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SUNDAY

AS A

CIVIL INSTITUTION.

THE LAWS OF THE STATE OF NEW YORK,

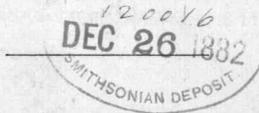
PERTAINING TO THE

OBSERVANCE OF SUNDAY.

FOR THE INFORMATION OF CITIZENS GENERALLY.

TO WHICH IS ADDED

"SUNDAY LAW AND SUNDAY LIBERTY."



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PUBLISHED BY

THE SYRACUSE SABBATH ASSOCIATION.

JANUARY, 1882.

OBJECTS OF THE ASSOCIATION,

AS STATED IN ITS FIRST PUBLIC DOCUMENT.

"It is the purpose of this Association, in co-operation with the constituted authorities,

"1. To seek the cessation of such kinds of labor on the Sabbath as are acknowledged by good citizens generally to be unnecessary, illegal, and injurious to individuals, to families, and to society.

"2. To prevent such illegal traffic, and such forms of amusement and dissipation on Sunday, as tend to deprive of their rights and privileges all who wish to enjoy a quiet Sunday for rest and worship, to destroy in the minds of the young all sense of its importance and value, to degrade the public morals, to interrupt the public peace, to injure the public health, or to destroy the security of home and property.

"3. As to questions, regarding which, there is at present a wide difference of opinion, even among the professed friends of the National Sabbath, for rest and worship, it is the aim of the Association, First, To avoid extremes; Second, To act on those sound principles which tend undoubtedly to the public welfare; Third, To use means to secure a general understanding of the truth on all questions that may arise.

"In these efforts for the protection of property, home, liberty, purity and peace, they will ultimately succeed, if, as they hope, they shall have the co-operation, the sympathy and moral support of the intelligent community. They earnestly ask that this may be given them *at once and continuously*, by individuals, firms, organizations and corporations, by all teachers and preachers, trades and professions, by the whole press, and by all civil officers, in cities, towns and country; that there may be formed a united and general *public sentiment* regarding the Sabbath, in accord with the truths of Scripture, the laws of nature, the best interests of property, and the necessities of free government."

SUNDAY

AS A

CIVIL INSTITUTION.

The free exercise and enjoyment of religious profession and worship without discrimination or preference, is secured in the Constitution, and protected by the Laws of the State; "But the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State." *Con. State N. Y., Art. 1. Sec. 3.*

The LAWS of the STATE OF NEW YORK on this Subject are as follows: See 2 Rev. St. (6th ed.) p. 928, &c.

§ 83. [Sec. 69.] No writ, process, warrant, order, judgment, decree or other proceeding of any court or officer of justice, shall be served or executed upon the first day of the week, called Sunday, except in cases of breach of the peace, or apprehended breach of the peace, or for the apprehension of persons charged with crimes and misdemeanors, or the violation of any of the provisions of this and the preceding article, and except where such service shall be specially authorized by law. The service of any such process or proceeding, in all other cases, shall be utterly void, and shall subject the party offending to damages, at the suit of any person aggrieved.

Certain process not to be served on Sunday.

Service void, &c.

§ 84. [Sec. 70.] There shall be no shooting, hunting, fishing, sporting, playing, horse-racing, gaming, frequenting of tippling-houses, or any unlawful exercises or pastimes, on the first day of the week called Sunday, nor shall any person travel on that day, unless in cases of charity or necessity, or in going to or returning from some church or place of worship within the distance of twenty miles, or in going for medical aid or for medicines, and returning, or in visiting the sick and returning, or in carrying the mail of the United States, or in going express by order of some public officer, or in removing his family or household furniture, when such removal was commenced on some other day; nor shall there be any servile laboring or working on that day, excepting works of necessity and charity, unless done by some person who uniformly keeps the last day of the week, called Saturday, as holy time, and does not labor or work on that day, and whose labor shall not disturb other persons in their observance of the first day of the week as holy time. Every person being of the age of fourteen years offending against the provisions of this section, shall forfeit one dollar for each offence.

