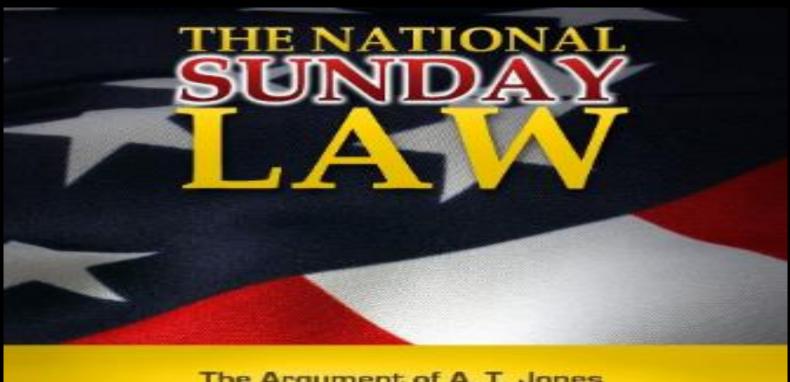
Church and State – Part 25 The Blair Bill – Section 6



The Argument of A. T. Jones Before the U.S. Senate Committee, December, 1888

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The Great Controversy between God and Satan is primarily over

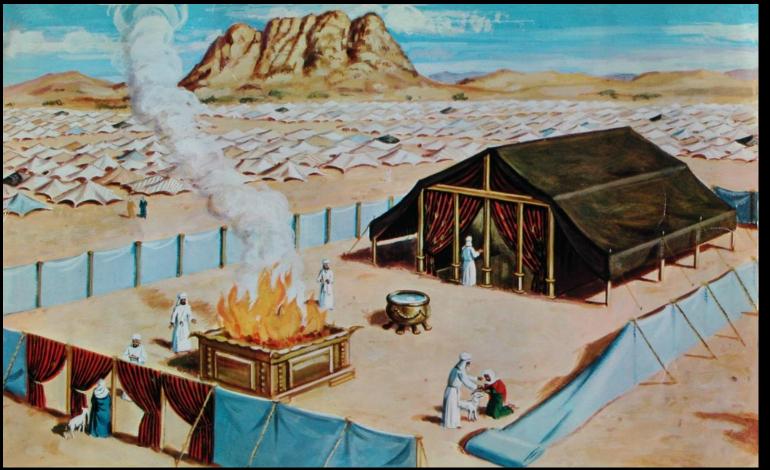
"WORSHIP"

Who will you Choose?



Get into the Ark Sanctuary





And let them make me a sanctuary; that I may dwell among them.

Exodus 25:8

Psalms 77:13



Health Snippet – Kidney beans

Health Benefits of Kidney beans (Seek Medical Advice)
Kidney beans are a variety of the common bean (Phaseolus vulgaris), a legume native to Central America and Mexico. They come in a variety of colours and patterns, including white, cream,

black, red, purple, spotted, striped, and mottled. In fact, beans are one the richest plant-based sources of protein, sometimes

referred to as "poor man's meat".

One cup (177 grams) of cooked kidney beans contains: Calories:

225, Protein: 15.3g, Fat: 0.885g, Carbs: 40.4g, Fibre: 13.1g,

Thiamine (vB1): 24%, Folate (vB9): 58%, Copper: 48%, Iron: 29%,

Manganese: 37%, etc...

Health benefits:

- 1. <u>Weight Loss</u>: Several observational studies link bean consumption to a lower risk of excess weight gain and obesity.
- 2. <u>Blood Sugar</u>: They have a low GI score, which means that your rise in blood sugar after eating them is low and more gradual.
- 3. <u>Colon Cancer</u>: resistant starch and alpha-galactosides, pass undigested down to colon, where they're fermented by friendly bacteria, resulting in the formation of SCFAs like butyrate may improve gut health and lower your risk of colon cancer.

