

THE OBSERVANCE OF SUNDAY AND CIVIL LAWS
FOR ITS ENFORCEMENT.

THE enactment of a new penal code in New York, which passed through the Legislature of that State almost unexamined, startled the community, when it came to be put in force, by the severity of its provisions in regard to work, trade, amusements, and travel on Sunday.

Instead of being a mere re-enactment of old statutes, it contained new and strict provisions, enhancing the guilt of the offence, and meting out penalties and punishments beyond precedent in the annals of New York legislation.

In the city of New York when the police at first attempted to enforce the law ragpickers and cigarvenders, expressmen and confectioners, men on a hundred different charges were arrested. The newspapers were filled with protests, judges were beset with applications for injunctions, and the whole system of Sunday legislation came under discussion in all circles. The members of the Legislature sought to escape the falling avalanche of unpopularity by pleading ignorance of the contents of the code which they had heedlessly passed,—passed without examination or discussion, although the lives and liberties of the citizens were directly the object of its provisions.

The whole subject of laws regulating Sunday, so far as civil government is concerned, will come up in the present legislature, and the subject will not only be much discussed in Albany, but in many other States, also, obsolete or obsolescent laws will be examined, and either revived in a modified form or abolished.

Strange as it may seem, the State, in passing laws for the due sanctification of Sunday, is unwittingly acknowledging the authority of the Catholic Church, and carrying out more or less faithfully its prescriptions.

The Sunday, as a day of the week set apart for the obligatory public worship of Almighty God, to be sanctified by a suspension of all servile labor, trade, and worldly avocations and by exercises of devotion, is purely a creation of the Catholic Church.

It is not the Jewish Sabbath; it is, in fact, entirely distinct from it, and not governed by the enactments of the Mosaic law. It is part and parcel of the system of the Catholic Church, as absolutely as Christian marriage is or any other of her sacraments, her festivals and fasts, her days of joy and mourning, her indulgences and her jubilees.

In the very earliest period of the Church, when Gentiles were

received into her bosom by baptism, some of the Jewish converts insisted "that they must be circumcised and be commanded to observe the law of Moses." Certainly no part of the law of Moses was more distinctive or more imperative than that relating to the Sabbath. From the days of Nehemias it had been strictly enforced; the Pharisees were so strict in its observance, so severe in their construction of its obligation that in their eyes our Lord Himself and his apostles were sabbath-breakers and open violators of the law. Yet the apostles in the Council of Jerusalem say expressly: "For it hath seemed good to the Holy Ghost and to us to lay no further burden upon you than these necessary things, that you abstain from things sacrificed to idols, and from blood, and from things strangled, and from fornication, from which things keeping yourselves you shall do well." The question before the Council was expressly what precepts or observances of the Mosaic law were to be followed by the Christians of Gentile origin, the class to which the present Christians of Europe and America almost exclusively belong. The fact that the Council enumerates some things, and makes their well-being depend on obedience to these, evidently excludes all others. Circumcision, the sacrifices of the old law, and the Sabbath regulations all stand on the same ground. They were decided not to be obligatory on the Gentile Christians. Nor is there the slightest trace in the Acts of the Apostles or the Epistles that these Christians did observe the Jewish Sabbath, even as a work of supererogation.

A book of popular instruction of much repute in England, while England was still Catholic, De Burgo's *Pupilla Oculi* (Paris, 1510), fol. clxii., 2, puts it distinctly: "One thing is to be known, that the obligation of keeping the Sabbath of the law, according to the form of the Old Testament, expired with the other ceremonies, and thereto succeeded in the New Law the mode of celebrating the divine worship on Sundays and other festivals instituted by the authority of the Church."

The only day of the week which under the Apostles seems to have received special attention was not the last day of the week, the Saturday or Sabbath, but the first. St. Luke mentions a miracle wrought by St. Paul at Troas "on the first day of the week, when we were assembled to break bread" (Acts xx., 7); and St. Paul, addressing the Corinthians, directs collections to be made for the saints on the first day of the week (1 Cor. xvi., 2). But the celebration of the Eucharistic rite and collection of money for pious uses have not the slightest connection with the Jewish Sabbath. That St. John the Evangelist received the revelation at Patmos when he was in the spirit on the Lord's day, shows simply that the first day of the week had already received that name, not that any obligation of the Jewish Sabbath was attached to it. This is made

positively clear by an epistle of St. Ignatius addressed by that disciple of St. Peter to the Christians of Magnesia. Writing against the observance of the Mosaic law, he bids them be "not men observing the Sabbath, but men living according to the Lord's day." The epistle which is ascribed to St. Barnabas gives the reason for the selection of the day: "Therefore we spend the eighth day in joy, on which Jesus rose from the dead."

