on its true basis. 'Its sole mission is to inculcate a temporary weekly cessation from labor, but it adds not to this requirement any religious obligation.'" Chief Justice Lowrie, in *Commonwealth vs. Nesbit*, 34 Pa., 403, 409, after referring to the earlier legislation in this Commonwealth and to the English act of 29 Charles II., Chap. 7, upon which our laws were in a great measure modeled,

said: "Let us consider the statutory definition of what is forbidden. It is 'any worldly employment or business whatsoever.' What does this word 'worldly' mean? Its co-relatives help us to its meaning. Very evidently worldly is contrasted with religious, and all worldly employments are prohibited for the sake of the religious ones."

Reference to "buying" in terms is of rare occurrence in the laws. Perhaps the earliest appearance of the word is in the enactment by the Council of Mayence, in 813, A. D., under Charlemagne, which decree "that all Lord's Days shall be observed with all due veneration, and that all servile work shall be abstained from, and that buying and selling may be less likely to happen, there shall be no judicial trials unless concerning capital crimes." The Council of Rheims "prohibited on the Lord's Day any mercantile transaction." (Lewis's Hist., *Ibid.* 66.) In one of the laws of Edward the Elder, made after the peace between the Danes and English, it was provided that "if any one engaged in Sunday marketing, let him forfeit the chattel" and pay a fine; and in the reign of Ethelstane it was enacted "that there be no marketing on Sunday" (*Ibid.* 73). Among the laws of Edgar was one "that enjoined that Sunday trading be abstained from" (*Ibid.* 74); and laws similar in character were enacted in the reign of Ethelred and also that of Canute (*Ibid.* 129).

The Cromwellian Parliament passed an act in 1656 in which persons who were "in any tavern, any ale house, victualing house, strong water house, tobacco house, cellar or shop, they not lodging there (and only upon urgent necessity be allowed by a Justice of the Peace), or fetching or sending any wine, ale or beer, tobacco, strong water or other strong liquor unnecessarily, and to tipple within any other house, shall be deemed guilty of profaning the Lord's Day." In the same act it was provided that every butcher killing any cattle, coffermonger, poulterer, herb seller, cord wayner, shoemaker or other selling, disposing or offering to sell any of their wares or commodities,

and the persons buying said wares or commodities, shall be deemed guilty of profaning the Lord's Day. (Lewis's Hist., p. 129.) In the statutes of 29 Charles II., Chap. 7, the subject was forbidden from "exercising his ordinary calling or business" on Sunday, and its wording was adopted in the act of 1705, passed in this Commonwealth.

The act of 1794, however, contains a prohibition against "any worldly employment or business whatsoever on the Lord's Day," and enumerates the exceptions. As was said in the case of *Duncan vs. Commonwealth*, 2 Pearson, 215, "it matters not whether it is the person's ordinary calling or business or not." The old act of 1705 in this particular was copied from the act of Charles II already cited; but after the construction put on these words by the learned Court of Great Britain, our legislators, in passing the act of 1794, as we conceive, purposely changed the wording. They saw that the blacksmith might leave his shop and work on Sunday at making garden or building fences; "it was not his ordinary calling;" they, therefore, forbade "any worldly employment whatsoever." In the same case it was said (p. 215): "We are unable to see why the buyers as well as the sellers are not offenders against the law; both are doing worldly business."

It is claimed, however, that the act of defendant was one of necessity in order to provide evidence of the offense by the seller.

In the earliest law upon the observation of Sunday, which seems to be the edict of Constantine, heretofore referred to, and which is quoted in the opinion of Judge Reed, in *Sparhawk vs. Union Passenger Railway Company* (*supra*), there was a mandate to all judges and all city people and all tradesmen to rest on the venerable day of the sun, but the work of necessity excepted permitted those dwelling in the country freely and with full liberty to attend to the culture of their fields, "since it frequently happens that no other day is so fit for the sowing of grain or the planting of vines; hence the favorable time should not be al-

lowed to pass, lest the provisions of Heaven be lost." In the year 858, A. D., Pope Nicholas I, in his instructions to the Burgundians who had lately embraced Christianity, taught them that there were no days on which works of necessity, such as journeying, fighting, etc., might not be performed. (Lewis's Hist., Ibid. 67.) It was stated by Chief Justice Lowrie, in *Commonwealth vs. Nesbit* (supra), in construing the words of the act of 1794: "Some worldly employments are expressly allowed, such as removing one's family, the delivering of milk and the necessaries of life, and the business of ferrymen and innkeepers, and, of course, these may be performed by a person or his servants, and by all the ordinary means adopted for this purpose, and which are not in themselves forbidden, and all worldly employments are allowed which in their nature consist of acts of necessity or charity, or if they become so for the time being by reason of famine, flood, fire, pestilence or other disaster. . . . The law regards that as necessary which the common sense of the country, in its ordinary modes of doing its business, regards as necessary."