Potential downsides:

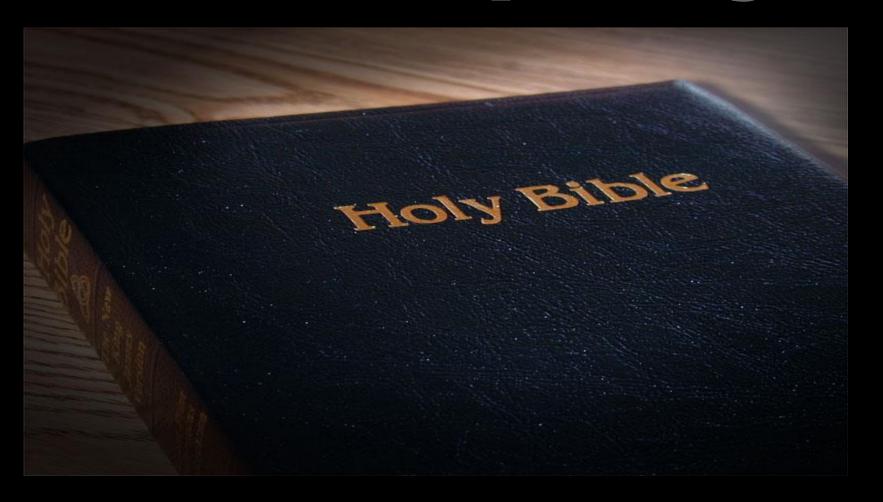
- In some, may cause bloating, flatulence, and diarrhoea.
- Raw or improperly cooked kidney beans are toxic.



- 1. Full of Fibre
- 2. Reduce Cholesterol
- 3. Stabilises Blood-Sugar
- 4. Full of Iron
- 5. Good for Memory
- 6. Boost Energy
- 7. Protein Rich
- 8. Anti-Oxidant
- 9. Good for Kidneys
- 10. Lower Heart-Attack Risk

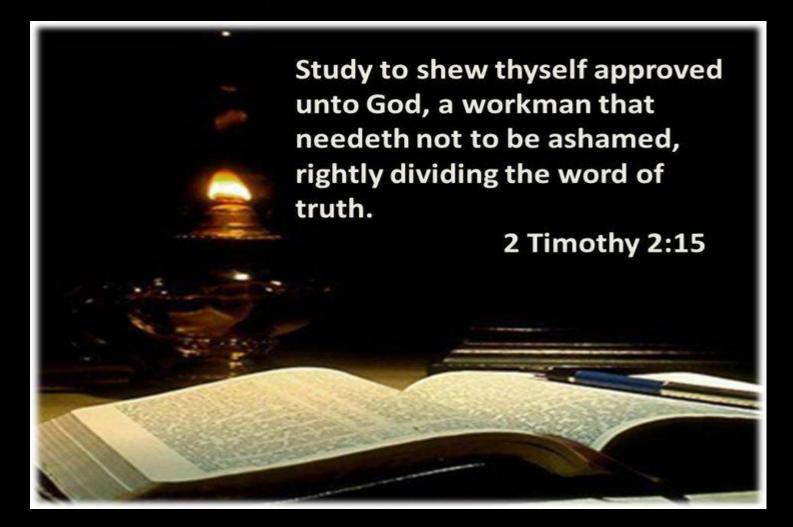


Can We Trust Bible Prophecy?



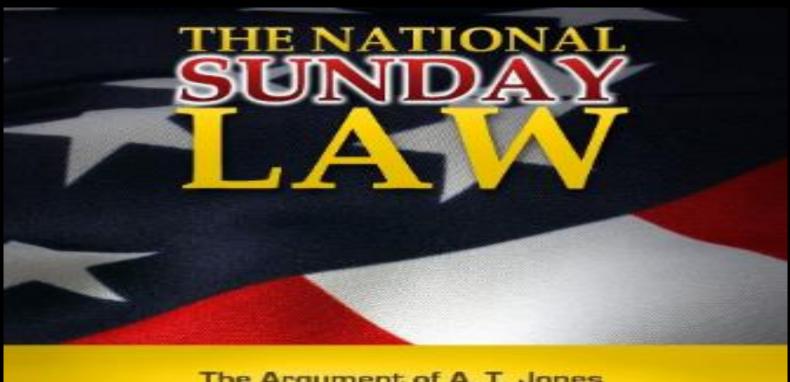


Yes, we Can!