In the primitive days of fervor and piety all days were so consecrated by exercises of devotion that no special command for the sanctification of the first day is traced. It was not until the primitive earnestness of Christians began to relax that we find anything to distinguish the day. Thus, Tertullian, speaking of the attitude observed at prayer, remarks: "Only on the Lord's day of the resurrection we must not only refrain from kneeling, but from all habit of care and duties, even laying aside business, lest we give place to the devil."

This became gradually obligatory, although the command was not at first peremptory. The Council of Laodicea, in 364, defines: "That Christians must not Judaize and refrain from manual labor on Saturday, but work on that day; and that, preferring the Lord's day, they must then rest, if this can be done, as becomes Christians."

The Church thus began by calling her children to sanctify the first day of the week, that on which God the Son rose from the dead, that on which God the Father began the creation of the world, and God the Holy Ghost descended on the Apostles. She commanded a laying aside of business, a refraining from servile work, as a means to the end she had in view, the sanctification of the day. Her policy was settled and acknowledged when the days of her persecution passed and a disciple of Christ sat on the throne of the Cæsars.

Constantine lent the power of the state to enforce the regulations of the Church, and the civil law began to enforce the spiritual decrees. He commanded the Lord's day to be observed by all as a festival and day of rest. The law courts were then closed, and public business suspended, allowance being made for works of necessity and mercy. But the tilling of the soil was deemed necessary and was not forbidden until a later period.

As new states arose from the ruins of the Roman Empire, we find local councils, in time of relaxation, renewing, with greater or less strictness, as circumstances required, the prohibition of labor, and of all that interfered with the great object,—the sanctification of the day as one set apart especially for the great public act of divine worship. The ancient laws of all European states contain statutes enforcing these decrees of the Church.

As long as the Catholic Church was supreme in Europe, her de-

crees were certain, her authority recognized, and the civil power, acknowledging its obedience to the spiritual, held it a duty to enforce what she commanded for the sanctification of a day set apart for the fulfilment of the first commandment,—the solemn public worship of Almighty God.

To the Jew his Sabbath was merely a day of rest. It had no special sacrifice in the temple, no offering of incense beyond that of every other day. The sacrifices in the temple, general or individual, went on without any reference to the Sabbath, nor were the Israelites commanded especially to attend any service in the temple on that day. It was a day of rest, not a day of special worship of God.

The Christian Lord's day was pre-eminently a day of worship. The Eucharistic sacrifice was offered, indeed, daily, making a perpetual oblation, but it was offered with greater solemnity on the first day of the week, and all Christians who had attained the age of reason were commanded to join in the offering, in order to render to Almighty God the highest worship, that of his own divine Son. The prohibition of work, of trade, of noisy enjoyments, all had in view the sanctification of the day, in order to surround the great act of worship with the calm and dignity becoming to it.

The laws of Christian Europe, from Constantine to the sixteenth century, were in the same spirit. They aimed to invest the solemn sacrifice of the Mass with becoming peace, and quiet, and honor. They were enacted to enforce the law of the Church, they were enacted in homage to the Mass.

Neither civil nor religious legislation gave it any feature of moroseness and gloom. Nor was any such element characteristic of the Jewish Sabbath. On the contrary, it was and is to the children of Israel a day of cheerfulness and happiness. On its eve they wish one another a good Sabbath. They meet in their synagogues to read the law and pray, although there is in the law of Moses no direct command to that effect; but, though they adhere to the refraining from labor on that day, they are not forbidden to relax their minds by genial conversation and innocent enjoyments.

The Christian Sunday was a day of joy; it was to honor the great joy of the Resurrection. The very word, Eucharist, characteristic of the great sacrifice, implies joy; that service is, in itself, one in which the grief for sin, the cry for mercy, glides insensibly into a pæan of joy. If the Church forbade her children to labor, it was not to fill their hearts with gloom and bitterness, but to draw them away from the world and its cares, and its degrading influence, and to give them a foretaste of heaven by joy.