Accepting in its broadest sense the definition of works of necessity as used in connection with Sunday legislation, it is not possible to conceive of a necessity which compels a person to become a party to an offense which is susceptible of proof upon view. That it may be more convenient for an informer to buy than to wait for a precarious customer cannot make the work one of necessity.

The defendant was properly convicted, and the judgment of the magistrate is affirmed, and the appeal dismissed at the cost of the appellant.

This decision of the Court of Quarter Sessions then establishes the point that a method of procedure which has been the chief reliance of the Philadelphia "Sabbath" Association in its Sunday-enforcement crusade is itself illegal under the very statute in the enforcement of which it has been employed—that in the very process of enforcing

the Sunday law the "Sabbath" Association has deliberately and persistently violated the Sunday law. In the very act of apprehending others its agents have violated the law themselves; they have been hired violators of the Sunday law. The "Sabbath" Association insists that disregard of the Sunday "law" is lawlessness and anarchy, so according to its own dictum it stands before the community as an instigator and abettor of lawlessness and anarchy. And while the violation of the Sunday law that has been carried on under the auspices of the "Sabbath" Association has been from the standpoint of the statute itself just as bad as the violation of the statute for which it has hounded and prosecuted and persecuted thousands of poor citizens of Philadelphia, from the standpoint of morals its violation of the law has been infinitely worse. The violation by the shopkeepers was respectable and honorable; the violation under the auspices of the "Sabbath" Association has been vicious and dishonorable. Such work is bound sooner or later to reap the contempt that it deserves, and it seems that the time of reaping for this work of the Philadelphia "Sabbath" Association has arrived. The first editorial in the *Public Ledger* on January 11 was headed, "The Blue Law Spy," and was as follows:

The blue-law prosecutors have cause to be discouraged in their efforts to cleanse the city from the awful blight of Sunday candy and the Sunday cigar. The magistrate before whom the procession of suspected shopkeepers—poor widows, crippled and disabled mechanics, inoffensive, looking foreigners, scarcely any of whom betray by appearances the abandoned character which comports with crime so heinous and dreadful as accepting a nickel from a spy on Sunday—the magistrate is showing signs of waning zeal, if not of disgust. The grand jury has

denounced the movement as a "persecution." Another magistrate has fined a spy who in the pious work of "protecting" the Sabbath bought a cigar on that day, soliciting a dealer to, and participating with him in, the offense for which he then caused the dealer's arrest and conviction. And, finally, a judge of Quarter Sessions, reviewing this magistrate's action, has affirmed it in a decision which reviews the whole Sunday question and rules that if it be worldly employment or business within the meaning of the statute to sell a cigar on Sunday it is an equally worldly employment or business to buy a cigar, even for the godly purpose of tempting a dealer to commit the offense of selling it.

Judge Martin appears to be a man learned not only in the civil but in the canon law; yet all his impressive learning, ranging as it does from the Mosaic legislation down through the Justinian code, the Roman jurisprudence and that of the Saxons and the English to the law of the present day, and aptly reciting acts of Constantine, Charlemagne, Ethelstan, Ethelred, Canute, Cromwell and the Charleses, of the councils of Mayence and Rheims — all this abysmal profundity of learning is unable to cite any support for the idea that the occupation of a spying informer is a work of charity or necessity.

This caustic comment is eminently deserved. The statement that the magistrate before whom the wholesale Sunday-law prosecutions have been conducted "is showing signs of waning zeal, if not of disgust," was warranted by the reports of the last few hearings, especially the last one. It took place on January 7, and was thus reported in the *Public Ledger* the next day:

#### The Last of the Hearings

"I am sick of this business," said Magistrate South yesterday, referring to the prosecution of Sunday-law violators, "and I am going to try to get rid of it." Several times during the proceedings he intimated that he was not in sympathy with the persistent persecution of poor people who are de-

pendent upon their small sales of what some persons regard as necessaries for a livelihood.