Church and State – Part 25 The Blair Bill – Section 6



The Argument of A. T. Jones Before the U.S. Senate Committee, December, 1888

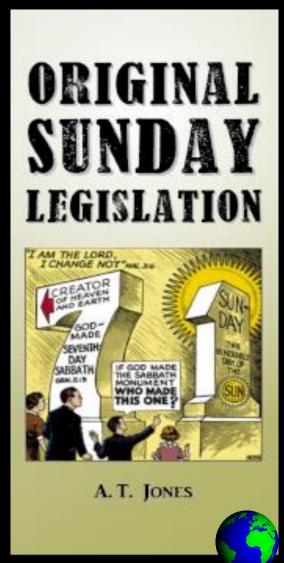
Past > **Present** > **Future**



Senator Blair.—I am glad you put in that fact, because it is something that happened. NSLS27 123.1

Mr. Jones.—I ask leave to read the statement made in the Arkansas Legislature by Senator Crockett, upon that very subject:—NSLS27 123.2

"Let me, sir, illustrate the operation of the present law by one or two examples. A Mr. Swearingen came from a Northern State and settled on a farm in ---- County. His farm was four miles from town, and far away from any house of religious worship. He was a member of the Seventh-day Adventist Church, and, after having sacredly observed the Sabbath of his people (Saturday) by abstaining from all secular work, he and his son, a lad of seventeen, on the first day of the week went quietly about their usual avocations. They disturbed no one—interfered with the rights of no one. But they were observed, and reported to the Grand Jury, indicted, arrested, tried, convicted, fined, and having no money to pay the fine, these moral, Christian citizens of Arkansas were dragged to the county jail and imprisoned like felons for twenty-five days—and for what?—For daring, in this so-called land of liberty, in the year of our Lord 1887, to worship God. NSLS27 123.3



"Was this the end of the story?—Alas, no, sir! They were turned out; and the old man's only horse, his sole reliance to make bread for his children, was levied on to pay the fine and costs, amounting to thirty-eight dollars. The horse sold at auction for dollars. The horse sold at auction for twenty-seven dollars. A few days afterward the sheriff came again, and demanded thirty-six dollars, eleven dollars balance due on fine and costs, and twenty-five dollars for board for himself and son while in jail. And when the poor old man—a Christian, mind you—told him with tears that he had no money, he promptly levied on his only cow, but was persuaded to accept bond, and the amount was paid by contributions from his friends of the same faith. Sir, my heart swells to bursting with indignation as I repeat to you the infamous story. NSLS27 124.1



"Another, and I am done. Sir, I beg you and these senators to believe that these are neither fancy nor exaggerated sketches. Five years ago a young man, newly married, came to----County from Ohio. He and his wife were Seventh-day Baptists. The young girl had left father and mother, brothers and sisters, and all the dear friends of her childhood, to follow her young husband to Arkansas—to them the land of promise. The research health sparkled in her bright young eyes. The roses of health were upon her cheeks, and her silvery laugh was sweet music, of which her young husband never wearied. They purchased a little farm, and soon by tireless industry and frugal thrift, their bores of large and the sign harms. frugal thrift, their home blossomed like a rose in the wilderness. After awhile a fair young babe came to them to brighten the sunshine and sweeten the bird songs. They were happy in each other's affection and their love for the little one. For them 'all things worked together for good;' for in their humble, trusting way, they worshiped God and loved their fellow-men. NSLS27 124.2



"Two years ago the law under which their prosperity and happiness had had its growth was repealed! Accursed be the day which brought such a foul blot upon our State's fair fame! A change, sudden, cold, and blasting as an Arctic storm, came over their lives, and pitilessly withered all their bright flowers of hope. Under this repeal, persecution lifted its ugly, venomous head. The hero of my sad story was observed by an envious, jealous neighbour, quietly working, as he believed God had commanded him, on Sunday. He was reported to that Inquisitorial relic of barbarism, the Grand Jury, indicted, tried, convicted, and thrown into jail because his conscience would not let him pay the fine. NSLS27 124.3 "Week after week dragged its slow length along. Day after day the young wife, with baby in her arms, watched at the gate for his coming, and, like Tennyson's Marianna NSLS27 125.1

"'She only said: "My life is dreary—He cometh not," she said. She said: "I am aweary—aweary—I would that I were dead." NSLS27 125.2