As the life of the Church has been one of struggle with worldly influences, the true spirit of the sanctification of the Lord's day would, from time to time, in one place or another, be lost; new regulations came, new laws were passed, as the state was called upon to remedy abuses and prevent profanations.

When Europe was swept by the great religious rebellion of the sixteenth century, the public worship of Almighty God was, in many countries, as completely abolished as it was in Jerusalem by the armies of Babylon, or, subsequently and completely, by those of the Romans under Titus. The Mass, to honor which the Catholic Church had especially set apart the first day of the week, and hedged it with her decrees, was abolished. There was no other essential act of divine worship to replace it, and there could be none. There could only be a synagogue service like that of the Jews, waiting for the restoration of the altar and the sacrifice. This required no special sanctification of the day; the Jewish sabbath-law had long been extinct, and with the Mass went really and logically in Protestant countries all motive or ground for the legislation which Christian states had enacted to maintain the decrees of the Church.

Only human motives, and purely human motives, could be adduced for maintaining the old system of honoring Sunday. As the framers of the new religious creeds appealed to the Scripture as the sole authority, they found their position indefensible. Nothing in the New Testament forbids work, travel, trade, amusement, on the first day of the week. There is nothing which implies such a prohibition. The day, as one specially set apart, had no authority but that of the Catholic Church; the laws requiring its observance were passed to enforce decrees of councils of the Catholic Church. But to have abolished Sunday utterly would have shocked all men, and, logically or not, it was maintained.

The difficulty of the position was soon apparent to many in the Reformed Churches. Attendance at the services of the new religions was enforced by fine, but as these services had in themselves nothing commanded by Holy Scripture, or binding under pain of sin, a gradual relaxation ensued, till James I., in 1618, specially allowed lawful recreations on the Lord's day, and bear-baiting and cudgel-fighting came to be deemed lawful.

It became necessary to find some authority for requiring men to observe the Sunday. Several writers endeavored to show by specious and adroit reasoning that the patriarchs observed the first day of the week as the Sabbath, and that with the abolition of the Jewish Saturday Sabbath, the former revived and was binding on Christians. The answer to which was that, if the Bible was the only rule of faith, so important a precept as the observance of

Sunday, if laid down at all, must be clearly and definitely expressed in the New Testament.

When the Puritan body arose in England they were eminently disciples of the Old Testament. Nothing in the Bible had any charm for them but the terrors and severity of the Old Law. It filled their whole life and thought. There they sought the names for themselves and their children. They were the modern Israel, the rest of the world the heathen to be exterminated. A fierce and gloomy spirit pervaded them. All joyousness was a sin. To them the Sunday was but the Sabbath of the Jews, to be kept with all the rigor of the law of Moses. The very term Sabbath was applied to Sunday.

As they gained power and influence in England the legislation changed. Charles I., in the very first year of his reign, passed a law to prevent noisy sports on Sunday, and an attempt to revive his father's ideas met with stern and violent denunciation. When, with psalm and anathema in scripture phrase, the Puritans overthrew the government and sent the king to the block, they made the Sunday a Sabbath of more than Jewish rigor; and even after the fall of the Commonwealth and the restoration of the monarchy, Charles II., to gratify them, consented, in 1678, to an act forfeiting all goods exposed to sale on Sunday; all travel by boat or barge; and all trading by butchers and higglers.

The Separatists and Puritans who founded the colonies in Massachusetts were of the strictest adherents of the Sabbath theory. Those who went to Holland grieved to see their fellow-Calvinists in the United Provinces regard the day so differently. In America they attempted to revive the theocracy of the Children of Israel. They deemed themselves the chosen people as firmly as though the Bible so laid it down. Englishmen, and still claiming to be British subjects, they ignored English law, abolished the Church established by law, and made its profession punishable. The festivals of the Christian year were abolished, and their observance, even in the way of social merriment, was prohibited. The Sunday was as purely an ecclesiastical creation as the feasts, but they retained it as the Sabbath. Setting at defiance alike the Parliament and Church of England, they had full scope to carry out their own peculiar ideas, and generations were moulded in the ideas they adopted. As the colonists spread over New England, this Puritan idea of the Sabbath took root from Maine to Connecticut. Its fanatical character has survived belief in the Trinity, the inspiration of Scripture, the fall of man, and the atonement of Christ; and the energy inherited from their ancestors impels the New England man of to-day to seek to force his views on his fellow-men now

with the same determined zeal that characterized his forefathers, much as he may differ from them on most points.

