

"If any Man Hear My Words, and Believe not, I Judge him not: for I Came not to Judge the World, but to Save the World."

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THE COURTS, CONSTITUTIONAL LAW, AND NATURAL RIGHTS.

A PROMINENT and somewhat forbidding feature of the several cases under Sunday statutes which have occurred in the various States, is the blind adherence of the courts to precedent, and the utter failure of judges to grasp the idea that it is the duty of the magistrate, as a sworn officer, be he a justice of the peace or the chief-justice of the United States, not only to interpret the statute, but to declare the law, to sacredly guard the rights of the citizen, and to support the Constitution, not as others understand it, but *as he himself understands it*.

Of course, we have no means of knowing the private opinion of Judge Janes, of Georgia, in regard to the constitutionality of a statute which sends a man to the chain-gang and to possible death for doing honest labor on his own premises on Sunday; but we believe that his better nature revolted against the sentence which his mistaken sense of duty led him to impose. He said:—

I am here simply to enforce the laws, and no matter what a man's religious opinions are, if the laws [statutes] of the State are that he shall not work on a certain day, and he continues to work on that day, I am bound to enforce the law. I am simply bound to do that; that is my duty; that is my oath.

His Honor should remember that any statute which trenches upon inalienable right is not law, and that the LAW under which he acts is the Constitution which he solemnly swore to support when he ascended the bench; and that instrument provides that "*perfect freedom of religious sentiment shall be, and the same is hereby, secured; and no inhabitant of this State shall ever be molested in person or property, or prohibited from holding any public office or trust, on account of his religious opinion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices in-*

consistent with the peace or safety of the people."

This supreme law of the State of Georgia is clearly violated by the statute which the judge imagined he was bound to enforce; because this fundamental law guarantees absolute freedom of conscience, except in "acts of licentiousness" or "practices inconsistent with the peace and safety of the people." And that the Sunday work done by Mr. Allison did not come under either of these heads is a matter of record in the case; for, according to the official notes of the court stenographer, the judge himself said to Mr. Allison: "You are not on trial for disturbing anybody;" and his honor plainly stated that the only question before the court was whether or not Mr. Allison worked upon the first day of the week, which the Georgia statutes denominate the "Sabbath" and "Lord's day." Thus the only possible civil question involved was utterly ignored, and Mr. Allison was tried, not for "acts of licentiousness" nor for "practices inconsistent with the peace or safety of the people," but for offending the religious sensibilities of the people by working upon a day which the majority of the people in Georgia regard as the Sabbath.

Similar View Entertained in Tennessee.

Judge Parks, of Tennessee, took a somewhat similar position in the Adventist cases tried before him last March in Rhea County. It would seem probable, from the sentiments expressed by him at that time, that he does not regard the Sunday statute of Tennessee as in harmony with the Constitution, as *he understands it*, and that had he been upon the Supreme Bench instead of the bench of the Circuit Court, he would not have decided as he did. His excuse was:—

The Supreme Court of this State, whose decision must be taken as final by the lower courts, has passed upon the law [statute] in question, and we cannot rightfully reverse the decision.

We say this was Judge Parks' "excuse," because, as one learned in the law, he must certainly know that every government officer, from the lowest to the highest, is sworn to support the Constitution *as he understands it and not as others understand it*.

In his "History of the Formation of the Constitution," George Bancroft states this principle, which had, however, been previously enunciated by Alexander Hamilton and

others. Of the Constitution of the United States and of the Supreme Court, Mr. Bancroft says:—

The Constitution retains the means of protecting itself against the errors of partial or interested judgments. In the first place, the force of the judicial opinion of the Supreme Court, in so far as it is irreversible, *reaches only to the particular case in dispute*. . . . To the decision of the underlying question of constitutional law, *no such finality attaches. To endure it must be right.*¹

It is true that this was said of decisions touching the Federal Constitution, but these words are just as true of decisions under the constitution of any State, for this has been a well-established common-law principle for centuries. Sir Edward Coke, England's greatest chief justice, discusses it at length, and shows it not only to be imbedded in law, but to be conformable to reason.

In a letter written in 1820, Thomas Jefferson denominated blind adherence to precedent and to decisions of courts, however high, a "very dangerous doctrine." To his correspondent, who had written a book, "The Republic," Mr. Jefferson said:—

You seem, in pages 84 and 148, to consider the judges as the ultimate arbiters of all constitutional questions,—a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. . . . The Constitution has erected no such single tribunal, knowing that, to whatever hands confided, with the corruptions of time and party, its members would become despots.²

In his first inaugural address, March 4, 1861, President Lincoln stated the same principle, thus:—

I do not forget the position assumed by some, that constitutional questions are to be decided by the Supreme Court; nor do I deny that such decisions must be binding in any case upon the parties to a suit, *as to the object of that suit*, while they are also entitled to a very high respect and consideration in all parallel cases by all other departments of the government; and while it is obviously possible that such decision may be erroneous in any given case, still the evil effect following it, *being limited to that particular case*, with the chance that it may be overruled and never become a precedent for other cases, can better be borne than could the evils of a different practice.

At the same time the candid citizen must confess that, if the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by the decisions of the Supreme Court, the instant they are made, as in ordinary litigation between parties in personal action, *the people will have ceased to be their own rulers*—having to that extent practi-

¹ History of the Formation of the Constitution, Vol. 2, p. 102.

² Jefferson's Correspondence, Vol. 7, p. 177.

cally resigned their government into the hands of that eminent tribunal.

Andrew Jackson, when President of the United States, vetoed a bill for the rechartering of the National Bank, upon the ground that it was unconstitutional, notwithstanding the fact that the Supreme Court of the United States had passed upon that very question, and had declared such a law to be constitutional: but President Jackson very properly declared that he was sworn to support the Constitution *as he understood it and not as others understood it.* This is undoubtedly the correct principle, not only of American Government, both State and national, but of common law as well. And no judge, and no prosecuting attorney, is under any obligation to enforce an unconstitutional statute, which to him must be such as *he* believes to be unconstitutional, unless under specific and definite order from a competent tribunal in the identical case at bar; when the act in law is not his but the act of the tribunal issuing the order.

For instance, were a prosecuting attorney to refuse to prosecute a case arising under a law which he deemed unconstitutional, the judge of the court might order him to proceed and to prosecute the case, and it would be his duty³ to obey the order of the court; but he is bound by no decision either of that court or of any other court in any other case, and it is his sworn duty to administer the law and support the Constitution *as he himself understands it.*

This Principle in Tennessee.

This principle has been observed, too, in the State of Tennessee by her ordinary court officers. Some years ago, a justice of the peace, who was then, and still is, a practicing attorney in Henry County, Tenn., held the Sunday statute of that State to be unconstitutional, in so far as it is applied to the observers of the seventh day. And that there are those also who follow the *law* rather than the statute in this matter among the prosecuting attorneys of Tennessee, will appear from the following private letter, dated December 22, 1891:—

When I was—from 1878 to 1887—the attorney-general of ———, I absolutely refused to make my office the medium through which to indict and punish men who toiled six days and then asserted their right to worship God under their own vine and fig tree according to the dictates of conscience.

The very moment the legislatures of American States declare (and that declaration is carried into effect) that men shall (without reference to their creed) have one Sunday, and that the Sunday of modern Christianity, commonly known as the Sabbath, shall be alike kept holy by every man under a penalty for its violation, you sound the death knell of American republicanism and open the way for a religious inquisition as infamous, devilish, and ungodly as was that of Italy. Our forefathers, with prophetic vision, saw the danger of commingling the affairs of Church and State, and, with a wisdom as consummate as it was politic, they laid the very foundation of this Government upon the idea that religion should never have any part or identity with the civic machinery.