Certain sports on Sunday, traveling, laboring, &c. prohibited.

Exceptions.

§ 85. [Sec. 71.] No person shall expose to sale any wares, merchandise, fruit, herbs, goods or chattels on Sunday, except meats, milk and fish, which may be sold at any time before nine of the clock in the morning; and the articles so exposed for sale shall be forfeited to the use of the poor, and may be seized by virtue of a warrant for that purpose, which any justice of the peace of the county, or mayor, recorder or alderman of the city, is hereby authorized to issue, upon a conviction of the offender. When seized they shall be sold on one day's notice being given, and the proceeds shall be paid to the overseer of the poor of the town or city.

Goods not to be sold on Sunday

May be seized and forfeited.

§ 86. [Sec. 72.] No keeper of an inn or tavern, or of any ale-house, or porter-house, or grocery, nor any other person authorized to retail strong or spirituous liquors, shall on Sunday, sell or dispose of any ale, porter, strong or spirituous liquors, excepting to lodgers in such inns or taverns, or to persons actually traveling on that day in the cases allowed by law. Every person offending against this provision, and being thereof duly convicted, shall forfeit the sum of two dollars and fifty cents.

Liquor not to be sold on Sunday.

Exception.

Exemptions from military and jury duties.

§ 87. No person whose religious faith and practice is to keep the seventh day of the week commonly called Saturday, as a day set apart by divine command as the Sabbath of rest from labor, and dedicated to the worship of God, shall be subject to perform military duty, or jury duty in a justice's court, on such day, except that such persons shall be subject to perform military duty in case of invasion, insurrection, or in time of war.

Penalty.

§ 88. Any person who shall knowingly and maliciously cause or procure any process issued from a justice's court, in a civil suit, to be served on said day upon any such person, or who shall serve any such process which shall be made returnable on said day, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days, or both.

Penalty.

§ 89. Any person who shall in like manner procure any such suit, pending in such court against any person of such religious faith and practice to be adjourned, to be tried on said day, shall be deemed guilty of a misdemeanor, and subject to like punishment.

§ 90. All contracts or agreements of any nature made with the publishers or proprietors of any paper dated, published or issued on the first day of the week shall be as valid, legal and binding, as contracts made with newspapers dated or published on any other day of the week.

Processions forbidden on Sunday.

§ 93. All processions and parades on Sunday, in any street or public place of any city, excepting only funeral processions engaged in the actual burial of the dead, and processions to and from any place of worship in connection with a religious service there celebrated, are forbidden; and in no such excepted case shall there be any music, fireworks, discharge of cannon or fire-arms, or other disturbing noise; provided, that in any military funeral music may be played while escorting the body, but such music shall not be played within one block of any place of worship where worship is being celebrated.

Fireworks, &c., prohibited.

§ 94. Every person wilfully violating any provision of this act shall be guilty of a misdemeanor, punishable with a fine not exceeding twenty dollars, or imprisonment not exceeding ten days, or both at the discretion of the court.

Penalty.

No exhibitions to be given on Sunday.

§ 95. It shall not be lawful to exhibit, on the first day of the week, commonly called Sunday, to the public, in any building, garden, grounds, concert room, or other room or place within the city or county of New York, any interlude, tragedy, comedy, opera, ballet, play, farce, negro minstrelsy, negro or other dancing, or any other entertainment of the stage, or any part or parts therein, or any equestrian, circus or dramatic performance, or any performance of jugglers, acrobats or rope dancing.

Persons exhibiting or leasing to others to exhibit, guilty of a misdemeanor.