"Then baby sickened and died; the light in the young wife's eyes faded out in tears; her silvery laugh changed to low, wailing sobs. Pale-faced Misery snatched the roses from her cheeks and planted in their stead her own pallid hue. Sir, how can I go on? At length the cruel law was appeased, and this inoffensive citizen (except that he had loved God and sought to obey him) was released from prison and dragged his weary feet to the happy home he had left a few short weeks before. He met his neighbours at the gate bearing a coffin. He asked no questions; his heart told him all. No, not all! He knew not—he could never know—of her lonely hours, of her bitter tears, of the weary watching and waiting, of the appeals to God,—that God for whom she had suffered so much,—for help in the hour of her extremity, of baby's sickness and death. He could not know of these. But he went with them to the quiet country burial-place, and saw beside the open grave a little mound with dirt freshly heaped upon it, and then he knew that God had taken both his heart's idols, and he was left alone. His grief was too deep for tears. With staring eyes, he saw them lower the body of his young wife into the grave. He heard the clods rattle upon the coffin, and it seemed as if they were falling upon his heart. NSLS27 125.3



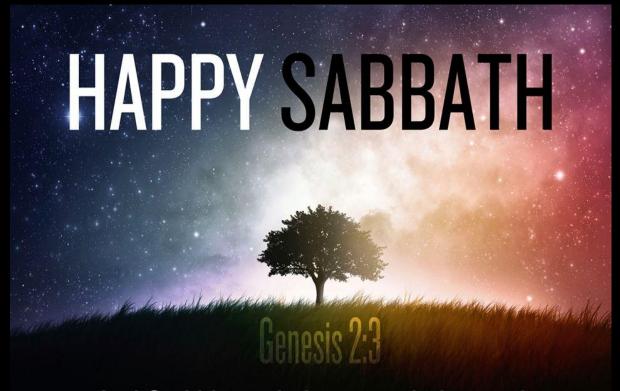
The work was done, and they left him with his dead; and then he threw himself down between the graves, with an arm across each little mound, and the tears came in torrents, and kept his heart from breaking. And then he sobbed his broken farewell to his darlings, and left Arkansas forever,—left it, sir, as hundreds of others are preparing to leave, if this General Assembly fails to restore to them the protection of their rights under the Constitution, national and State. NSLS27 125.3

"On next Monday, at Malvern, six as honest, good, and virtuous citizens as live in Arkansas, are to be tried as criminals for daring to worship God in accordance with the dictates of their own consciences; for exercising a right which this Government, under the Constitution, has no power to abridge. Sir, I plead, in the name of justice, in the name of our republican institutions, in the name of these inoffensive, God-fearing, God-serving people, our fellow-citizens, and last, sir, in the name of Arkansas, I plead that this bill may pass, and this one foul blot be wiped from the escutcheon of our glorious commonwealth." NSLS27 126.1



Arkansas was not alone in this, however, though it was worse there than anywhere else. I myself, with other brethren in California, had to send hundreds of dollars into Tennessee, to support the families of the brethren of our own faith there, while the husbands and fathers who made the money for their support were in jail because they chose to work for their families on Sunday, and make bread for them after having kept the Sabbath according to their conscience. That has been done, Mr. Chairman, in these United States. That is the care these people have for the labouring man. NSLS27 126.2

<u>Senator Blair</u>.—You reason from that that there should be no Sunday law whatever? NSLS27 126.3



And God blessed the seventh day, and sanctified it: because that in it he had rested from all his work which God created and made.

Mr. Jones.—If you allow a Sunday law, you must allow it to any extent. It must be enforced. All they did in Arkansas was to enforce the law, simply as in the Roman empire they enforced the law, and put Christians to death. They simply enforced the law, but the law was wrong. Any condition of the law that will allow such things as that is a wrong condition of the law. NSLS27 126.4

Senator Blair.—This bill proposes that work must not be done to the disturbance of others. This work was done to the disturbance of others. NSLS27 127.1