Ten or twelve years ago when I was the owner and editor of the daily ——— here (being attorney-general at the same time), the preachers howled from their pulpits on the duty of the attorney-general to rigidly enforce the Sunday law. I replied to their criticisms and I think I got the best of the argument—at all events I did not yield my principles, and defied them to carry out their threat to impeach me. They did not do so; and from that day to this, the men of ——— worship God in their own way and each creed selects its own day. The churches are protected in their right to worship as they may deem proper; but the

man who does not feel like going to church on Sunday but prefers to do as seems best for himself, is allowed to go his way rejoicing, with none to make him afraid. All Sunday laws ought to be wiped from the statute books and every man left free to pursue the line of worship dictated by his conscience.

Oh, if it were possible to rebuild the public sentiment of this country and model it after the plan of Richard M. Johnson, Jefferson, Washington, and the men of their day and generation!

But instead of taking this view of the case and asserting their independence as men, and fearlessly doing their duty as judges and defending the rights of the people against the misconceptions of the Supreme Court, the Circuit Court judges and prosecuting-attorneys of Tennessee have aided in the work of judicial legislation, and have actually added much to the Sunday law, even beyond what is necessarily involved in the decision of the Supreme Court, in the Parker case which has been so blindly followed.

Judge Swiggart's Charge.

In his charge to the jury in the case of W. D. Dortch, tried in Henry County, at the January term of the Circuit Court in 1893, His Honor, Judge Swiggart charged as follows, upon the particular point of nuisance:—

The law prohibits the citizens from following their daily avocations upon Sunday, and from performing secular labor on Sunday, works of necessity and charity being excepted; but it is not an indictable offense for a man to perform one act on Sunday against the statute. The statute prescribes a fine recoverable before a justice of the peace for such acts of work on Sunday contrary to the statute. But it is a misdemeanor against the laws of Tennessee under the ruling laid down by our Supreme Court for any one to engage openly and publicly in secular work and to repeat and continue such acts of work on Sundays in such a manner as to constitute a nuisance, such labor not being works of necessity or charity, such work being in such an open and public manner as to attract the attention of the public to it. Under the ruling, this would constitute a nuisance.

How Judge Parks Viewed It.

This was exactly in harmony with the decision of the Supreme Court which said that while "a single act may be liable only to the penalty prescribed by the statute, yet a succession of such acts becomes a nuisance and is indictable."⁴ But in the several cases at the March term of the Circuit Court in Rhea County, Tenn., His Honor, Judge Parks, charged distinctly and repeatedly, as follows:—

A single act of work on Sunday is not a nuisance in the eyes of the law unless that act be done in some peculiarly flagrant manner. One act is indictable if it is done in this manner: if it will tend to corrupt the public morals. The question for you to determine is whether the work performed by the defendant in this instance was of such a nature or character as to come under this head.

Such was Judge Parks' charge upon this point, in the first Sunday case tried before him; and each succeeding charge was substantially the same. Of course, this charge left the jury an opportunity to return a verdict of not guilty, upon the ground that the work was not done in a "peculiarly flagrant manner." As a matter of fact, two members of the jury did wish to bring in such a verdict upon that ground: A temporary disagreement was the result, and the jury returned to court for further instructions. The judge then recharged them as follows:—

I charged you that one offense is not necessarily of itself a nuisance in the eyes of the law, but if it were done in an open and public way where the public might see it—in a public place, and if it were of such

⁴ Parker vs. the State, 16 Lea.

⁵ The quotations from the charges of Judges Swiggart and Parks are from unofficial reports. But the writer, who heard them, believes them to be substantially correct. We sent Judge Parks a copy of the extracts from his charge asking him to revise it, but have not, at the time of this writing, received any reply.

a nature and character as to be a flagrant violation of the Sabbath, that would be an offense under the law, and a verdict of guilty should be given. I also charged you that if the defendant did an act of secular work on Sunday, or if he had it done on Sunday, he should be found guilty. Now it is for you to judge from the evidence before you, whether or not the defendant, if he did an act of secular work on Sunday, or if he had it done; whether or not it was done in an open and public way, and whether if it were, it amounted to a flagrant violation of the Sabbath as regarded by the law.

In this recharge but little is left for the jury to decide. The judge plainly says: "*I charged you that if the defendant did an act of secular work on Sunday, or if he had it done on Sunday, he should be found guilty.*"

It will be observed that there is a wide difference between the view taken of the law by Judge Swiggart and that entertained by Judge Parks. We have no reflections whatever to cast upon either of these gentlemen. Doubtless both acted honestly and charged as they understood the law. Judge Parks especially showed clearly by his leniency when he came to the matter of sentence, and by subsequently recommending the pardon of the convicted parties, that he had absolutely no malice in the matter; but notwithstanding this, his charge, taken in connection with the decision of the Supreme Court and with the charge of Judge Swiggart in a similar case, illustrates very forcibly the development of religious law by judicial legislation.

How the Courts Made the Law.

It will be of interest to trace this matter from its inception to the present time. It was first held by Judge Caruthers, at Knoxville, in 1855 (3 Sneed 134), that profanity was indictable notwithstanding the fact that the code of the State provided a fine of "fifty cents for every oath or curse." The judge held that while a single oath was punishable only under the statute, that "several oaths" constitute a nuisance and render the one uttering them liable to indictment. The next report of a case of this character occurs in 1871 in the case of the State vs. Steel (3 Heiskell 135). In this instance Judge Nelson followed the ruling of Judge Caruthers in the case which occurred in 1855. In September, 1877, comes the case of the State vs. Gaines (7 Lea 410), in which Judge Cooper, after quoting the two cases previously referred to, said:—

It was stated by the eminent judge who delivered the opinion of this court in the State vs. Graham, that an isolated act of profanity was only punishable under the Act of 1741 brought into the Code, Section 1725, which imposes a small pecuniary penalty for each oath recoverable before a justice of the peace. *It is possible, however, to conceive of cases where even a single oath, either by its terms, its tone, or manner, might, under peculiar circumstances, be held to be a nuisance.*

In the very next reported case, the State vs. Young (10 Lea 165), Judge Cooper himself takes advantage of this remarkable extension of law which he himself had made by judicial legislation, and says: "A single act of profanity would not ordinarily be sufficient to convict the defendant; but as we have stated, even a single oath, either by its terms or manner, or the circumstance under which it was uttered, might be a nuisance." He then holds that in this case a single oath was a nuisance. Such is the slender foundation upon which the courts of Tennessee have built, and upon which they have legislated until they now hold that a single act of Sunday work which the statute provides shall be punished by a fine of three dollars, is indictable as a nuisance, and may be punished by any penalty under fifty dollars, at the discretion of the jury, or above that sum, in the discretion of the judge.

As we said before, we cast no reflections upon the judges who have by their rulings so

³ By the use of the term "duty" in this connection we do not wish to be understood to argue that it is the duty of any civil official to be a party to the enforcement of an unjust statute. What is here meant by "duty" is that it would be required of the officer to obey the mandate of the court; but rather than be a party to injustice it is the *duty* of every official to resign his office. The mantle of civil authority cannot shield one from responsibility for a wrong act. "Every one of us shall give account of himself to God." Acting on this moral basis civil officials have been known to resign rather than inflict an unjust penalty, and it is the proper course to pursue.

entirely changed the Sunday law of Tennessee. We simply state these facts to illustrate the danger that there is in judicial legislation, and the necessity of vigilance upon this point in order that the principles of freedom and the constitutional safeguards which have been thrown around our cherished liberties, be not entirely swept away by the courts in the exercise of too great a discretion in the direction of adding by judicial legislation to the statutes and of no discretion whatever in the interests of justice and the preservation of human rights.