§ 96. Any person offending against the provisions of this law, and every person aiding in such exhibition, by advertisement or otherwise, and every owner or lessee of any building, part of a building, ground, garden, or concert room, or other room or place, who shall lease or let out the same for the purpose of any such exhibition or performance, or assent that the same be used for any such purpose, if the same shall be used for such purpose, shall be guilty of a misdemeanor, and in addition to the punishment therefor provided by law, shall be subject to a penalty of five hundred dollars, which penalty the society for the reformation of juvenile delinquents in said city are hereby authorized, in the name of the people of this State, to prosecute, sue for and recover for the use of said society; in addition to which every such exhibition or performance shall of itself forfeit, vacate and annul and render void and of no effect, any license which shall have been previously obtained by any manager, proprietor, owner or lessee, consenting to, causing or allowing, or letting any part of a building for the purpose of such exhibition and performance.

Proceedings to collect penalties imposed by last article.

§ 97. [Sec. 73]. Whenever complaint shall be made to any justice of the peace, mayor, recorder or alderman, of a violation of either of the provisions contained in the article on the observance of Sunday, or when any such violations shall happen in the presence of such officer, he shall cause the offender to be brought before him, and shall proceed summarily to inquire into the facts; and if the person charged be found

guilty, a record of his conviction shall be made and signed by such officer, before issuing any process to enforce the same; which convictions shall be final, and shall not be re-examined upon the merits in any court.

§ 98. [Sec. 74.] No prosecution shall be maintained for any of the violations specified in the preceding section, unless the same be instituted by the actual issuing of process to apprehend the offender, or by his actual appearance to answer the complaint, within twenty days next after the offense committed. Time limited for prosecuting.

By Chap. 676, Laws of 1881, the following provisions were enacted, to take effect May 1, 1882, and this act repeals all inconsistent acts:—

§ 259. The first day of the week being by general consent set apart for rest and religious uses, the law prohibits the doing on that day of certain acts hereinafter specified, which are serious interruptions of the repose and religious liberty of the community. The Sabbath.

§ 260. A violation of the foregoing prohibition is Sabbath breaking. Sabbath breaking.

§ 261. Under the term "day," as employed in the phrase "first day of the week," when used in this chapter, is included all the time from midnight to midnight. Day defined.

§ 262. The following acts, as explained in the next six sections, are those forbidden to be done on the first day of the week, except in a work of necessity or charity: Acts forbidden.

1. Servile labor;
2. Public sports and shows;
3. Trades, manufactures, or mechanical employments;
4. Public Traffic;
5. Serving process.

§ 263. All manner of servile labor, on the first day of the week, is prohibited, excepting in works of necessity or charity. Servile labor.

§ 264. It is a sufficient defense to a prosecution for servile labor on the first day of the week, that the defendant uniformly keeps another day of the week as holy time, and does not labor upon that day, and that the labor complained of was done in such manner as not to interrupt or disturb other persons in observing the first day of the week as holy time. Persons observing another day as a Sabbath.

§ 265. All shooting, hunting, fishing, playing, horse racing, gaming or other public sports, exercises, pastimes or shows, upon the first day of the week, and all noise disturbing the peace of the day, are prohibited. Public sports.

§ 266. All trades, manufactures and mechanical employments upon the first day of the week are prohibited. Trades, manufactures and mechanical employments.

§ 267. All manner of public selling, or offering, or exposing for sale publicly, of any commodities upon the first day of the week is prohibited, except that meats, milk and fish may be sold at any time before nine o'clock in the morning, and except that food may be sold to be eaten upon the premises where sold, and drugs, medicines and surgical appliances may be sold at any time of the day. Public traffic.

§ 268. All service of legal process of any kind whatever, upon the first day of the week, is prohibited, except in cases of breach of the peace, or apprehended breach of the peace, or when sued out for the apprehension of a person charged with crime, or except where such service is specially authorized by statute. Serving process.

§ 269. Sabbath-breaking is a misdemeanor, punishable by a fine not less than one dollar and not more than ten dollars, or by imprisonment in a county jail not exceeding five days or by both. Punish'm't of Sabbath breaking.