SUNDAY LAWS

In Force in the Province of Ontario

PROHIBIT

- 1. LABOR. With certain exceptions this includes:
- (A) THE WORK OF LABORERS, MECHANICS and MANUFACTURERS.
- (b) ALL FARM WORK, such as SEEDING, HARVESTING, FENCING, DITCHING,
- (c) WORK ON BAILWAYS, such as BUILDING and CONSTRUCTION, and also REPAIR WORK, except in emergencies, and TRAFFIC, excepting the forwarding of PASSENGER AND CERTAIN FREIGHT TRAINS.
- THE WORK OF BAKERS AND BARBERS, E.S.
- (a) THE WORK OF MUSICIANS AND PAID PERFORMERS OF ANY KIND.
 Works of necessity and mercy excepted.
- BUSINESS. It is undereded to MAKE CONTRACTS or to BUT. SELL or DELIVER ANYTHING on Sunday, including LIQUORS, CIGARS, NEWSPAPERS, Eds. Generally appealing the only exceptions are DELIVERING PASSENGERS' BAGGAGE, MILK for domestic use, and SUPPLYING MEALS AND MEDICINES.
- 3. ALL GAMES, RACES OR OTHER SPORTS FOR MONEY OR PRIZES, or which are seeing, or at which a fee is charged, and the leastness of AMUSEMENT or ENTERTAINMENT.
- 4. ALL EXCURSIONS for him and with the object of pleasure, by TRAIN, STEAMER or OTHER CONVEYANCE.
- ADVERTISING in Canada, unlawful things to take place on Sunday, either in Canada or action the line.
- IMPORTING, SELLING or DISTRIBUTING FOREIGN NEWSTAPERS on Sunday.
- 7. ALL GAMBLING, TIPPLING, USING PROFANE LAN-
- S. ALL PUBLIC MEETINGS, except in Churches
- HUNTING, SHOOTING, FISHING: also BATHING in any public place or in sight of a place of public worship, or private residence.

THE PENALTY IS FROM \$1.00 TO \$500.00

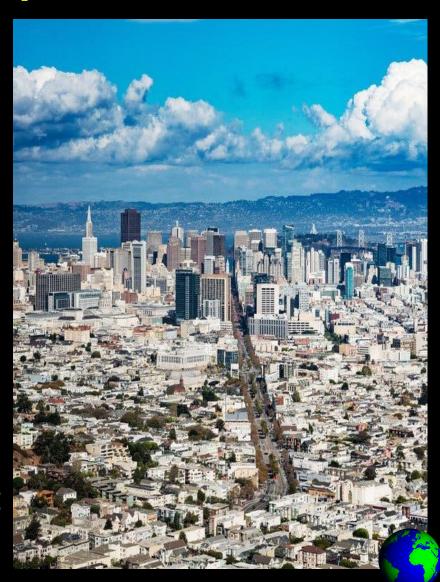
Mr. Jones.—I know that this bill for a national Sunday law proposes that work must not be done "to the disturbance of others," and in that very phrase lies one of its worst features. The bill declares that no person shall do any work, or "engage in any play, game, or amusement, or recreation, to the disturbance of others, on the first day of the week, commonly known as the Lord's day, or during any part thereof." This leaves it entirely with the other man to say whether that which I do disturbs him; and that is only to make every man's action on Sunday is only to make every man's action on Sunday subject to the whim or caprice of his neighbour.
And everybody knows that it requires a very slight thing to disturb one who has a spite or prejudice against you. At the Illinois State Sunday-law convention last month (Nov. 20, 21), Dr. R. O. Post, of Springfield, made a speech on the subject of "Sunday Recreation," in which he declared as the sum of his whole speech that, — NSLS27 127.2





"There is no kind of recreation that is proper or profitable on Sunday, outside of the home or the sanctuary." NSLS27 127.3

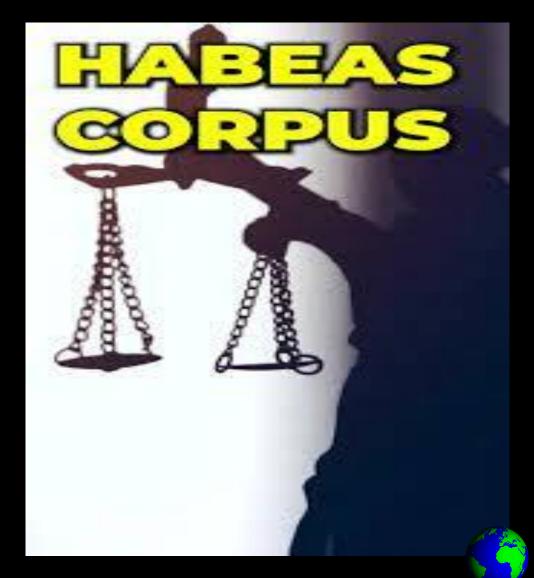
Only let such a law as is embodied in this bill become of force where R. O. Post, D. D., is, and any kind of recreation outside of the home or the kind of recreation outside of the home or the sanctuary would be sure to disturb him, and the one engaged in the recreation could be arrested and prosecuted. But it may be argued that no judge or jury would uphold any such prosecution. That is not at all certain, as we shall yet see; but whether or not it is so, it is certain that if your neighbour should say that what you did disturbed him, under such a law as that he could have you arrested and put to the inconvenience and expense of defending yourself before the court. In 1887, the city of San Francisco, Cal., had an ordinance on another subject that embodied the very principle of this clause of this Sunday bill. It reads thus:— NSLS27 127.4