The trend of the times is, however, toward centralization of power and the deification of law. Precedent is exalted to the place that properly belongs to the Constitution. Prejudices more or less pronounced have been allowed to swerve men from justice, and in this departure from well-established law and legal principles, the fundamental law of the State—that law from which all other law receives the only power to bind which it has—this fundamental law is well-nigh lost sight of; and when the guarantees of the Constitution are swept away, when our most sacred of all law is set aside, in what respect are we better off than the despotisms of Europe having no written constitutions,—no established charters protecting the people from the violations of law on the part of their servants—the governments?

AN ATLANTA PAPER DEFENDS THE GEORGIA INQUISITION.

THE *Atlanta Constitution*, of May 25, has an article in defense of the persecution of J. Q. Allison, by means of the Georgia Sunday law.

The *Constitution* attempts to make the following points, which we have numbered for easy reference in replying:—

(1.) In the Christian world the first day of the week is now observed as the Sabbath, and the seventh day is only an ordinary working day. Are the millions of Christians who observe the first day to have their devotions interrupted by a very few persons, perhaps not more than a score or so in a State, who claim that they have the right to do any kind of work and make as much noise as they please on that day?

(2.) We think not. The minority should follow the example of the pious Jews who observe both days, the seventh and the first, thus keeping their Sabbath and respecting the one observed by the majority.

(3.) Allison was not persecuted on account of his religious belief. He was punished because he violated a penal law of the State. Under the police powers of every commonwealth there are much severer statutes in relation to very small matters. Even under the municipal ordinances great hardships result when a man exercises natural and God-given rights in some cases where the law restrains him in the interests of the public.

(4.) The Douglasville man should have observed his own Sabbath, and then he should have respected the Sabbath of his neighbors who are in accord with the overwhelming majority of the State and the nation and all Christian lands. For the sake of peace and order we cannot allow a few to bring anarchy into our system simply because they claim to be acting according to their religious convictions. Once give way to this plea, and we would then have no right to prohibit polygamy among the Mormons. In a republic the majority rule, and it would be a dangerous thing to admit the right of the minority to defy the laws under pretense of living up to their religion. If the Douglasville man wants to smash the Georgia Sabbath let him pay the penalty or go elsewhere.

(1.) The fact that those who keep Sunday are overwhelming in the majority does not touch the question at all. Mr. Allison was not sentenced to the chain-gang "for disturbing anybody." This is the statement of Judge James himself. The charge was "Sabbath-breaking," and the State's witnesses testified that they were not disturbed. Nobody's devotions were interrupted; nor do observers of the seventh day claim the right to inter-

rupt the devotions of anybody upon any day. Moreover, there are ample laws upon the statute books of Georgia, and of every other State, for the protection of religious worship upon any day.

Special laws to prevent the interruption of devotion on Sunday are not needed. The idea that private work, such as Mr. Allison was doing, could by any possibility interrupt anybody's devotions is absurd and reveals the deliberate dishonesty of such a plea.

(2.) And pray, why should the minority respect the *day* "observed by the majority"? There can be only one reason, namely, its supposed sacred character. And the expression, "respecting the one [*i. e.*, the Sabbath] observed by the majority," is a confession that the purpose of the law is to guard the *day* and not the rights of the people.

But what right has the State of Georgia to require any man to show any respect whatever to any religious institution? No more right than has Spain and other Roman Catholic countries to require all men to remove their hats in the street while a religious procession is passing.

The constitution of Georgia says:—

Perfect freedom of religious sentiment shall be, and the same is hereby secured, and no inhabitant of this State shall ever be molested in person or property or prohibited from holding any public office or trust, on account of his religious opinion.

It may be objected that this guarantees only freedom to believe, but not to practice. But that is to charge the framers of it with trifling and dishonesty. The principle which should govern in all such cases is thus stated by Hon. James G. Parks, a native of Georgia, and judge of the Seventeenth Judicial Circuit of Tennessee. Speaking of dissenters from the prevailing creed, Judge Parks said:—

If there were only one of them he would be entitled not only to his honest belief, but to the exercise of that belief, so long as in so doing he did not interfere with some natural right of his neighbors.

This was said of Tennessee, but it is just as true of Georgia; and that it is just what the constitution of Georgia means is evident from the limiting words of the same section previously quoted: "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 the people."

Here, again, the line is drawn just where Judge Parks draws it, namely, *at the rights of the people*. It may be urged that the phrase, "acts of licentiousness" has nothing necessarily to do with the rights of others; but even were that granted, the defenders of the Georgia Sunday statute would have gained nothing, for by no possibility could it be made to appear that plowing in one's own field on Sunday was an act of licentiousness in any proper sense of the word; for *only the sacred character of the day could make it such*, and with such matters the State of Georgia has of right nothing to do.

Again, what right, either natural or constitutional, has the majority, however great, to require any man to yield up one-seventh of his time as a tribute to their religion? It is a principle of law that even the State has no power to take private property for public use without adequate compensation. But what compensation does the State of Georgia give to J. Q. Allison, or to any other man, for the one day which it demands each week as a tribute to Sunday sacredness? None whatever.

(3.) It is not true that Mr. Allison "was persecuted because he violated a penal law of the State." He did violate a *statute* of the State, but not a *law*; for an unconstitutional statute is not law: and as we have seen,

the constitution of Georgia gives the legislature no power to require of anybody anything contrary to conscience. Aside from "acts of licentiousness," and in all matters not trenching upon the equal rights of others, conscience is supreme according to the fundamental law of Georgia, and all so-called laws violative of this principle are null and void, and the enforcement of them is only anarchy and tyranny; for "in a society, under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, when the weaker individual is not secure against the violence of the stronger."

It is a fundamental principle of American government that *natural rights are inalienable*, and yet the *Atlanta Constitution* solemnly publishes to the world the statement that "under the municipal ordinances great hardships result when a man exercises natural and God-given rights in some cases where the law restrains him in the interests of the public."

Are we living in America in the closing decade of the nineteenth century, or are we still in the Dark Ages? Have Washington, Jefferson and Madison lived in vain? They certainly have if such principles as those advocated by the *Atlanta Constitution* are to prevail.

Thomas Jefferson said: "Our legislators are not sufficiently apprised of the rightful limits of their powers; that their true office is to declare and enforce only our natural rights and duties, and to take none of them from us." And again: "*The idea is quite unfounded that on entering into society we give up any natural right.*"¹

The government that restrains any man from the exercise of his natural rights, either for the supposed good of society or upon any other pretext whatever, is a despotism, no matter by what name it may be called.

(4.) Little remains to be said on this paragraph. Only an intolerant bigot can read it and find himself in harmony with it. The cry of "anarchy" raised in it will certainly fail to alarm any considerate and liberal-minded man. The anarchy most to be dreaded is the anarchy of despotic government, in which, under the forms of law, natural rights are denied and men sentenced to the chain-gang for exercising the soul-liberty given them by God and guaranteed to them by the Constitution.