§ 270. In addition to the penalty imposed by the last section, all commodities exposed for sale on the first day of the week, in violation of the provisions of this chapter, shall be forfeited. Upon conviction of the offender by a justice of the peace of a county, or a mayor, recorder, or alderman of a city, such officer shall issue a warrant for the seizure of the forfeited articles, which, when seized, shall be sold on one's day's notice, and the proceeds paid to the overseers of the poor, for the use of the poor of the town or city. Forfeiture of commodities exposed for sale.

§ 274. A person who willfully disturbs, interrupts or disquiets any assemblage of people met for religious worship, by any of the acts enumerated in the next section, is guilty of a misdemeanor. Disturbing religious meetings.

Definition
of the
offense.

§ 275. The following acts, or any of them, constitute disturbance of a religious meeting:

1. Uttering any profane discourse, committing any rude or indecent act, or making any unnecessary noise, either within the place where such meeting is held, or so near it as to disturb the order and solemnity of the meeting;

2. Engaging in, or promoting, within two miles of the place where a religious meeting is held, any racing of animals or gaming of any description;

3. Obstructing in any manner, without authority of law, within the like distance, free passage along a highway to the place of such meeting.

Processions
and
parades.

§ 276. All processions and parades on Sunday in any city, excepting only funeral processions for the actual burial of the dead, and processions to and from a place of worship in connection with a religious service there celebrated, are forbidden; and in such excepted cases there shall be no music, fireworks, discharge of cannon or firearms, or other disturbing noise. At a military funeral, however, music may be played while escorting the body, but not within one block of a place of worship where service is then celebrated.

A person willfully violating any provision of this section is punishable by fine not exceeding twenty dollars, or imprisonment not exceeding ten days, or by both.

Theatrical
and
other per-
formances.

§ 277. The performance of any tragedy, comedy, opera, ballet, farce, negro minstrelsy, negro or other dancing, or any other entertainment of the stage, or any part or parts therein, or any circus, equestrian, or dramatic performance, or any performance of jugglers, acrobats, or ropedancers, on the first day of the week, is forbidden; and every person aiding in such exhibition, by advertisement or otherwise, and every owner or lessee of any garden, building or other room or place, who leases or lets the same for the purpose of any such exhibition or performance or who assents to the use of the same for any such purpose, if it be used, is guilty of a misdemeanor.

In addition to the punishment therefor provided by statute, every person violating this section is subject to a penalty of five hundred dollars; which penalty "The Society for the Reformation of Juvenile delinquents" in the city of New York, for the use of that society, and the overseers of the poor, in any other city or town for the use of the poor, are authorized, in the name of the people of this state, to recover. Besides this penalty, every such exhibition or performance, of itself, annuls any license which may have been previously obtained by the manager, owner or lessee, using or letting such building, garden, room or place, or consenting to such exhibition or performance.

APPENDIX.

THE COMMON LAW.

In Blackstone's Commentaries on the Law of England, *B. IV., Ch. IV., Sec. 9*, the doctrine of the common law in relation to Sunday is thus set forth :

Profanation of the Lord's day, vulgarly (but improperly) called Sabbath-breaking, is an offense against God and against religion, punished by the municipal law of England. For, besides the notorious indecency and scandal of permitting any secular business to be publicly transacted on that day, in a country professing Christianity, and the corruption of morals which usually follows its profanation, the keeping one day in the seven holy, as a time of relaxation and refreshment as well as for public worship, is of admirable service to a State, considered merely as a civil institution. It humanizes, by the help of conversation and society, the manners of the lower classes, which would otherwise degenerate into a sordid ferocity and savage selfishness of spirit; it enables the industrious workman to pursue his occupations in the ensuing week with health and cheerfulness; it imprints on the minds of the people that sense of their duty to God, so necessary to make them good citizens, but which yet would be worn out and defaced by an unremitted continuance of labor without any stated times of recalling them to the worship of their Maker.