In the case of a baker who had been summoned for selling candy on Sunday, the magistrate declared his opinion that ice cream and cake were food, and, therefore, not under the ban of the law. No one raised the point that certain ingredients which enter into candy also enter largely into cake and ice cream, though in different degree. The baker said that he himself was a church-goer, and that he had found that many people like to stop and buy a little candy on their way to church "to eat," he added, "during the service." The Rev. George S. Vail, the self-appointed prosecutor, joined in the laughter which followed this statement. The baker is H. W. Fricke, of 1343 South St. "If people didn't urge me to sell them candy on Sunday," he said, "I wouldn't do it. The church people who pass my place, judge, seem to be very fond of cough drops and taffy. I go to church myself, and I believe in going to church. Some people think cough drops and gum drops and such like a necessity. Now, the question of bread and cake was fought out in the courts in 1888, and in our favor. Of course, the candy question has not been fought out yet. The moral point is whether the man who sells candy on Sunday isn't a hundred times better than these men who go around on Sunday spying upon him." The magistrate — "Ice cream, in my opinion, is food. You can sell ice cream and cakes on Sunday, but under this law you cannot sell candy." "We live in the twentieth century, judge," answered the defendant, "and not in the seventeenth and the eighteenth. This candy question must be cleared up. Of course, in 1888, when the bread and cake question was settled, those people had more money with which to fight the opposition than we have. But if we small dealers could afford it, we would certainly carry this matter to the highest court." Mr. Fricke paid the fine and costs.

The great majority of the complaints were for the sale of cigars or tobacco.

Mr. Vail produced a new informer in the person of William J. Clancy, who is even younger in appearance than any previously employed. Wolf Schaffer, of 1348 Ridge Ave., said that he had forbidden those who sometimes attend his shop in his absence to sell tobacco on Sunday, and he had not sold any himself since he was fined for so doing in November. "I had to pawn my watch to pay the fine then," he added. "It is all I can do to keep my family; but I will not swear falsely about this charge." "We will let you off with the costs," said Magistrate South. "If you had told me the other time that you had to borrow money to pay your fine, I would have remitted it."

During the trial of the charge against M. I. Lifschetz, of 1001 Arch St., of selling a cigar on Sunday, his indignation was aroused by Mr. Vail prompting Clancy, the informer, in a whisper while he was testifying. The magistrate failed to rebuke the prosecutor. The fine and costs were imposed.

Ernest Wagner, of 846 Lombard St., said that he was holding his baby on his knees in his back room, during a visit of his doctor on Sunday evening last, while his little daughter was for the moment in charge of the shop. "I sell nothing on Sunday that I have not a right to sell," he said. "My little girl sold a cigar; but it was a mistake, your honor. I can't afford to keep the place closed altogether on Sunday. I have ten children to support." Mr. Wagner was required to pay costs only.

P. Tunis, of 701 South Eighth St., against whom Agent Biddle has a suit for \$5000 damages because the former caused his arrest for alleged perjury some time ago, was again charged with Sunday selling. The testimony of Roberts, the informer, was rather clouded. Biddle was called to help matters out. He aroused the magistrate's anger by trying to evade a direct question as to whether Tunis was the man whom he said he had seen in the act of selling a cigar. The magistrate finally forced him to tell the whole truth, which was an admission that Tunis was not the man. The accused was discharged.

About twenty-five other defendants were muled.

#### More Extracts from Correspondence on the Subject

Although our report of this Philadelphia Sunday-enforcement agitation has already been very extended, we think it well before concluding it to include more extracts from the *Public Ledger's* correspondence on the subject. Following its vigorous arraignment of the crusade early in November, the *Public Ledger* was promptly called to task by the Sunday-enforcement leaders and sympathizers with their work, who sent to it communications protesting "against its attitude toward the Sabbath observance question," and against its "injustice" to the gentlemen who were pushing the crusade. On November 11, and again on the 14th, the *Public Ledger* gave up considerable space on its editorial page to these communications, together with a few on the other side of the question, publishing them under the double-column heading, "The Blue Law Crusade." We have already, in *The Sentinel* of December 17, presented and commented upon extracts from the communications published on November 11. We will now present such extracts from those published on November 14 as seem worth including in this report. The first communication was from the leading spirit of the crusade, "T. T. Mutchler, Cor. Sec. Phila. Sabbath Association." We quote from it:

As much has been said editorially in your paper concerning the action of the Committee of Fifty, who visited the mayor on November 9, asking for a better enforcement of our Sunday law, we ask the privilege of saying a few things in answer. The committee was appointed on October 27, at a meeting of officers and members of the divisions organized for Sabbath observance. Their specific work was to aid in carrying out the work for which the di-



visions were organized. They were asked to wait upon the mayor and request him to see to the proper enforcement of our Sunday law. Had they done more, they would have gone beyond the work for which they were appointed. Neither the Sabbath Association nor the divisions propose carrying on all the reforms in the city. The committee appointed was not expected to take up any work which was not directly in its line. That other forms of vice do exist in our city is not questioned; but it does seem strange that men such as compose that committee, who, after due deliberation, decide to ask the mayor to see to the proper enforcement of our Sunday law, must first ask permission of the *Public Ledger*, or else be subjected to the editorial criticism that has been freely indulged in for the past few days.

At this point the editor omitted something that had been written. The communication ended with this declaration:

As for the letters that have been appearing in the *Public Ledger* for and against the action of the Committee of Fifty, we are perfectly willing to allow the character of the letters, along with the character and standing of those who wrote them, to have their weight with the readers of the *Public Ledger* as to the propriety or impropriety of the action of the Committee of Fifty.

The advocates of Sunday enforcement are always willing to have the matter judged by something else than the real merits of the question itself. Mr. George Stroud Vail wrote that "as the son of the late Lewis D. Vail, for years the counsel of the Law and Order Society, I am an outspoken antagonist of the liquor traffic, and am never backward in opposition to the so-called 'speak-easies,' but that the committee that called on the mayor "was present for the one purpose of directing the mayor's attention to the numerous violations of the Sunday law." That was very evident. He corrected a "mistake" as follows:

There was a mistake in having printed after my signature in the issue of November 11 the words, "Business Agent Philadelphia Sabbath Association." This is not the fact. The committee that secured my services is partly made up of members of the Sabbath Association, but I am not the business agent of this worthy and valuable association, having my own line of work, entirely confined to enforcing the Sunday law for the benefit of candy and tobacco men, who purpose to make secure their lawful day of rest.

And following his signature were the words, "Business Agent of the Candy and Cigar Sunday-Closing Movement." We should judge that the "mistake" corrected by Mr. Vail was not very material. The only "candy and cigar Sunday-closing movement" that has been carried on in Philadelphia has been engineered by the Philadelphia "Sabbath" Association leaders or agents. Rev. A. Alexander Nellis, of Roxborough, Pa., wrote in part:

Again and again I have read in the columns of the *Public Ledger* and other papers expressions of fervent commendation of governors co-operating with sheriffs in their efforts to maintain the dignity of the law against mob violence, in cases of actual or attempted lynchings. In the columns of the same papers, and apparently from the same pens, I have read severe denunciations of the mayor of Philadelphia for his actions in the same direction, for insistence upon obedience to the law. I wish some master logician would reveal to me the consistency in commending a captain of State troops for firing into a company of civilians which had taken the law into its own hand, and insisting that the chief executive of a great city should utterly disregard the statute laws and permit their flagrant violation, in order that "the plain people" who do not worship God on His day should spend this day on a merry-go-round.

You virtually accuse this Committee of Fifty of misdirecting their efforts. You censure them for not attacking

certain evils which you say are "protected by official favor," and certain others that are "known to everybody, including the police." How could any or all of these ministers accomplish anything in this line under the present regime? If any preacher of prominence in Philadelphia were to urge the men of his church and congregation to oppose with his ballot a political machine sufficiently corrupt to warrant such charges as those made by you, he would at once be condemned as "getting out of his sphere," and, no doubt, influences would soon be brought to bear upon him that would make it "advisable" to listen for a call from another field of labor. It is entirely within the sphere of these "good men," however, to use every honorable means to see that the youth of our city, on their way to worship God, as His law demands, should not be taught that these laws are not binding upon the proprietor of a peanut stand as well as upon the boys of a mission Sunday school. Possibly these boys and girls can understand why God demands obedience and homage from one and not from another; but for the life of me I cannot see that God demands my service and worship any more than He does that of the Italian fruit vender, or the ward politician who runs a cigar store in his front room and a speak-easy in the one adjoining. I think it was in the Bible, though it may have been in some political platform, that I read, "God is no respecter of persons."