The cry of Mormonism and polygamy is a favorite one with the bigot who would justify himself in forcing his religion upon his neighbor; but the candid and thoughtful will not be deceived by it. Marriage is a civil relation and involves duties and responsibilities which those who enter into it must not be permitted to shirk. For this reason and to preserve inviolable the contract rights of the parties and the rights of their offspring, the State properly regulates marriage and prohibits polygamy. With polygamy legalized anywhere in the United States no woman would have any legal guarantee of the inviolability of her marital right, for any man who so desired might, by merely changing his residence, take other wives, and his first wife would have no redress.

In no sense can the prohibition of plural marriages be shown to be parallel with the prohibition of Sunday labor, which in no wise interferes with the rest or devotion of others. The use of the Mormon argument shows plainly one of two things, either the absence of thought or the presence of intellectual dishonesty.

¹ Alexander Hamilton, Federalist LI.

² Works of Jefferson, Vol. 7, p. 3.

METHODISTS AND POPE LEO XIII.

THE Methodist ministers of Chicago are making the papal prelates of this country no little trouble. They are demanding that the papal church practice what it preaches; that Methodists in Roman Catholic South America be permitted to enjoy that religious liberty which Roman Catholics enjoy in the United States and which American Catholics profess to indorse so warmly, and which they claim is the religious liberty they would ensure to Protestants in America were they to become the controlling majority. However, the Methodist ministers of Chicago are so unreasonable as to ask that the Roman Catholic Church show her faith by her works, or in other words, secure to Protestants in the Roman Catholic countries of South America the same liberty enjoyed by Roman Catholics in the United States and thereby give the world a practical object lesson of the principles so enthusiastically professed in theory. Of course, this is a perplexing problem, since the religious-liberty principles advocated by Roman Catholics in the United States are intended only for home consumption and not for export to Spain or South America.

Since the Methodist ministers are persistent in their demand for religious liberty in South America, and are liable to create quite a stir by their repeated prodding of pope and prelates, it may be profitable to give a history of the case up to date.

On April 2, 1894, the Methodist ministers' meeting of Chicago, a body which includes the Methodist ministers of Chicago and adjacent cities, and which holds a regular weekly session, sent the following preamble and resolution to Archbishop Ireland with a request that they be by him forwarded to Monsignor Satolli:—

WHEREAS, It has been made evident to us that our Protestant brethren in the republics of Peru, Ecuador and Bolivia labor under oppressive disabilities that effect not only their faith and the public worship of God according to the dictates of their conscience, but also their civil and inalienable right to be married without being compelled to forswear their religious convictions,

Resolved, That as representatives of the Methodist Episcopal Church in Chicago, we forward the following request to Archbishop Ireland, asking him to pass it on to Monsignor Satolli, in order that he may, in the most effective manner, bring it to the notice of the head of the Roman Catholic Church.

In view of the repeated and warm approval by the clergy and laymen of the Roman Catholic Church in this country of religious freedom as existing by law in these United States, we respectfully and earnestly request that the proper authorities of that church use their good offices, under the direction of Pope Leo XIII., to secure for the Protestants of Ecuador, Peru and Bolivia the same liberty of conscience that is enjoyed by Roman Catholic citizens of this country.

N. H. AXTELL, *President,*
J. T. LADD, *Secretary,*
Chicago Methodist Preachers' Meeting.
JOHN G. FOSTER,
JOHN LEE,
M. M. PARKHURST, *Committee.*

After waiting some time, two members of the committee wrote Archbishop Ireland, inclosing stamped envelope for reply, asking after the fate of the first communication; but again no answer was received. On June 22, a member of the committee wrote direct to Monsignor Satolli, asking him the following questions:—

1. Has Archbishop Ireland invited your attention to the action of the Chicago Methodist Ministers' meeting of April 2, 1894?
2. Will you, in the most effective manner, bring this request, a copy of which I inclose, to the notice of Pope Leo XIII.?
3. If so, when?

Receiving no reply to this, a registered letter, dated July 15, and signed by all members of the committee, was sent to Monsignor Sa-

tolli, asking the apostolic delegate if he would "have the goodness to give a direct answer to the questions found in his first letter." The following is Monsignor Satolli's reply:—

Washington, July 31, 1894.

MR. JOHN LEE, M. A., B. D.,

Dear Sir:—Your letter of June 22 and document dated July 12 came duly to hand. The inclosed copy of encyclical letter from our holy father is, I think, the most fitting reply I can make.

Yours very sincerely in Christ,

FRANCIS ARCHB. SATOLLI,
Deleg. Apostol.

As we have before stated in commenting on this reply, it said in substance, "If your brethren in South America want to enjoy religious liberty, let them become Roman Catholics."

Not satisfied with this reply, the matter was again brought before the ministers' meeting on September 3, and it was decided to send the documents and correspondence in the case to the various Protestant bodies of the country for action.

Failing to reach Rome through Ireland and Satolli, the committee next sent a registered communication direct to the pope. Not hearing from him in due time, another registered communication was sent, and not hearing from him this time and learning that Cardinal Gibbons was going to Rome, the persistent Methodist ministers forwarded to him a communication to be carried to Leo XIII., and thus matters stand at this writing.

THE AMERICAN SENTINEL is not in favor of Protestants' petitioning the pope or any of his prelates for anything, not even religious liberty in South America. However, we presume that our Methodist friends would insist that it was a shrewd diplomatic protest rather than a petition, for the purpose of compelling the Roman Catholic Church to permit religious liberty in Catholic South America, or stand before the world as the advocates of religious freedom when in the minority and as persecutors when in the majority.

Methodists in general look upon this move to make the pope show his hand as not only just and reasonable, but quite diplomatic. If this is true what would Methodists think and say if Seventh-day Adventists in Maryland, Tennessee and other States should write a similar letter to the heads of the Methodist Church in America protesting against being fined and imprisoned at the hands of Methodists who attempt to compel them to recognize their State-enforced Sunday dogma? The facts in the case are that the first Seventh-day Adventist who was imprisoned in Maryland for laboring on Sunday (husking corn) was imprisoned on complaint of a Methodist minister; and the Seventh-day Adventist now in jail at Centerville, Md., for hoeing in his garden on Sunday, was placed there on complaint of his Methodist neighbors: while the *Catholic Mirror*, of Baltimore, about two years since, published a strong denunciation of these Maryland persecutions and demanded the repeal of the law under which they are carried on.

One of the complaints which Protestants sometimes make against Roman Catholics is, that the latter attempt to compel them to remove their hats or in some other way recognize a procession bearing the consecrated bread. This our Methodist friends condemn as a violation of religious liberty; but it is no more a violation of religious liberty than is the attempt to compel the Seventh-day Adventist to bow to the Methodist idea of Sunday sacredness. There is absolutely no difference between an attempt on the part of Roman Catholics to compel a recognition of a portion of bread which they consider holy, and an attempt on the part of Methodists to compel seventh-

day observers to recognize a portion of time which Methodists consider holy. And now, we ask in all sincerity, would not an Adventist letter addressed to the Methodist Church in America, demanding religious freedom from Methodists in Maryland and elsewhere in the United States, on the ground that Methodists claim to be in favor of religious liberty, be just as pertinent as a Methodist letter addressed to the pope demanding religious liberty in South America, on the ground that Roman Catholics in the United States claim to be in favor of religious freedom? If not, why not?

MORE RELIGIOUS PERSECUTION.

[From the *Times-Democrat*, New Orleans, May 31.]