In Potter's Dwaris on Statutes and Constitutions, pp. 464-6, the duty of the police power of the State to require the observance of the first day of the week, is stated as follows :

Among the subjects included in the police power is that of requiring the observance of the first day of the week as the Christian Sabbath. It neither interferes with the religious belief of any citizen, nor with any doctrine of religious faith or practice. It is no violation of the Constitution, which allows the free enjoyment of profession and worship, without discrimination or preference, to all mankind. It creates no legal religion in the State. The Christian religion is recognized as a part of the common law of this State. The observance of this day does not interfere with any natural right, or with the equal right of any citizen to entertain any other belief. It merely restrains the people from secular pursuits and practices which the legislature deem hurtful to the morals and good order of society. This is within the legislative power. So is the right to declare void all contracts made on that day.

It does not touch private property, or impair its value. The Christian religion, as a part of the common law of England, can be traced back by positive legislation (if legislation it may be called), to the day of the Saxon kings. The code of King Alfred commences with an enactment of the ten commandments; it recites the advent and passion of our Saviour, the founding of the church, the mission of the Apostles, and the letter issued from the church at Jerusalem, recorded in the fifteenth chapter of Acts.

AMERICAN SUNDAY LAWS.

In Judge Cooley's work on Constitutional Limitations, p. 471, he thus states the essential basis of American Sunday laws :

The same reasons of State policy which induce the government to aid institutions of charity and seminaries of learning will incline it also to foster religious worship and religious institutions as conservators of the public morals, and valuable, if not indispensable, assistants to the preservation of the public order. Nor, while recognizing a superintending Providence, are we always precluded from recognizing also, in the rules prescribed for the conduct of the citizen, the notorious fact that the prevailing religion in the States is Christian. Some acts would be

offensive to public sentiment in a Christian community, and would tend to public disorder which in a Mahometan or pagan country might be passed by without notice, or even be regarded as meritorious; just as some things would be considered indecent and worthy of reprobation and punishment as such, in one state of society, which in another would be in accord with the prevailing customs, and therefore defended and protected by the laws. The criminal laws of every country are shaped in greater or less degree by the prevailing public sentiment as to what is right, proper and decorous, or the reverse; and they punish those acts as crimes which disturb the peace and order, or tend to shock the moral sense, or sense of propriety and decency, of the community. The moral sense is largely regulated and controlled by the religious belief; and therefore it is that those things which, estimated by a Christian standard, are profane and blasphemous, and properly punished as crimes against society, since they are offensive in the highest degree to the general public sense, and have a direct tendency to undermine the moral support of the laws, and to corrupt the community.

In Judge Story's Commentaries on the constitution of the United States, the authority of the Government to interfere in matters of religion is set forth in the following clear and forcible terms:

The right of a society or government to interfere in matters of religion will hardly be contested by any persons who believe that piety, religion and morality are intimately connected with the well-being of the State, and indispensable to the administration of civil justice. The promulgation of the great doctrines of religion; the being and attributes and providence of one Almighty God; the responsibility to Him for all our actions, founded upon moral freedom and accountability; a future state of rewards and punishments; the cultivation of all the personal, social and benevolent virtues—these never can be a matter of indifference in any well-ordered community. It is, indeed, difficult to conceive how any civilized society can well exist without them. And, at all events, it is impossible for those who believe in the truth of Christianity as a divine revelation, to doubt that it is the especial duty of government to foster and encourage it among all citizens and subjects. This is a point wholly distinct from that of the right of private judgment in the matters of religion, and of the freedom of public worship according to the dictates of one's own conscience. Probably at the time of the adoption of the Constitution, and of the amendment to it, now under consideration, the general, if not the universal, sentiment in America was, that Christianity ought to receive encouragement from the State, so far as it is not incompatible with the private rights of conscience and the freedom of religious worship. An attempt to level all religions, and to make it a matter of State policy to hold all in utter indifference, would have created universal disapprobation, if not universal indignation.

But the duty of supporting religion, and especially the Christian religion, is very different from the right to force the consciences of other men, or to punish them for worshiping God in the manner which they believe their accountability to Him requires. It has been truly said that religion, or the duty we owe to our Creator, and the manner of discharging it, can be dictated only by reason and conviction, not by force or violence.