"No person shall in any place indulge in conduct having a tendency to annoy persons passing or being upon the public highway, or upon adjacent premises." NSLS27 128.1

It is easy to see that the principle of this ordinance is identical with that of the clause in the first section of this bill, which forbids anything "to the disturbance of others." NSLS27 128.2

While that San Francisco ordinance was in force, a man by the name of Ferdinand Pape was distributing some circulars on the street, which not only had a tendency to annoy, but actually "annoyed" a businessman across the street. Pape was arrested. He applied to the Superior Court for a writ of habeas corpus, claiming that the offense charged against him did not constitute a crime, and that the ordinance making such action an offense was invalid and void, because it was unreasonable and uncertain. The report of the case says:— NSLS27 128.3

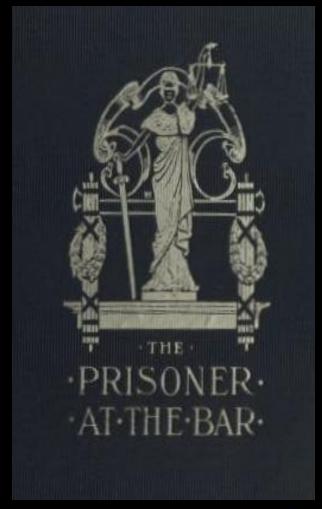


"The writ was made returnable before Judge Sullivan, and argued by Henry Hutton in behalf of the imprisoned offender. Disposing of the question, the Judge gave quite a lengthy written opinion, in which he passed a somewhat severe criticism upon the absurdity of the contested ordinance, and discharged Pape from custody. Said the Judge:—NSLS27 128.4

"If the order be law, enforceable by fine and imprisonment, it is a crime to indulge in any conduct, however innocent and harmless in itself, and however unconsciously done, which has a tendency to annoy other persons.... Instances might be multiplied indefinitely in which the most harmless and inoffensive conduct has a tendency to annoy others. If the language of the ordinance defines a criminal offense, it sets a very severe penalty of liberty and property upon conduct lacking in the essential element of criminality. NSLS27 128.5



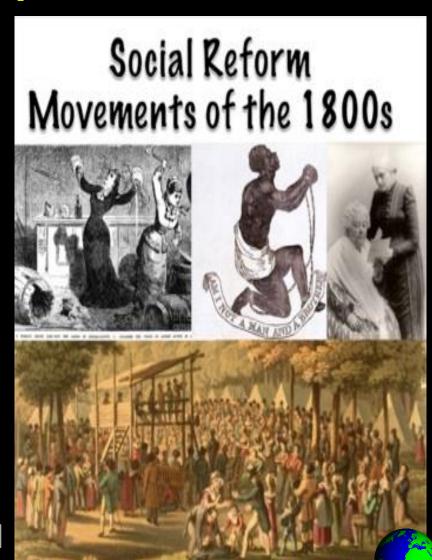
"But it may be said that courts and juries will not use the instrumentality of this language to set the seal of condemnation on unoffending citizens, and to unjustly deprive them of their liberty and brand them as criminals. The law countenances no such dangerous doctrine, countenances no principle so subversive of liberty, as that the life or liberty of a subject should be made to depend upon the whim or caprice of judge or jury, by exercising a discretion in determining that certain conduct does or does not come within the inhibition of a criminal action. The law should be engraved so plainly and distinctly on the legislative tables that it can be discerned alike by all subjects of the commonwealth, whether judge upon the bench, juror in the the commonwealth, whether judge upon the bench, juror in the box, or prisoner at the bar. Any condition of the law which allows the test of criminality to depend on the whim or caprice of judge or juror, savours of tyranny. The language employed is broad enough to cover conduct which is clearly within the Constitutional rights of the citizen. It designates no border-line which divides the criminal from the non-criminal conduct. Its terms are too vague and uncertain to lay down a rule of conduct. In my judgment, the portion of the ordinance here involved is uncertain and unreasonable." NSLS27 129.1