RECENTLY the *Times-Democrat* commented on exhibitions of grievous religious intolerance that had taken place in the two southern States of Tennessee and Georgia. In both of the instances in question, honest and industrious citizens who rested from their work on the seventh day, according to the command of the Decalogue and kept that day holy to the Lord, were fined and thrown into jail because they did not also rest from labor on the first day of the week. It is a mere question of religious belief and practice which day of the week, the first or the seventh, is kept as the day of rest or the Lord's day; and that the majority of the people of a State or nation should fine and imprison a minority who do not agree with them on the point, is neither more nor less than persecution for the sake of religious belief—a style of persecution which was in vogue three, four and five centuries ago, but has long gone out of date among all nations pretending to civilization and enlightenment.

We are astonished to see that this same religious intolerance is finding place in Mississippi. Here is a special dispatch which was published in our telegraph columns yesterday, and which explains itself:—

ABERDEEN, Miss., May 29.—Mr. Robert Nash, a Seventh-day Adventist, was yesterday arraigned in Justice Rye's court, at Amory, in this (Monroe) county, on the charge of working in his field on Sunday. Nash pleaded guilty and undertook the management of his own case, using the Bible for his law book. He keeps Saturday as religiously as a priest keeps Sunday. The case was continued until June 1.

The Mississippi statute bearing upon the subject, in Section 1291, provides that any one who shall labor or employ any one else to labor on the Sabbath day at any other than household duties, works of necessity or charity, or on railroads or steamboats, shall, on conviction, be fined not more than \$20 for every such offense.

We do not profess, of course, to anticipate what the result of the trial of Robert Nash, Seventh-day Adventist, will be when it is held by the Monroe County Court on to-morrow, but as the majority of the people of Mississippi have passed a law prohibiting the minority of their number from working on the first day of the week, on which day the majority perform their religious celebrations, the chances are that Mr. Nash will either hand over \$20 of his wealth (with costs, of course) to the State, or that he will be sold out by the sheriff, or go to prison until the fine is paid.

Any one of these results of the coming trial would be a disgrace to the State of Mississippi. The religious belief and practice of a citizen, especially when he is a good and honest citizen, ought on no account ever to be interfered with. The chances are that such a citizen has more religion in his little finger than the average legislator who made the Blue Law to punish him has in his entire composition; and that a Seventh-day Adventist by conviction should be maltreated by the State on the

strength of a merely secular order to abstain from work on a certain day of the week, is equivalent to a relighting of the fagot which hurried martyrs up to heaven several centuries ago. It is simply religious persecution of the narrowest, most bigoted and most unenlightened sort; and the grand State of Mississippi would do well to wipe the relic of barbarism from her statute book.

THE NASH TRIAL.

ROBERT T. NASH, of Amory, Miss., as before noted in these columns, was arrested for Sunday labor, May 16, and compelled to appear before the justice of the peace on Saturday, June 1, to answer to the charges against him.

The trial was held in a school-house, before Justice A. H. Rye, and attracted a large attendance, many people coming a long distance, some, as far as eighteen miles, to see, as they said, "a chip from the Dark Ages."

The defendant did not ask for a jury trial, and upon having the charge read to him, he said he was accustomed to work on Sunday, and that he did work on the day stated in the charge; but that he was not guilty of violating any constitutional law, and asked for time to show that this was so, which was cheerfully granted. He spoke substantially as follows:—

"Your Honor, Ladies and Gentlemen: I hold in my hands two law books. This one (holding up a book) is the Code of Mississippi. It was made by men—our lawmakers—it can be changed by them. It has for its authority the people of Mississippi. This one (holding up the Bible) is the Code of the Most High God—the King of the Universe. It was spoken by himself—he made it. *It can not be changed.* It is like himself—the same yesterday, to-day and forever. To what it says every Christian says Amen! and so say I. This law book (Code of Mississippi) I honor as a citizen of the State of my choice. I honor those who made it, and His Honor who sits here to-day as the representative of the State is held in no more respect by any citizen than he is by me. We are commanded to obey "the powers that be;" but our Exemplar, Jesus Christ, tells us very plainly to what extent we are to do this. You will find this instruction in Mark 12: 17: 'Render to Cæsar the things that are Cæsar's, and to God the things that are God's.' Each of these law books has a Sabbath law, and I want to read them to you:

"Exodus 20: 8-11: 'Remember the Sabbath day, to keep it holy. Six days shalt thou labor, and do all thy work: but the seventh day is the Sabbath of the Lord thy God: in it thou shalt not do any work, thou, nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates: for [this is why he made this law, and as long as the reason stands the law will stand] in six days the Lord made heaven and earth, the sea, and all that in them is, and rested the seventh day: wherefore [for this reason] the Lord blessed the Sabbath day, and hallowed it.'

"Now, I will read to you the Sabbath law from the Code of Mississippi:—

VIOLATION OF SABBATH.

If any person, on the first day of the week, commonly called Sunday, shall himself labor at his own or any other trade, calling, or business, or shall employ his apprentice or servant in labor or other business, except it be in the ordinary household offices of daily necessity, or other work of necessity or charity, he shall, on conviction, be fined not more than twenty dollars for every offense, deeming every apprentice or servant so employed as constituting a distinct offense; but nothing in this section shall apply to labor on railroads or steamboats.

"You see God says the seventh day is the

Sabbath, and the Code of Mississippi says the first day is.

"I am arraigned here to-day against my will and at the instance of Cæsar. God says I shall (or may) work six days but shall not work on the seventh day. Cæsar says I shall not work on the first day. God says I may work on that day, for how can I work six days, excepting the seventh, in one week, unless I work on the first day? Which do you advise me to obey? Which will you obey? When God says I may work on the first day of the week the same as he did in creating the world, he thereby clothes me with an inalienable right that no power can take from me; neither can I ask it nor accept it of any other source without dishonoring God.

"This law book (Code of Mississippi) says, in its Bill of Rights, that 'the enumeration of the rights in this constitution shall not be construed to deny and impair others retained by, or inherent in, the people.' This Sunday law does emphatically deny the God-given right inherent in me to work on the first day of the week, commonly called Sunday. Therefore, your honor, it is unconstitutional.

"Again, I read in the Constitution of Mississippi, Section 18: 'No preference shall be given by law to any religious sect or mode of worship; but the free enjoyment of all religious sentiments and different modes of worship shall be held sacred.' Your honor, the highest type of worship is obedience. To worship God is to honor him. We honor him most when we obey him. The same is true all through life. Then there must be no preference shown by any law to any religious denomination in its mode of obedience. It is a part of my mode of worship to obey God by remembering to keep the seventh day holy and by working on the first day, according to the commandment. Your custom is to keep Sunday and work on the seventh day. Question: Does this Sunday law show any preference for your custom or mode of worship? Does it? Any one can see that it does and it is plainly and decidedly unconstitutional.

"Again, the constitution of Mississippi guarantees to me the free enjoyment of all my religious sentiments, but under this Sunday statute where is my liberty?

"You work on the seventh day and thereby teach to the world that it is not the Sabbath. You rest on the first day and by so doing you say to the world, *this* is the Sabbath day. You have the right to do this. I would not interfere with you in this matter if I could. But where is my freedom to work on Sunday that I may teach the world that it is *not* the Sabbath? "Where is my liberty to rest on the seventh day that I may teach the people that it is the Sabbath day? These liberties you take yourself, but you deny them to me. You are in the majority I know, but were I the only man in this wide world that kept the Sabbath I would be entitled to equal protection in my faith. You can see that this Sunday statute is directly in opposition to every principle of the constitution of Mississippi as well as that of the United States, and that it is therefore null and void.