The Committee of Fifty are attempting what is within their jurisdiction and power, and should have the commendation and support of the press and public. Let the press show similar wisdom. Let them endeavor to convince our legislators that "the blue laws of 1794" are obsolete, because of their antiquity, and secure the passage of laws in harmony with our greatly advanced civilization. Until they are able to do this, let them not condemn our honored mayor for enforcing such laws as we have, but, rather, let them thank God, and congratulate themselves that Philadelphia has a mayor who, in this respect, is endeavoring to keep his oath of office.

As is customary with the Sunday-enforcement clergymen, Mr. Nellis argued in beautiful disregard of the fact that "obedience and homage" to God is not a thing to be exacted by the state. Most certainly God does not demand the service and worship of Mr. Nellis "any more than He does that of the Italian fruit vender," but that affords no warrant whatever for Mr. Nellis's easy assumption that he and others have the right to compel the Italian fruit vender to render service and worship to God. Were it not that the fact is before us, it would seem incredible that anybody of intelligence could openly and unashamed avow such an assumption at this late day. A fit accompaniment of Mr. Nellis's communication was one from "Merciful," from which we quote:

It wounds my spirit to see in your paper so much opposition to the Sunday blue laws, and in the letters a disposition to abuse those who favor and work for them, as if they were working for their own personal advantage. It is self-evident that they are working for the Lord, and for a better observance of the Lord's Day; and men with the wide information of the editors of the *Public Ledger* surely know that history proves that one day of rest from worldly work and the day given to refreshing the spirit promotes physical health and better morals; and that workmen's tools hold a better quality by resting one day in seven. Without a doubt there are eternal laws of righteousness, independent of God; but He alone first perceives them; His commands harmonize with them, and are intended for our education and happiness. If God now as Supreme Ruler should tell us that lying and stealing would meet with His approval, we could scarcely "worship Him in spirit and in truth;" but, glory to His holy name, our God is unchangeably righteous. I think it would be wise and kind for the papers to plead with the children and men to buy their candies and to-

bacco on Saturday if they must have them on Sunday. It is really the buyer that is cruel, robbing the poor of a day of rest.

Certainly if there are, as is asserted, "laws of righteousness" that are "independent of God," the "law of righteousness" for which the champions of Sunday observance stand is one of them. God has never perceived this "law," however; there is no command of His with which it harmonizes. It seems to be intimated by the writer that if God "as Supreme Ruler should tell us" that non-observance of the so-called "Lord's Day" would not meet with His approval, "we could scarcely worship Him in spirit and in truth" in consequence any more. We know that the devotion of many to the Sunday idol is very great, but we hope that none are ready to go this far in the matter. Another correspondent wrote:

I have been acquainted with the *Public Ledger* since childhood, and a reader for many years. With Dr. Janvier, I must say I am "in hearty accord with the position it takes on most public questions," but I am grieved and disappointed with its present attitude toward the Sabbath observance question. You say: "It is idleness and folly to busy ourselves with trivial offenses while the great evils remain uncorrected." In reply to this I would like to ask, Is anything trivial in God's sight? Is it not the "little foxes that spoil the vine"? . . . Why not help and encourage the Committee of Fifty in its work? . . . Before the laws of 1794 were enacted, God's command was, "Remember the Sabbath day to keep it holy."

This communication, as do the others, exhibits clearly the fact that this matter of Sunday-law enforcement as viewed by those who indorse and advocate it is a matter of religion. And that is the vital fact in the whole matter. The communications are of value because of the service they render

in this respect. Carl G. Petri, of Fayette, N. Y., wrote among other things:

It must be admitted that the attempt to bring small violators of the law to terms, while grosser crimes go unpunished, is unfortunate. But the failure to punish gamblers or gross transgressors of the Sabbath does not make the attempt to prevent small violations of the Sabbath wrong. We do not think that a happy method of reasoning. Our country is not governed on the principle that all lesser crimes shall go unmolested until all greater breaches of the law have been punished, is it? It is indeed unfortunate that the poorer classes must be made examples so that the Sabbath may be kept in reverence, but some must suffer in order that the existence of the Sabbath observance statute be kept in mind. . . . If the little shopkeeper is allowed to keep his place of business open on Sunday unmolested, in time his competitor who has a store somewhat larger will keep his establishment open so as not to lose his trade, and so on in ever widening circles until, in the process of years, Sunday would no longer be even a convenience.