This decision applies with full force to this proposed national Sunday law. Under this law, all that would be necessary to subject any person to a criminal prosecution, would be for him to engage in any sort of play, game, amusement, or recreation on Sunday; because the National Reformers are as much in favor of this Sunday law as is anybody else, and there are many of those rigid National Reformers who would be very much "disturbed" by any amusement or recreation indulged in on Sunday, however innocent it might be in itself. And it is left entirely to the whim or caprice of the "disturbed" one, or of the judge or jury, to say whether the action really has or has not disturbed him. NSLS27 129.2

The California decision is, that such a statute "sets a very severe penalty of liberty and property upon conduct lacking in the essential element of criminality." California courts "countenance no such dangerous doctrine, countenance no principle so subversive of liberty," or which so "savours of tyranny," as that which is embodied in these words of this Sunday bill. NSLS27 130.1

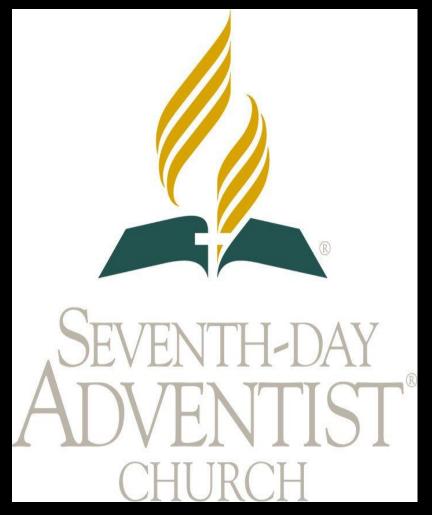


Nor is this confined to this particular section; the same principle is found in Section 5. This section provides that if any person works for any other person on Sunday, and receives payment for it at any time, then any person in the wide world, except the parties concerned, can enter suit, and recover the money so paid. If you work for me on Sunday, and I pay you for it, then the first man that finds it out can sue you and get the money. That is what the bill says. When wages are paid for Sunday work, "whether in advance or otherwise, the same may be recovered back by whoever shall first sue for the same." Whoever is a universal term. Therefore, this bill deliberately proposes that when any man who is subject to the proposes that when any man who is subject to the exclusive jurisdiction of the United States, receives payment for work done on Sunday, except for work of necessity or mercy, he may be sued for that money by whoever first learns that he has received it, and that person shall get the money. NSLS27 130.2



So much for this bill as it reads. Now, as to the work for which the Seventh-day observers of Arkansas were prosecuted. It was not to the disturbance of others. Let me state some of the facts, the authentic record of which I have, but it is too voluminous to present in detail. NSLS27 130.3

With two exceptions, all the arrests and prosecutions were of people who observed the seventh day of the week as the Sabbath. And in these two exceptions, those who were held for trial were held without bail,—simply on their own recognizance,—and although the testimony was direct and positive, the jury "agreed to disagree," and the cases were both dismissed; while in every case of a Seventh-day Adventist, the least bail that was accepted was \$110; the most of them were held under bonds for \$250, and some for as high as \$500. There was not a single case dismissed, and in all the cases the complaint was never made that what was done had disturbed the worship or the rest of anyone. But the indictments were all for the crime of "Sabbath-breaking" by the performance of labour on Sunday. NSLS27 131.1