"I might inform on my complainant, who was doing his own business in hunting up a team to plow on Monday, when he saw me doing my own business digging up sprouts. I might inform on all my good neighbors who do not deny that they often do work on Sunday that is not work of necessity or charity. Why, then, is it that I am here to-day for the first time in all my life that I was ever arraigned before an officer of the law to answer to any charge? Not because I work on Sunday, but because I rest on the seventh day—because some one has become prejudiced on account of my religion and takes advantage

of this unjust and unconstitutional statute to wreak his vengeance upon a doctrine because it does not happen to be in accordance with his preconceived ideas.

"This difficulty is not between me and the State. The contest is between the two laws. I am a servant of the Most High God. He gives me his law in his Word—he writes it in my heart,* and I must keep it. If he wants me to go to the lions' den or through the fiery furnace I would rather go than to remain here without him. My God does not need the civil law to sustain or defend his Sabbath or to keep his followers in the faith. He stood by his servants in the past and he is the same to-day as he was then. All his servants in times past have had to meet persecution at the hand of the civil law. The Baptists, Methodists and the Quakers were once as objectionable in the eyes of the law as Seventh-day Adventists are to-day, but that time is past, and so will this time pass; but I forewarn you not to fight against God.

"I find, in studying my Bible, that God made the Sabbath when he made the world. He blessed it because he rested upon it, and that blessing will stay upon it as long as the fact remains that he did rest upon that day, and that will be a fact throughout eternity. I find that the Son of God kept this same Sabbath while he was on this earth, and was put to death on the issue of Sabbath-observance. I find that the disciples kept the same Sabbath, but through apostasy a change finally came.

"The first official recognition of this change occurred in 321 A. D., when Constantine,—a heathen emperor, who was subsequently nominally converted to the Christian religion, and who thought to promote its cause by enacting civil laws in its favor,—enacted his famous Sunday law. This was an important step in the development of the papacy,—a church clothed with civil power with which to punish heretics.

"We hold up our hands in holy horror when we read of the awful work of this power, but if you will study the 12th and 13th chapters of Revelation you will see that a similar power was to arise in the last days and do a similar work. It was to be an image to the former beast—the church clothed with civil power and enforcing religion by law. We are in that time and you have an example of its working before you at this moment. The Sunday is a child of the papacy and stands upon the authority of the beast, and the power that enforces it in this country is called by the prophet "the image of the beast," and the warning angel sent out at this time cries out with a loud voice: 'If any man worship the beast and his image, and receive his mark in his forehead, or in his hand, the same shall drink of the wine of the wrath of God, which is poured out without mixture into the cup of his indignation; and he shall be tormented with fire and brimstone in the presence of the holy angels, and in the presence of the Lamb.'

"I prefer to be fined twenty dollars and the costs or to remain in jail the remainder of my natural life rather than meet the wrath of God poured upon me without a trace of mercy in it. Therefore, your honor, I cannot observe Sunday, I cannot obey the image to the papacy, when it says worship the beast; nor can I receive his mark in my hand by refraining from labor on his day—Sunday—the sign and seal of his authority. If I obey him I worship him, and his worship brings the curse of God.

"I therefore leave my case with you, not fearing to answer you in these things, for the

* Jer. 31: 33.

God I serve is able to care for me; though my body should be torn asunder and scattered to the four winds of the earth, I shall live again. But for your sake I entreat you to be careful of your judgment. 'For with what judgment ye judge, ye shall be judged; and with what measure ye mete, it shall be measured to you again.'"

THE SENTENCE.

The Justice. Mr. Nash, you are here condemned by the statutes of the State of Mississippi. You confess you are guilty of the charge against you. Only to the extent you consider the statute unconstitutional do you claim not to be guilty. I expected you to cite some higher rulings showing that it had been so decided, but you only touched upon ecclesiastical law which has nothing to do in a civil case. I can do no less than to fine you \$10 and costs.

Mr. Nash. Your Honor, Sunday laws are ecclesiastical laws, and when the civil law takes me into ecclesiastical questions I have a right to argue them from an ecclesiastical standpoint; and besides, I have shown you by the constitution of Mississippi that Sunday statutes are not valid, and I am entitled by that constitution to my liberty.

Justice. You failed to cite any higher rulings in the case.

A lawyer, who was present. Your Honor, I, at the earnest solicitation of the people here present, ask you to reconsider your decision. This is the first offense, and it is usual, you know, in such cases, to be lenient. I do not know as we have ever had a case of this kind in our State. They had one in Douglasville, Ga., recently, and the judge in that case made no fine at all, only imposing the costs. In Tennessee the governor pardoned eight or nine of these people, and I ask you to make Mr. Nash's fine, if any, merely nominal. Mr. Nash is a good citizen, and has not disturbed any one—no one has been injured by him—no one's rights have been impaired by him, and I ask, in behalf of the people here and throughout our fair State that you reconsider your decision.

Justice. Well, I will decide what I will do in a short time. The court will take a recess for ten minutes, and I will decide during this time what I will do.

After the recess another lawyer present appealed to the court on behalf of the people, asking that the fine be remitted.

Justice. I do not want to be severe on any one. It hurts me to place a fine on any man, and especially does it in this case. Mr. Nash, do you expect to come up before me again on this same charge? (No answer.) If you do I will be harder on you in this case.

Mr. Nash. I am on trial for this offense and not for a future offense. I do not know who will inform on me next time.

Justice. I will be easy on you this time and make the fine \$1 instead of \$10.

The witnesses then divided their fees in favor of Mr. Nash, and the entire fine and costs amounting to \$7.75, was guaranteed immediately by the people, and Mr. Nash was discharged.

A VOICE FROM MARYLAND.

Centerville (Md.) Jail, June 3, 1895.

AMERICAN SENTINEL:—

For daring to exercise a God-given right, and for discharging my duty toward God, and in the fear of God, and that without disturbing anyone, or doing the least harm to any man, I have been taken away from my family and from my work, and put to jail for thirty days, for refusal to pay fine and costs, amount-

ing to fourteen dollars and eighty cents. My offense was laboring on Sunday, May 12 and 19, setting out plants and hoeing in my garden. I made no noise, but was seen by certain individuals who take advantage of an old Sunday statute to persecute me, by taking away my liberty contrary to the Constitution of this country, which guarantees perfect liberty of conscience in matters of religion. It emphatically says that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." Such were the principles of those who framed the Constitution and who knew from the injustice and tyranny of other lands the value of the liberty to worship God according to the dictates of one's own conscience. And this is the principle taught by Jesus our Saviour. I praise him to-day for his precept and his example and for pointing out the way to all who would follow him. He says: "Fear not them which kill the body, but are not able to kill the soul; but rather fear Him which is able to destroy both soul and body in hell."

R. R. WHALEY.

PRESS COMMENTS ON SOUTHERN PERSECUTIONS.

[From the *Lester (Iowa) Record.*]

GEORGIA is not in Russia; it is in the southeastern part of Protestant United States.

Mississippi has followed the example of Georgia. Mr. R. T. Nash was arrested May 9, at Amory, Miss., for hoeing in his garden on Sunday. . . . Surely this is a Christian(?) nation.

[From the *Wamego (Kan.) Times.*]

THE laws of Georgia are severe on those who prefer to observe Saturday instead of Sunday as their day of worship. J. Q. Allison, of Douglasville, Ga., has been convicted for violating the Sabbath statute of that State. Mr. Allison believes that the more ancient statute is not obsolete, "Six days shalt thou labor, and do all thy work: but the seventh day is the Sabbath of the Lord thy God: in it thou shalt not do any work."