There is something about this that is suggestive of a certain notable utterance: "It is expedient for us that one man should die for the people, and that the whole nation perish not." H. E. Pickett, of Philadelphia, wrote:

I have always been an admirer of the *Public Ledger*, and both in private and public have recommended it as the purest and best daily paper in the city. . . . But I must protest against the truth of your statement in a leading editorial, that "the common sense of the people of this city indorses it, and the same conviction of the great body of Christian people agrees with it;" that is, with your "attitude toward these good men and their campaign." I, for one, do not indorse or agree with such an inconsistent attitude as you assume in reference to this whole movement.

There were but two communications on the other side of the question pub-

lished in connection with these from which we have quoted. Some one signing himself "West Philadelphian" wrote, in part:

I wish to call attention to that portion of Rev. L. Y. Graham's letter where he says 2,000 persons have been fined since last November for violations of the Sunday laws in our city. Does the reverend gentleman mean to convey the impression that the cigar and candy stores have only been open on Sundays since last November, when it is a well-known fact that these self-same cigar and candy stores have been open on Sunday for so many years that not one person in a thousand had any idea that it was in violation of any law? If Mr. Graham knows nothing of the so-called violators of this law previous to last November, he should investigate, and at the same time it might not be a bad thing for him to see if he cannot find some few other violators of this law as well as the little cigar-candy dealers. I don't think he would have difficulty in finding some larger game if he wants it. I see Rev. T. T. Mutchler says that if the small dealers can't live and obey the law, they should get out. The small dealers can and do obey any and all just laws that the authorities want to enforce. What the small dealers object to is the hiring of men to hound them.

Among other things William M. Hinckle wrote:

My own impression is that the movement is too superficial to accomplish more than to cause a great deal of trouble, not to say deprivation, to many in the humbler walks of life. At the same time the causes which permit these lesser evils, as well as those of a deeper dye, and whose existence is sapping the foundations of our honesty and morality, are allowed to flourish unchecked, and are even encouraged by the very committee which is so valorously "tilting at windmills." . . . To hale before the court one here and one there for Sabbath desecration, while next door "the man with a pull" is allowed to keep open, is not only unjust but will probably encourage the

unfortunate citizen to seek the favor of the machine to obtain the same coveted privilege as his neighbor, and the "organization" becomes the more firmly entrenched in its corruption.

On January 10 the *Public Ledger* published another batch of communications on "The Blue Law Movement," called forth by its noteworthy editorial of December 28, which was included in the report given last week. All but two of the communications were in approval, and one of these was not in entire disapproval. It was from Albert B. Carner, of York, Pa., and was in part as follows:

Your important editorial of December 28 challenges and deserves most thoughtful attention. Your position is clearly stated, and your first objection lies against the method of getting evidence. We believe the objection is well taken. There is something obnoxious in espionage and decoy. . . .

Your second objection, that men cannot be made good by law, is wide of the mark. Criminal laws are not primarily intended "to make men good," but to deter lawbreakers from interfering with the rights of good men and from making men bad. . . . Upholders of Sabbath laws do not so much hope to make Sabbath-breakers religious as to prevent such men from leading other men, especially young people and children, to become despisers of law, and irreligious and atheists and anarchists.

Your third objection, a denial to the citizen of the right of private judgment, is a more difficult one to meet on the plane of merely human argument, especially in this day of vast immigration and large diversity of population. But there is still in all civilized communities a general consent — practically unanimous — as to the necessity of religion and of its culture. And defenders of the Sabbath believe devoutly that it is a Divine institution, authoritatively commanded in the Decalogue, and, as modified by Christ and his apostles, now binding upon all men. And this involves your fourth objec-

tion, the Judaizing of Christianity. That phrase mistakes our attitude. We would indeed get back to that reverent and obedient regard for religious laws and Divine authority that in their purest and happiest days characterized the Jewish people. But we would not give up the Christ, nor in any way sacrifice "that liberty wherewith Christ hath made us free." . . .