The real object of the amendment was, not to countenance, much less to advance Mahometanism, or Judaism, or infidelity, by prostrating Christianity; but to exclude all rivalry among Christian sects, and to prevent any national ecclesiastical establishment, which should give to an hierarchy the exclusive patronage of the National Government.

SUNDAY LAWS AND SUNDAY LIBERTY.

A FEW PLAIN WORDS ON SOME RIGHTS AND DUTIES
OF AMERICAN CITIZENS.

Nothing strikes a foreigner, on arriving in America, more forcibly than our observance of Sunday. It surprises him that a people, so eager and successful in the pursuit of wealth, should suspend all business for a whole day in every seven,—that we, who are so jealous of our liberties and who make our own laws, should make and obey Sunday laws stricter than those of most other countries.

The matter is worth looking at carefully and candidly. On what ground do our Sunday laws rest, what place do they hold among our free institutions?

National customs and laws are not arbitrary or accidental enactments, but are the natural result of the character and circumstances of a people.

Our Sunday laws grew out of the observance of the Lord's-Day, which the earliest colonists brought with them to these shores, and which was deeply rooted in their religious convictions.

In all of the original States of the Union, among the Quakers of Pennsylvania and the Huguenots of Carolina, the Roman Catholics of Maryland and the Puritans of Massachusetts, laws, protecting and regulating the observance of the first day of the week, were among the earliest enacted. As new States were formed, the example was followed, till now, in every State of the Union, as well as by the Federal Government, the weekly rest-day is recognized by law.

WHAT THESE LAWS ARE.

The Sunday laws, occasionally modified to meet the changing conditions of society, and differing in some details in the different States, are yet alike in their chief features from Maine to California. They forbid on Sunday common labor and traffic, public and noisy amusements, and whatever is likely to disturb the quiet and good order of the day. They make Sunday a non-legal day, so that ordinary processes of Courts are not served; the Courts and Legislatures do not sit; the public business is suspended. In brief, Sunday is taken out of the number of ordinary week days, and, so far as possible, made free from secular engagements and disturbances. In a number of the States special provision is made for Israelites and others who observe Saturday as their Sabbath.

THEY DO NOT ENFORCE RELIGION.

These laws do not compel the religious observance of Sunday. In America, Church and State are separate. The civil law does not enforce religious duty. It is true that the great majority of Americans hold the first day of the week as set apart by God, and to be kept holy to Him. They know well that in its religious observance lie its best use and benefit; and that when religious regard for it ceases, no human laws can prevent its becoming, as in many parts of Europe, a day of dissipation to some, of common drudgery to others. But they have neither wish nor power to impose by law on others their religious opinions and observances. The language of the statutes and the decision of the Courts show the jealous care with which any-

thing like the enforcement of religion has been avoided in these Sunday laws. "The statute prohibiting common labor on the Sabbath," said the Supreme Court of Ohio, "could not stand for a moment as the law of this State, if its sole foundation was the Christian duty of keeping the day holy, and its sole motive was to enforce the observance of the day." The Supreme Court of New York, in sustaining one of the Sunday laws, said, "The act complained of here compels no religious observance, and offences against it are punishable, not as sins against God, but as injurious to and having a malignant influence on society. It rests upon the same foundation as a multitude of other laws upon our statute book, such as those against gambling, lotteries, keeping disorderly houses, polygamy, horse racing, etc."

The laws of the State and the requirements of religion may, in some instances, coincide. Thus each forbids murder, stealing, incest. But the law forbids these, not as offences against God, but as crime against man. The law has to do with the relations of men to each other, and not with the relations of men to God.

THE RIGHT TO REST.