[From the *Dixon (Cal.) Tribune, May 24, 1895.*]

THE Seventh-day Adventists in this State are a peaceable, moral and conscientious class of people, who observe their own Sabbath with a rectitude which would do credit to other sects. We have every reason to suppose that the same characteristics appertain to the denomination in other States. The prosecution and inhuman punishment to which Adventists have lately been subjected in Tennessee and Georgia for laboring on Sunday, smack much of persecution and reveal a religious intolerance which should have no place in this enlightened country.

[From the *Reedsburg (Wis.) Free Press.*]

PROBABLY as long as the world stands the majority will misuse its power by punishing members of the minority for entertaining and acting upon unpopular opinions. We are sorry to notice the crusade being waged in Georgia and Mississippi against people who, believing in and keeping Saturday as the Sabbath, insist upon their right to labor on Sunday. We notice that recently a man in Georgia convicted of that offense has been placed in a chain-gang along with criminals whose punishment consists in working on roads and public works under a prison boss. The vindictive spirit that will enact and en-

force a law to compel obedience to a religious form further than is necessary for the maintenance of good morals for the public good, is greatly to be deplored; but it exists, nevertheless, always has, and probably always will.

[From the *Courier, Gibson City, Ill.*]

A WAVE of religious bigotry and persecution seems to be sweeping over the South. Following the imprisonment of the Seventh-day victims in Tennessee comes the news that J. Q. Allison, of Douglasville, Ga., has been convicted of violating the Sabbath law of that State, and, as a punishment, sent to the chain-gang! Think of it. A Christian man, whose only offense was that he observed a different day as the Sabbath from his neighbors, is by their connivance forced into the chain-gang, to work with the vilest criminals, under cruel taskmasters! All this is sanctioned by the law in a so-called Christian State. Mr. Allison was saved from his horrible punishment by unknown friends' paying his fine, after the sheriff had started with him, but that does not mitigate the barbarity of the sentence.

And Mississippi, too, joins in the proscription of the Seventh-day Adventists. We read that at Amory, in that State, on the 9th inst., Mr. R. T. Nash was arrested and imprisoned for hoeing in his garden on Sunday, having observed the previous day as the Sabbath. It is not in evidence that the good Christians who caused the arrest made any effort to interfere with the running of Sunday trains or the grosser forms of Sunday violation; but the man who spent the quiet hours at work in his garden, alone with his thoughts and his God, interfering with the rights and pleasures of no one, must be arrested, fined and perhaps doomed to the unspeakable horrors of the chain-gang. Is it not time for the friends of religious liberty to arouse themselves when such things are going on in a number of our States?

A Georgia Disgrace.

[From the *Four Corners, Wheatland, Cal., May 25.*]

J. Q. ALLISON, a pious Seventh-day Adventist, of Douglasville, Ga., has been convicted of violating the Sabbath statute of the State of Georgia, and sentenced to the chain-gang. Mr. Allison believes that the more ancient statute is not obsolete: "Six days shalt thou labor, and do all thy work: but the seventh day is the Sabbath of the Lord thy God: in it thou shalt not do any work."

We have looked up the Georgia law and find that it provides that the offender may "be punished by a fine not to exceed one thousand dollars, imprisonment not to exceed six months, to work in the chain-gang on the public works, or on such other works as the county authorities may employ the chain-gang, not to exceed twelve months, and any one or more of these punishments may be ordered, in the discretion of the judge."

What is here but a possibility of, first, a thousand-dollar fine; second, a six-months' imprisonment; third, the chain-gang; fourth, all three combined; fifth, he faces the possibility of being hired out to the highest bidder, to some contractor, and in either case, whether in the chain-gang of the State or the private contractor, should he refuse to work on the Sabbath, as he surely would, he "may be punished with death"!

Upon the heels of this disgraceful proceeding in Georgia is flashed the news from Amory, Miss., that Robert T. Nash, of that place, has been arrested for working in his garden on Sunday. If these news items were sent

from the unexplored regions of the South Seas, or were they dated back in those puritanic times when New Englanders loved to burn Quakers and witches, we could make some allowance, but coming as they do from a supposed enlightened portion of the land of liberty in an age when religious fanaticism in the form of persecution is supposed to be dead, these news items are startling. A cardinal American principle consists of permitting the worship of God according to the dictates of conscience, and for a Georgia or Mississippi law to stand unrepealed that will allow the chain-gang sentence to apply to Seventh-day Adventists is but a part of an American outrage.

[From the Warren (Ill.) Sentinel, May 22.]

MR. J. Q. ALLISON, residing at Douglasville, Georgia, for violating the Georgia Sabbath statute, was last week sentenced to the chain-gang. The law provides that an offender may be punished by fine or imprisonment, or to work in the chain-gang. . . . Another section provides that such offenders or members of the chain-gang who may be guilty of insurrection or attempt at insurrection (such as refusal to work on the seventh day) shall, upon trial and conviction, *be deemed guilty of a capital offense and punished with death*, or such other punishment as the judge may inflict.

Thus in this enlightened day and age, in the State of Georgia, . . . we find that for following his religious convictions alone, a citizen may be arrested, fined a thousand dollars, imprisoned for six months, sent to the chain-gang, or all three combined, or he may be "hired out" (sold) to a private contractor, and if he refuses to work on what he considers the Sabbath (which he surely would) *he may be deemed guilty of a capital offense and punished with death!*

Tennessee and Mississippi are but little behind their sister State of Georgia in this religious persecution. In the former State various citizens have been arrested and imprisoned for offending the Sunday statute, and even a promising college has been broken up by the persecution. In the latter State, at Amory, no longer ago than May 9, a Mr. R. T. Nash was arrested for hoeing in his garden on the statute Sunday. Thus we see that people desiring to go South and take with them their religious views should investigate the statutes before moving, or they may find themselves sold out as slaves or even sentenced to be shot or hung!

THE "ARENA" FOR JUNE.

ONE of the most valuable papers in the June *Arena* is "A Review of the Brooklyn Street Railway Strike," by G. Emil Richter. He begins at the beginning of the story. He shows that methods were used to consolidate all the different car companies of Brooklyn into two gigantic monopolies, and he describes the elegant deal through which the inner ring in these two companies forced the shareholders into a new combine that swindled them outright of \$4,500,000. Then the squeezing process began to earn more than the five per cent, which the ring had stolen from the stockholders. The number of regular employes was cut down by one-half, and the "tripper" system of twenty cents a trip was introduced. By this means the men could not earn more than from sixty to eighty cents a day; but they were compelled to be in attendance fourteen to eighteen hours a day awaiting orders in order to obtain a commission. The company claimed that the ten-hour law did not cover this kind of service, and no time for meals was allowed in their ten hours actual service. The hours of the regular service men were also lengthened in the same way and upon the same knavish technicality of legality. Then the time-tables were fixed up, and the regular men were required to make more trips in a shorter time, and the law which enacted that no car should be run at a greater speed than ten miles an hour was set aside. The time-tables

were so arranged that the men were compelled in order to save themselves from fines and dismissal for impunctuality to run cars at a speed of from fifteen to twenty miles an hour. The result was great loss of life. When the contract with the Knights of Labor for the year expired, the executive committee of the Knights wanted to renew it, on terms embodying the law, regarding rate of speed and length of hours of service, and asking for an increase of wages of twenty-five cents a day. But the companies refused to treat with the committee. They wanted to run their "own business" as they saw fit. Of course they were not to be embarrassed with such presumptuous superfluities as certain legal enactments; but when the strike came they worshiped "law and order." The progress of the strike is then related as was told from day to day in the *New York Recorder*.