“In opposition to the judgment of Luther and Calvin, as much as to the rubrics of Rome and England,” says Palfrey, the historian of New England, “Sunday was nearly identified with the Sabbath of the Law of Moses, and every kind of recreation on that day was forbidden, as well as every kind, of labor.” The day was required to be passed in the meeting-house, and in solitary devotion and reading at home.

In their whole course they were actuated by a blind hatred of Catholicity, not that they had personally suffered from it, but taking it as persistently misrepresented by that Church of England which they hated as deeply, and which, with greatly varied severity, laid its heavy hand alike on Puritan and on Catholic. But it seems a special design of Providence that men hating the Church should thus be made the instruments of doing the work of the Church in this country by carrying out so strenuously her early decrees for the sanctification of the Lord’s day she had set apart for the great act of her worship, by enforcing the suspension of labor, trade, and noisy amusement on that day, although they refused to kneel at her altars, or, indeed, bow the knee at all to Almighty God.

Their spirit was one of wrath and severity. The lesson in the Old Testament given to the angry prophet was unheeded by them, and they never seem to have read far enough in the Bible to reach the spirit of Christ, or the sweet yoke of the Gospel.

“Go forth and stand upon the mount before the Lord; and behold the Lord passeth, and a great and strong wind before the Lord, overthrowing the mountains and breaking the rocks in pieces; but the Lord was not in the wind, and after the wind an earthquake; but the Lord was not in the earthquake. And after the earthquake a fire; but the Lord was not in the fire, and after the fire a whistling of a gentle air. And when Elias heard it, he covered his face with his mantle.”

They were not, indeed, the first to enact a Sunday law on the shores of the Atlantic. In the *Articles, Laws and Orders, Divine, Politique, and Martiall, for the Colony of Virginea*, a draconic code, issued in 1610–1611, attendance at church service was made compulsory every day, as well as at sermon and catechism on Sabbath, under penalty of death for the third offence; but there was no prohibition of labor, the only clause being: “Likewise no man or woman shall dare to violate or break the Sabbath by any gaming, publique or private, abroad or at home, but duly sanctifie and observe the same, both himself and his familie, by preparing themselves at home with private prayer, that they may be the better fitted for the publique.”

This law, like many others of the kind, soon became virtually a dead letter. But, in New England, the keeping of the so-called Sabbath was deemed too vital a point to be neglected. The laws there, if not as stringent as that of Virginia just cited, were enforced, public opinion sustaining the magistrates in the execution of enactments of which the following, from the Laws of New Haven Colony, may be taken as a type :

“Prophanation of the Lord’s Day.

“Whosoever shall prophane the Lord’s Day or any part of it, either by sinful servile work, or by unlawful sport, recreation, or otherwise, whether wilfully or in a careless neglect, shall be duly punished by fine, imprisonment or corporally, according to the nature and measure of the sinn and offence. But if the court, upon examination, by clear and satisfying evidence, find that the sinn was proudly, presumptuously, and with a high hand, committed against the known command and authority of the blessed God, such a person, therein despising and reproaching the Lord, shall be put to death, that all others may feare and shun such provoking rebellious courses : Numb. 15, from 30 to 36 verse.”

These laws were gradually extended so as to forbid not only servile labor, but all work, traffic, and travel ; and to this day travelling, except to and from meeting, is an offence against the laws of Connecticut. Nor are all these statutes obsolete, for, only a few years ago a clergyman from New York, while driving from the steamboat on a Sunday, was arrested.

As New Englanders emigrated, they carried with them their Sabatarian ideas, and to them, in no slight degree, is due the passing of similar laws in other parts of the country, or their enforcement where they were already on the statute-book. The kindred denomination, the Presbyterians, took up the cause, and while a large class in Massachusetts, adopting Unitarianism, have become less rigid, the Presbyterians remain the sturdy and inflexible maintainers of the strictest prohibition of all labor, whether servile or not, of all traffic, and of everything in the form of public or private amusement.