The advocates of Sunday enforcement should be the last people on earth to talk about "that liberty wherewith, Christ hath made us free." In this matter they utterly sacrifice and disregard that liberty. Mr. Carner concluded thus:

The breakdown of regard for the Sabbath seems to have moved in startling coincidence with the spread of loose and unrighteous living, and not the least factor in the Sabbath unrest has been the seven-days-in-the-week paper, with its tremendous business of advertising and distributing and selling its Sunday issue. What has done more to break down the Sabbath than the noisy and wearying Sunday excursions and the overloaded and overspiced Sunday paper? What has done more to break down reverence for Divine law than the desecration of that day intended for the study of Divine law and the cultivation of righteousness?

It is always "reverence for Divine law" that is the object of the advocates of Sunday observance by law. It never seems to occur to them that promotion of "reverence for Divine law" as such is no proper function of the state, and that compulsion and coercion to that end is not the way to inspire reverence for Divine law. Daniel W. Lenahan, of Willinton, Pa., who evidently is, or was, a magistrate, wrote:

Your editorial on December 28 needs no comment. It was sound in every line and letter. About two years ago a Mt. Carmel merchant was sued before me for selling goods one Sunday. At the hearing it was shown that the prosecutor had purchased goods from

the defendant from time to time on Sunday, and on credit. He never paid a single dollar for the goods, which amounted to a considerable sum. He has not paid it yet. This prosecutor took this means of settling an honest bill, for which he had been dunned from time to time. He brought his case before the wrong magistrate, who not only discharged the defendant but turned the tables, and made the man pay nominal costs for obtaining goods under false pretense. Seward it was who said there is a higher law than the Constitution, and there is. With all respect for your Committee of Fifty, there is a higher law than the blue law now being enforced in Philadelphia. There is always some mean, sordid motive behind the enforcement of these obsolete laws. It may be a pretense of piety, or something else, but it is always there. There is some motive in it that is mean. This is always the case. The legislature should repeal those laws at the next session. It is always good legislation to repeal obnoxious measures and enact better ones in harmony with the spirit of the times.

Mr. Lenahan proposes the right and only settlement of the matter, and it is to be hoped that this settlement of it will not be long delayed. The other communication in opposition to the *Public Ledger's* attitude was from J. H. Margerison, who is very probably a clergyman. He wrote:

I have been a constant reader of the *Public Ledger* for thirty years, and I have been surprised that you should make a distinction when a law was made as to whether it should be enforced or not. General Grant said if a law is bad, enforce it, and that will insure its repeal. If, as you say, there is greater and more flagrant disregard for laws and decencies than these fifty Christian gentlemen are trying to put down, why don't your great paper take these matters up as a public duty and become a valuable co-worker of these men, to whom you give credit for sincerity and honesty? I take it to be the duty of the public press to help,

and not hinder, the execution of the laws of the Commonwealth. If it were not for our Christian Sabbath, and its influence, our city would not be the desirable city of homes it now is. Cannot we do something to make it still better, and not lawless?

When it comes to the Sunday "law" the advocates of Sunday enforcement are always very deeply impressed with the importance of "the execution of the laws," and that any failure in that respect is "lawless." The difficulty is that the "law" for which they are so exceedingly jealous is itself lawless, and principles and maxims which are excellent with regard to lawful laws are all awry when applied to the Sunday "law." That law and its enforcement are lawless, and therefore can only deter instead of aiding in making a community or an official "not lawless." It is certain that in this whole Philadelphia Sunday-law agitation there have been brought to light no more lawless violators of the Sunday law than the very men who have been employed in the despicable work of its enforcement. Frank Thompson, another correspondent, wrote:

Who are these men who lower manhood and self-respect by engaging people with unknown places of residence to spy on another to find guilt? Are they so holy themselves? Are they noted for good deeds? Did they ever read in the Bible a parable about the Pharisee and the publican? If this association of Sunday "reformers" is composed of good, true, noble and worthy men, why waste their valuable time in crushing the widows, the lame and blind for selling a cent's worth of goods on Sunday when there are larger evils? . . .