We by no means justify the violence which characterized this strike, but as Mr. Richter's article shows, the lawlessness was not all on one side.

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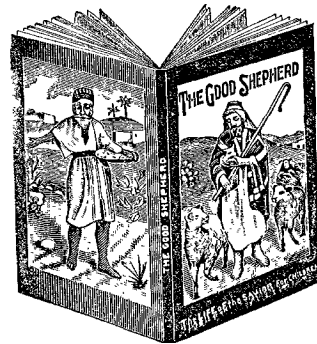
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NEW YORK, JUNE 13, 1895.

ANY one receiving the AMERICAN SENTINEL without having ordered it may know that it is sent to him by some friend. Therefore, those who have not ordered the SENTINEL need have no fears that they will be asked to pay for it.

WE are indebted to Mr. D. W. Reavis, of Atlanta, Ga., for the excellent report of the Nash trial at Amory, Miss., which we print on another page.

THE preachers of Toledo, Ohio, are up in arms against Sunday baseball. There is a State law in Ohio against Sunday ball games, and it will doubtless be enforced.

OUR first-page article this week is somewhat long, and by some may be thought "dry," but it will well repay not only careful reading but study. The principles maintained in it are vital and far-reaching and ought to be understood by everyone who values human liberty, whether in civil or in religious things. We trust the article will receive more than passing attention, and that its length will deter no one from reading it.

MR. W. H. FALCONER, Winnipeg, Manitoba, sends us the details of an attempt recently made there to compel Seventh-day Adventists to cease working on Sunday. As usual, the work complained of was quiet farm work that could not possibly cause anybody other than mental disturbance. At the time of writing, June 2, no arrests had been made, but the offending parties had been visited and threatened by the authorities. We will print Mr. Falconer's communication next week.

THE latest attempted barbarism in the interests of Sunday sacredness(?) is the effort of the "missionaries" at Ellis Island to have it closed on Sunday. The effort failed as it deserved to do. The employes at the island now have two Sundays off out of three, and will be on duty only on alternate Sundays during the fall and winter. The "missionaries" who would keep hundreds of immigrants cooped up on shipboard from Saturday evening until Monday morning in the interest of their Sunday propaganda, should go and "learn what that meaneth, I will have mercy, and not sacrifice."

A DISPATCH, published in the *Mail and Express*, of the 8th inst., runs thus:—

CINCINNATI, O., June 8.—George Boehm, of this city, deserted the Franciscan Brotherhood Thursday night and escaped from the monastery near Louisville, Ky. He is only twenty years old, but has been at the monastery since he was sixteen. He grew tired of the restraint, and escaped from a window before a reply to his application for release could be received from Rome.

By what right do Roman Catholics imprison people in this country and hold them subject to orders from Rome? Does Rome suspend the writ of *habeas corpus* at will in the United States of America?

MARTIN LUTHER, though dead, yet speaketh. The German Lutheran paper, *Die Rundschau*, of Chicago, is watching the signs of the times and interpreting their meaning with a keenness of perception that is truly refreshing. After narrating in its issue of May 22 the humiliating course of certain Christian Endeavorers in petitioning Satolli to degrade "Father" Phelan as a punishment for his grossly false charges against the morality of the members of the society, the wide-awake Lutheran editor comments thus:—

"In fine, we have this yet to say: no one is more powerfully playing into the hands of popery than is the false Protestantism of our day. There be few to-day that do clearly perceive this and are preparing for the consequences. And, as detrimental as are the consequences to our land, they cannot and will not fail to transpire, if the eyes of the 'Protestants' of America are not opened in time, and if they do not, *above all*, rid themselves of the pope and all popery."

ON the 2nd inst. there went into effect a new Sunday statute in this State forbidding barbering on Sunday, except in New York City and Saratoga, and requiring shops in these places to close at 1 p.m. on that day. The act was passed professedly in the interests of the "overworked" barbers; but a thousand Brooklyn barbers, in mass-meeting assembled, resolved a few days since, to test the constitutionality of the statute in the courts, and took steps to raise the necessary funds. About the same time a poor German barber, whose business had been ruined by the new order of things, committed suicide because he could no longer make a living. Sunday was his only good day, as during the rest of the week he could scarcely pay expenses. The new "law" is of course a benefit to the New York shops, as many Brooklyn men now get shaved in this city on Saturday evening before going home, who formerly patronized Brooklyn shops on Sunday. The act is unequal, unjust, and ought to be declared unconstitutional, as it certainly is.

At a recent meeting of the United Societies for Liberal Sunday Laws, held in this city, Hon. Otto Kempner, Chairman of the Committee of Agitation, reported that the committee had decided to issue a circular to all the trades unions of this city and vicinity asking their coöperation toward a monster two days' demonstration, next September, in favor of the liberal Sunday movement. It will be held on Sept. 25 and 26. Quite an elaborate program has been prepared for this demonstration. On the first day, says the circular, it is proposed to have a civic and industrial parade, in which all the societies and representatives of the trades and industries of the city are asked to participate. On the second day there will be a public reception, to be followed by a series of symbolical tableaux, illustrating the many unjust phases of the Sunday closing law. On both days there will be prize games among the societies participat-

ing, and athletic and dramatic entertainments. The object of the festival is to afford the general public an opportunity of expressing its sympathy with the cause of rational Sunday liberty.

We predict that this movement will amount to nothing. Doubtless many of the societies to take part in it have already forfeited their right to protest against Sunday legislation by asking the State to forbid certain kinds of business on that day, as for instance, the keeping open of barber shops, etc. The only effective opposition to Sunday laws is opposition based upon correct principles of separation of Church and State.

A PETITION "to the authorities" is being circulated in Rhea County, Tenn., praying that the Sunday law shall be more strictly observed than heretofore. The Graysville Adventists know what that means and are preparing for whatever may come at the July term of the Circuit Court.

The regular time for the third quarterly meeting of the year in all the Adventist churches is the first Sabbath in July, which, this year, comes on the 6th. But as eleven of the male members of the church, including the elder, are likely to be in prison at that time, the meeting will be held one week earlier, namely, June 29. The story is thus told in a private letter written by one of the indicted Adventists to a minister of the denomination, whom he urges to be present at the meeting referred to:—

We have changed our quarterly meeting so as to come one week earlier this time. As the usual time of holding the meeting comes the same week that the Circuit Court for this county is in session, and as it is more than probable that a large number of the male members of the church will be in jail, we have concluded to make this change. . . . Has there ever before been a quarterly meeting among us changed for such a reason? . . . We are living in a wonderful time. May the dear Lord help us.

The brethren are all well, and good courage is felt in the hearts of all. Our meetings are better and better as week succeeds week. Don't forget us at the throne of grace.

The writer of the letter from which this extract is made, is a man of intelligence and refinement. He was an officer in the Union Army during the Rebellion, was subsequently a member of the Iowa Legislature, and has for a number of years been an official member of the Seventh-day Adventist church at Graysville. He is one of the most gentle, inoffensive and exemplary Christian men to be found anywhere, loved and respected by all who know him; but the first week in July is almost certain to see him a convicted inmate of the Rhea County Jail. Such is the practical working of the Tennessee Sunday statute.

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