The Methodist body, too, adheres strictly to it ; and in the seaside towns which they have created, all riding, driving, bathing, and amusements on Sunday are prohibited, and boating is confined to the wherries which carry people to and from the religious meetings. The druggists are allowed to put up prescriptions signed by physicians, but not to sell even medicines otherwise.

Of late years, in this country, associations to carry out various theories, chiefly humanitarian, have not only been formed in many parts of the country, but, by their activity and persistence, have succeeded in obtaining special legislation, so that we are rapidly

drifting to a system of government by associations. The president of a Society for the Prevention of Cruelty to Animals or Children can in person, and through his agents, exercise powers that never, in our past history, were committed to the chief magistrate of a state or the highest judicial functionary. The rights of personal liberty, rights of property, rights of parents to control their children, are virtually abolished, or placed at the mercy of a set of enthusiasts. The public schools are run by a set of similar hobbyists, and parents have not the slightest power, either individually or collectively, to obtain for their children the least modification in the most absurd system that may be adopted.

The influence of all these dangerous combinations is seen in a remarkable degree in a penal code recently adopted in New York. It was generally supposed to be simply a codification of existing statutes, not a collection of new provisions. It was examined when too late, when it had actually become the law of the State. Then the Bar Association of New York adopted a series of resolutions which declare "that, with hardly an exception, a change had been made, either in the definition or the penalty of every crime; that these changes have greatly and indefinitely extended the power of the criminal courts, whereby every man's liberty is jeopardized; that many new acts have been declared to be crimes; . . . that many antiquated and forgotten statutes have been revived with increased penalties, breach of the Sunday laws, for example, being punishable by heavier penalties than the revised statutes prescribe."

The overzealous associations, possessed each with one idea, had severally pressed their special points, and the result was that the people of a great state found themselves entrapped in a system of law passed in utter ignorance of its purport.

The Sunday laws are in their origin a part of the Catholic system enforced by the state when Europe was Catholic. The day and the regulations have no logical basis except the authority of the Catholic Church. The very language still shows this to be their origin. This new code provides:

"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.

"A violation of the foregoing prohibition is Sabbath-breaking.

"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.

"The following acts, as explained in the next six sections, are those forbidden to be done on the first day of the week, excepting

a work of necessity or charity: No. 1, servile labor; No. 2, public sports and shows; No. 3, trades, manufactures, or mechanical employments; No. 4, public traffic; No. 5, serving process."

The terms, "servile labor," "works of necessity or charity," are drawn from the Catholic prescriptions for the observance of the day, and can be fairly construed by the courts only by the study of the opinions of Catholic doctors of moral theology, who have fixed the meaning of the terms and the limits to be assigned to them. Certainly there is nothing actually known as "servile" labor in New York at the present day. Nor will it do to go back to classic times, for the teachers and tutors in ancient Rome were generally of the slave class, and a Protestant Sunday-school teacher might be held to be guilty of "servile" labor. But the Catholic Church, construing her own laws, distinguishes between "servile" and "liberal" works, and recognizes a large class of works as "common." While the Church forbids servile works, she has not extended that prohibition to liberal works, and permits many that are common. The New York Code, using the word "servile," a word foreign to the common law, must intend it to be construed according to canon law,—the law of the Catholic Church, from which it is derived.

Servile works, in the eyes of the Church, are those which are effected principally by the bodily powers, and which tend directly to the advantage of the body. Liberal works are those in which the mind takes more part than the body, and which tend directly to the advantage of the mind, the cultivation of the intelligence. Common or natural works are those which are accomplished by both mind and body in about the same degree, and which are performed by all kinds of persons, without regard to social rank or calling.

Now, the Code, adopting a recognized term in Catholic theology, must be held to have done so knowingly; and as penal laws, according to a recognized maxim of law, must be construed strictly, the provision cannot be extended to liberal and common works, unless they are definitely and distinctly forbidden; they cannot be held to pass under the term "servile."