A person keeping goods he knows are stolen is as bad as the thief. It that holds good in law, so does this: A person buying goods on Sunday is as bad as the person who sold, and should receive the same punishment. And a person who buys goods with the

idea of convicting the person who sold should receive the severest punishment that can be given him.

Keep up your editorials! Write them more to the point. Call on the association of "reformers" to state publicly the good and noble deeds they have ever done. Have them tell of the hearts they have made to rejoice, the people whom they have made to love them, and to cry out in joy over the religion they represent. Let them drop these unrighteous dealers who sell a cent's worth of goods on the Lord's Day (not on their day, but the Lord's), and let them visit the clubs and other places where souls are lost, money squandered, bad habits contracted, and use their holy office of bringing these people before their magistrate. If they do it themselves — and not by spies — I shall believe they are sincere in their work.

In the following J. E. Patman advances an idea with regard to the Sunday-enforcement agitators that is very fitting indeed:

Bigotry has cost more bloodshed than all else combined. We know that the dear old Puritans used to burn witches. We can excuse them — they lived in a different age. But when a twentieth-century citizen tries to tell us we should do so and so on Sunday, I have no sympathy for him. He should have been born 200 years ago. Some people are born before their time — others after their time. God pity those who are born after — they'll never catch up.

The Sunday-enforcement agitators, if we are to determine by their attitude in this matter, have most certainly been born out of their time. To have been at home, they should have been born several hundred years ago. It is very evident that some of them will never "catch up" with the times in which they live. They are too thoroughly imbued, in this matter of Sunday enforcement, with the spirit and idea which makes the state the instru-

ment and conservator of religion, but which enlightened peoples have long ago repudiated.

#### Sabbath Association "Achievements"

In our first extensive report several weeks ago regarding this Sunday enforcement crusade and agitation in Philadelphia we gave at the outset a "review of twelve months' work of the Sabbatarians" prepared by Mr. C. J. Field of the small dealers' protective association. In concluding we can present a summary of the last year's work of the "Sabbath" Association prepared by its manager. The annual meeting of the organization was held on January 18, and "in summing up the work which was accomplished by the association last year, Rev. T. T. Mutchler, corresponding secretary, reported these achievements:"

Defeat of the Berkelbach bill in the legislature, which if passed would have virtually repealed the Sunday law.

Efforts of the milkmen to diminish Sunday work furthered.

Barbers aided in their Sunday-closing movement.

City authorities took action to prevent the carrying on of many lines of business and amusement on Sunday.

A State organization effected, and the counties are being organized.

There were distributed 100,000 pages of leaflets.

The general contributions amounted to \$1670.80. The church collections, to \$431.81.

The important phase of the "Sabbath" Association's work with which Mr. Field's report dealt is not even mentioned by Mr. Mutchler. He does not include in the list of "achievements" the wholesale prosecutions and convictions of the small shopkeepers under the Sunday law. Is it possible that he does not regard this as an "achievement," as the greatest of the

"achievements," of the "Sabbath" Association during the past year? It is very likely that he now begins to realize that it is an achievement that it is the part of wisdom not to glory in publicly — that the reputation and standing of the "Sabbath" Association is not likely to be greatly enhanced by proclaiming and glorying in its chief "achievement" of the past year. At any rate it is evident that the "Sabbath" Association will proceed much more slowly in this line of achievement for a time. Judge Martin's decision has called a halt upon its activity in enforcing the Sunday law. From the report of this annual meeting we learn that although "the society has decided to appeal from the decision of Judge Martin, the work of obtaining evidence will not be pushed vigorously pending the decision."

It is sincerely to be hoped that the next Sunday-law agitation in Pennsylvania will not be one in connection with the oppression and persecution of small shopkeepers, but that it will be one which will mark the complete repeal and abolition of the statute which has enabled the Philadelphia "Sabbath" Association to carry on its crusade of oppression and persecution during the past year. Two things that this crusade most decidedly emphasize are declared by Mr. Daniel W. Lenahan, of Willinton, Pa: "There is a higher law than the blue laws," and "the legislature should repeal these laws at the next session." It is a disgrace to the State that it has upon its statute books a law which enables religionists to oppress and persecute people for disregarding a religious observance, and genuine patriotism and true religion alike call for the immediate removal of this disgrace.

# 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.

ADDRESS THE PUBLISHERS OF THE SENTINEL.