The Sunday laws are intended to secure to all, so far as possible, one day's rest in seven. Every man has the natural right to make the best of himself. For this end he needs and has a right to the weekly rest-day. It is necessary to his bodily, mental, and moral well-being. The nightly rest is ordinarily not sufficient to repair the energies expended during the day. There needs an additional rest to keep body and mind in full vigor. Experience proves that in the long run, a man cannot do as much by working seven days in the week as by working six days. Unresting toil weakens the body and cramps the mind. It tends to make a man a mere eating and sleeping and working animal. Beside, a man has a social nature and has a right to enjoy it. But working seven days in the week leaves him usually little or no time to enjoy or care for his family. *The weekly rest-day comes in as every working man's friend.* It lifts the load off his back, and wipes the sweat from his brow. It gives him leisure to read and think, to enjoy his home, to care for his family. It makes him for the time his own master, and helps him to feel his dignity as a man, a husband, a father. The weekly rest-day is therefore a natural right, as much as the right to enjoy property or health or reputation.

Now, it is the object of government to secure to every man his natural rights, so far as is consistent with the rights of others. The strong arm of the State alone can protect the rest-day of the working man from the greed of gain, the exactions of capital, the selfish competitions of his fellows. So the law forbids all labor and traffic on one day of the week—except for necessity or mercy—that all may stand on the same footing, and the poor and the rich, the employer and the employed, alike have the chance to rest. So connected are the different forms of industry, that the allowance of one on Sunday would involve the indulgence of others. If the factory is closed, so should the small work-shop be. If the tailor-shop or the shoe-shop is closed, why not the theatre and the liquor-store? Have the proprietors of these any more right to follow their business on Sunday than others? Have not their employés the same right to rest that others have? Besides, the man who carries on his own business on Sunday virtually compels his neighbors in the same business to

* While there is no good reason for the exemption of liquor-selling from the restrictions upon other traffic on Sunday, there is special reason for its prohibition in the special temptations to disorder and crime which it offers on a day of leisure. For a similar reason in some states liquor and beer shops are closed by law, on election days. In the city of New York, under an effective enforcement of the law, closing liquor and beer shops on Sunday, from 1867 to 1870, the Sunday arrests for drunkenness and disorder were reduced at once to nearly one-half of what they had been previously:—the Sunday arrests during this period were 44 per cent. less than the Tuesday's arrests, while previously they had been 25 per cent. more than the Tuesday arrests. Surely, if the public good warrants any Sunday law, it demands the suppression of liquor-selling on that day.

do so too. When all rest one day in the week, the week's wages are the same for the six days' work as they would otherwise be for the seven days' work.† "The liberty of rest for each man depends on the law of rest for all."

THE RIGHT TO WORSHIP.

The Sunday laws protect the right of undisturbed worship. Man has a spiritual nature. He is capable of spiritual enjoyment and improvement. By it he is connected with God. He is prompted to worship God. This right the State must regard and protect. While it does not compel any to worship nor enforce religion, it secures from disturbance those who choose to worship, and defends the religious observances of the people from wanton desecration. The great majority of the people profess Christianity, and keep holy the Lord's-day. The law recognizes this fact, and accordingly protects the observance of the first day of the week. Said the Supreme Court of New York, in the opinion already cited, "The Christian Sabbath, as one of the institutions of religion, may be protected from desecration by such laws as the legislature, in their wisdom, may deem necessary to secure to the community the privilege of undisturbed worship, and to the day itself that outward respect and observance which may be deemed essential to the peace and good order of society, and to preserve religion and its ordinances from open reviling and contempt, and this not as duty to God, but as a duty to society and to the State."

The provisions made in some of the States for those who keep Saturday as the Sabbath, are necessarily limited and exceptional, inasmuch as the rights of the few must be restricted by the competing rights of the many.

THE STABILITY OF OUR INSTITUTIONS.