The claim will be made that this is a Protestant country, and that the attempt to evade or alter our Sunday laws is made by a foreign element, that has come of late years into the country, to break down the established institutions of this and other states. By the miserable subterfuge and falsification often resorted to, the Catholic body will be represented as made up entirely of foreigners, and as one of the opponents of the due observance of the Sunday. In this there is a fallacy at every step. The Catholics of the United States are not, as a body, foreign born; in fact, the majority of Catholics

here are native born ; the American Catholics of New England origin alone number thousands, and those descended from settlers in other provinces in colonial days would swell the number beyond the range of mere thousands.

The Catholic Church created the Sunday and made the very regulations which have come down on the statute-books, and she still constantly, from her pulpits, her catechists' chairs, and the confessional, calls on her faithful to obey them, to sanctify the day, and refrain from all that desecrates it. If the Church has not all the moral influence over some of her children in this country that she desires, it is not her fault, but that of the very men who, hating her, seek to cripple her power for good, and tempt her children to disobey her regulations and flout her counsels.

But in her definition of her own law for the sanctification of the Lord's Day she must follow her own decisions of centuries ; she cannot adopt the wild and exaggerated theories of those who try to enforce her laws according to their own interpretation, while actually denying her authority. She cannot take her interpretation of her own law from the "New York Sunday Closing Association," or any similar body.

She not only forbids servile work on the Lord's Day, and the spending of it in mere amusement and diversion, but she requires every member of her flock to take part in the offering of the great sacrifice of the new law, the highest act of worship that can be offered to Almighty God. She counsels prayer, devotion, acts of mercy, on that day. She multiplies churches to enable her children to fulfil the obligation of divine worship ; by general and individual exhortation and rebuke she urges all to keep the day holy, and every Catholic knows that, by violating the command, he commits a mortal sin.

The Church and her children are not the habitual profaners of the Lord's Day. Not by her choice or her wish does the rail-car rattle noisily over surface-road or elevated rails past her temples at the moment when the worshipers within bow in awful silent adoration of the Son of God. No son of the Church, no Catholic does servile labor without necessity, or opens his place of business to sell his goods without knowing that he cuts himself off from the communion ; that he can be admitted only by sincere repentance.

In New York the law preventing travel on Sunday was formerly, in the memory of many, so enforced as to prevent disturbing church service. There were then no street-cars, and any church could, by stretching a chain across the street at the commencement of its services, prevent vehicles passing till the congregation was dismissed. This was in time abandoned ; but, solemn as the Catholic worship is in the eyes of her children, no

Catholic Church ever availed itself of this privilege, so far as we know, and, in point of fact, the attempt to exercise the right would have been resented, and led to trouble.

As the enforcement of the Sunday law relieved Jews who, by the provisions of the act, were exempt from penalty for working on Sunday if they kept the Saturday as their Sabbath, many of the children of Israel went a step further, and in quarters where they were numerous opened their stores and carried on traffic on Sunday. This has, of recent years, greatly changed the look of New York streets; the old Sunday, with its quiet, has disappeared, and men calling themselves still Christians were led to do what they saw their Hebrew neighbors do unchecked.

The right of a Jew to open his store on Sunday had been discussed in the case of *The City of Shreveport against Levy*. The court there determined "that before the constitution Jews and Gentiles are equal. By the law they must be treated alike, and the ordinance which gives to one sect a privilege which it denies to another, violates both the constitution and the law, and is therefore null and void." This doctrine has been generally accepted as sound, and was followed by the courts in New York, in recent decisions. Many Hebrew dealers have claimed the right to sell on that day, but their clergy do not advocate that view, and it is not probable that any legislation will enable them to do so, unless the Sunday is absolutely abolished.

For this, certainly, the American people are not prepared, and God forbid that we should live to see the time when it will be. But it is not easy to see on what ground the Sunday laws are to be maintained that will continue to commend itself to the growing secularism fostered by our public schools and state colleges.

One of our leading papers, discussing the question, says: "The assumption is, that by law we have here an established and characteristic Sabbath which everybody ought to be made to respect. But at the very foundation of this republic lies the separation of State and Church. Consequently, in the State of New York the first day of the week can only be regarded by the law as a day of rest, as a holiday. Legally it is that, and not a Sabbath which there is any religious obligation to keep. The State has nothing to do with its religious character, except so far as to protect citizens in their right to worship on Sunday without disturbance. Such other regulations as are justifiable are those only which are necessary because of its peculiar character as a weekly holiday."