On the weekly rest-day very largely depends the stability of our free and popular government. For the weekly rest-day is a chief means of promoting the intelligence and virtue of the people. In buildings of large solid stones, like the great pyramids, stability may be secured by the pressure of super-incumbent weight. In a building of brick the weight from above is not enough—there is need of the cement that shall bind each brick and keep it in its place. In monarchical governments, men are kept in order and institutions maintained by the strong arm of the governing power. In proportion as a government is free and in the hands of the people, each citizen must govern himself. Now in order to this self-government there must be intelligence and virtue. So important to a free government is the intelligence of the people that in America all are taxed to supply free education, and in some States parents are compelled to send their children to school. The State cannot afford to have its children grow up ignorant. But side by side with the free schools, as an educational agency, stands the weekly rest-day, with its home opportunities, its Churches, its Sabbath-schools. It gives man time to read and think, and something to think about.

But intelligence is not enough. Eighty out of every hundred criminals arrested in this country can read and write. Education alone increases facilities for crime and even supplies incentives to it. The main element of self-government is *virtue*. Franklin said, "What can laws do without morals?" Said Washington, "Virtue or morality is a necessary spring of popular government." And he adds: "Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." There is need of the fear of God to educate the public conscience, to make men respect others rights and reverence law. In a word religion alone can train men to be citizens of a free and popular government. But

† "Operatives are perfectly right in thinking that if all worked on Sunday, seven days' work would have to be given for the six days' wages."—John Stuart Mill.

what would become of the religion of the people without the weekly rest-day?" The great Roman Catholic statesman of France, Montalembert, well puts the argument thus: "Without a Sabbath, no worship: without worship, no religion." And without religion, no permanent freedom.

LIBERTY IN LAW.

On such grounds as these the Sunday laws have uniformly been sustained by the highest courts as in harmony with the principles of our government. They trespass on no rights but are their best defence. They do not restrain one's personal freedom, except so far as to secure the rights of others. The Sunday laws do not interfere with the just rights of conscience, for they do not compel him to do anything against his conscience, nor do they forbid his doing what his conscience dictates, provided he does not trespass on others. Those whose religious convictions do not require the suspension of business on Sunday, cannot claim exemption from the restraints of law which are necessary to protect the rest and the worship of others. The Mohammedan or Mormon cannot claim exemption from the statutes against polygamy. Liberty of conscience may not interfere with the public welfare.

RIGHTS AND DUTIES.

The American Sunday laws are not obsolete traditions, left as dead letters on the statute books. They are a vital part of our system of free republican institutions, which is the growth of two centuries' experience in the problem of adjusting the mutual rights of members of civil society so as to secure the largest measure of personal liberty consistent with the general good. With the growth of our country in population and wealth, the observance of Sunday becomes more and more essential to the well being of the citizen and of the State. The accumulation of capital, the consolidation of our industries into great corporations, the competitions of trade, the growth of luxury, the question of labor and wages, the infusion of many heterogeneous elements into the mass of our population, the hasty bestowal of suffrage upon large numbers of persons with crude notions of liberty and untrained to self-government,—such considerations as these show how imperative is the sanitary, economic and moral necessity of the weekly rest-day, and of efficient laws to protect it.

But laws in this country depend largely for their efficiency upon *public sentiment*. *It well becomes every American citizen, whether native or foreign-born, and whatever his religious creed, conscientiously to obey the Sunday laws himself and to give hearty support to their enforcement.* Let the just limitations of these laws be respected. Let them not be needlessly invoked to abate evils which may be met by other means. On the other hand, let them not be wantonly violated with impunity. Let the selfish interests of no individual or class be permitted to trample on or abridge their equal restrictions.

In Germany, Switzerland, and other parts of Europe, the question of Sunday-rest and its maintenance by law is engaging earnest attention. Workingmen are asking for its relief from the long-enforced necessity of uninterrupted toil in factories, on railways, etc. America and Great Britain are appealed to for evidence of its material and moral economy. Our system of Sunday legislation is being studied with care. For the sake of our fellow-men in other lands as well as for our own sakes should we vigilantly maintain it.

Under the healthy influence of the weekly rest-day and by the blessing of Him who laid its foundations in the needs of man and of society, may the new century of our nation's life witness the progress of the people, not only in material prosperity, but in that reverence for law and respect for others' rights which are the basis and the pledge of true Liberty.