This is very incorrect and fallacious. The separation of Church and State does not underlie the idea of our republic, either in theory or practice. The laws of the colonies bearing on Sunday were adopted by the States, and the United States government, in

the District of Columbia, adopted the laws of Virginia and Maryland. The early laws base their enactments distinctly and positively on religious grounds; they aimed to prevent the profanation of the Lord's day, not to regulate a state holiday. In Virginia, as in New England, attendance at Protestant service was commanded in the same law that forbade games and work; and the legislation that was directly intended to make men keep and fulfil a religious obligation, made regulations for its observance, and maintains them to this day, to the great good of all men, and more especially of the poorer classes, whose long life of labor would be cheerless indeed but for what the Church does to ameliorate their lot.

The Catholic churches are pre-eminently the churches of the poor; built up by their contributions, they are the noblest abiding-places that they have on earth. Within their walls the poor feel free; they speak of the churches, and point to them with pride as their own; within, all tends to cheer and elevate, to ennoble and to attract. It was the Church that in the Middle Ages gave the serf relief from grinding toil, gave him wherewith to cheer his dreary lot; her shrines were the spot where his mind received its sole elevating and ennobling influences. The Church did all for the poor, the state nothing.

But, in this matter of Sunday laws, how can the state act? The general government has no power over the subject at all throughout the country at large. It is one of the subjects over which each state retains complete control, and each state is free to unite Church and State, as most of them practically do. For years after the establishment of the United States government Massachusetts had her established church, and in other states the profession of the Protestant religion was necessary to the exercise of the elective franchise in its fullest extent. An eminent North Carolina lawyer, raised to the bench, found an act to prevent his taking the judicial position; a Catholic assemblyman, elected from New York City, could not take his seat in the state legislature; a Catholic cannot even now hold office in New Hampshire; in many states the Catholic inmates of penal and eleemosynary institutions are compelled to attend Protestant religious services, read Protestant bibles, sing Protestant hymns, and listen to instructions from Protestant ministers or turnkeys. Under the United States government Catholic soldiers and officers have been punished for refusing to attend Protestant worship, and Catholic soldiers are required by law to send their children to a Protestant chaplain for instruction.

The object of the earlier American law was not to secure to the piously-disposed quiet during the religious services that they attended, but to compel the indifferent, obstinate, and ill-disposed to

attend the service, whether Episcopal in Virginia or Congregational in New England, and to refrain from work, whether they wished it or not.

This legislation dates from a period when men believed that civil authority was instituted by God, and that civil rulers were responsible to God, and were bound to look after the spiritual welfare of their subjects. Under the Mosaic law the priests and the Sanhedrim, the oracle upon the ark, were the guide as to what was due to God's honor. For ages all Christian nations looked to the Catholic Church, and, as we have seen, the various states enforced by law her ordinances as to worship and cessation of labor on Sunday. Protestantism, in discarding the authority of the Church, has no good reason for its Sunday theory, and ought, logically, to keep Saturday as the Sabbath, with the Jews and Seventh-Day Baptists. For their present practice Protestants in general have no authority but that of a Church which they disown, and there cannot be a greater inconsistency than theirs in asking the state to enforce the Sunday laws.

If it be a mere state holiday, most of the legislative provisions are a mere tyrannical interference with the liberty of a citizen; and it is a strange holiday on which people are forbidden to enjoy themselves, under penalty of fine and imprisonment. If it were merely this, it would be more sensible to punish the man who wore a long face on a public holiday than the man who laughed.

It is not a mere legal holiday; it is the Lord's day, set apart by the Catholic Church. It is a religious holiday, and so long as it is maintained by law it is therefore only a sorry farce to tell us that in this country there is no union of Church and State.

The state, in referring to the Sunday laws, does it as a religious duty, acknowledging the Divine supremacy, and enforcing laws made known through the instrumentality of the Church. It was on this ground, and this ground alone, that the State of Connecticut, at the commencement of this century, arraigned the United States government as a Sabbath-breaker and profaner of the Lord's day. The carrying of mails through the State on Sunday had scandalized the good people of that commonwealth, and Connecticut attempted to prevent the general government from continuing its misconduct and to bring it to a sense of its sin. The local Sunday mails were stopped, and only those from distant points have since been carried.