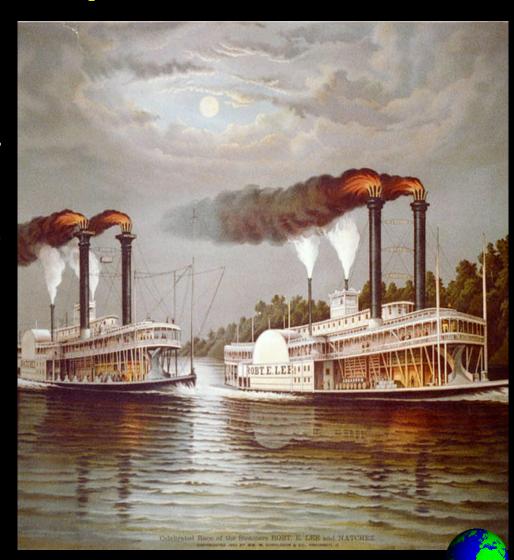


The statute of Arkansas at that time ran thus:—NSLS27 131.2

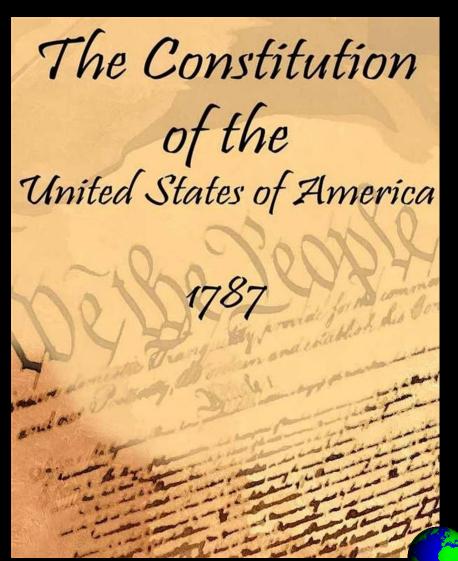
"SECTION 1883. Every person who shall on the Sabbath, or Sunday, be found labouring, or shall compel his apprentice or servant to labour or perform service other than customary household duties of daily necessity, comfort, or charity, on conviction thereof shall be fined one dollar for each separate offense. NSLS27 131.3

"SEC. 1884. Every apprentice or servant compelled to labour on Sunday shall be deemed a separate offense of the master.

"SEC. 1885. The provision of this act shall not apply to steamboats and other vessels navigating the waters of the State, nor such manufacturing establishments as require to be kept in continual operation." NSLS27 131.5

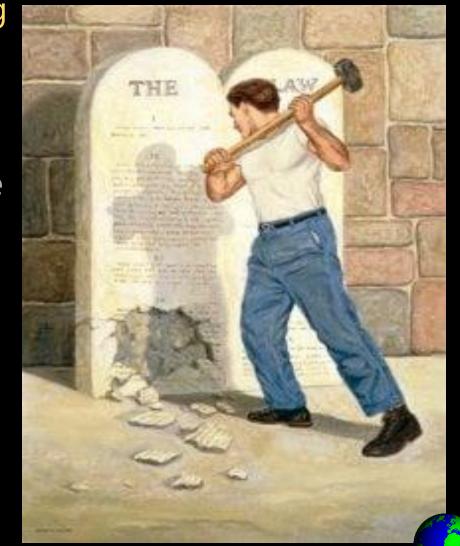


In the case of Mr. Swearingen, mentioned by Senator Crockett, the conviction was upon the testimony of a witness who swore that the work for which he was convicted was done on a day which proved to be seventeen days before the law was enacted, thus by its enforcement making the law ex post facto. The Constitution of the United States forbids the making of ex post facto laws. But when a law not being ex post facto in itself, made so by its enforcement, it is time that something was being done to enlighten courts and juries upon that subject, even though it should be by an amendment to the Constitution of the United States, providing that no law not being ex post facto in itself shall be made so by its enforcement. Then, no the other hand, several cases were tried, and the men convicted and fined after the law was repealed, though for work done before. NSLS27 131.6



In almost every case the informer, the prosecuting witness, or perhaps both, were men who were doing work or business on the same day, and sometimes with the very persons accused; yet the man who kept the seventh day was convicted in every instance, while the man who did not keep the seventh day but did work or business with the man who did, was left entirely unmolested, and his evidence was accepted in Court to convict the other man. I give some instances:— NSLS27 132.1

First, a man by the name of Millard Courtney, who was the prosecuting witness against two men, Armstrong and Elmore, had taken a man with him to where these men were working, and there they made a contract for roofing a school-house; and yet Courtney's evidence convicted these two men of Sabbath-breaking at the very time he was doing business with them. NSLS27 132.2



Second, J. L. Shockey was convicted upon the testimony of a man by the name of Hammond, who went to him on Sunday where he was at work and bargained with him for a Plymouth Rock rooster. NSLS27 132.3

Third, J. L. James, who worked in the rain for nothing on Sunday that a poor widow, a member of another church, might be sheltered, was convicted of Sabbath breaking upon the evidence of a man who carried wood and chopped it up that same day within seven rods of the man who was convicted by his testimony. NSLS27 132.4

Fourth, one La Fever and his wife went to Allen Meeks's house on Sunday to visit. They found Meeks planting potatoes. Meeks stopped planting potatoes and spent the rest of the day visiting with them; and yet Meeks was convicted of Sabbath-breaking and fined upon the evidence of La Fever. NSLS27 132.5



Fifth, the second case of Mr. Meeks. Riley Warren went to his house on Sunday, to see him about hiring a teacher for the public school. In the social, neighbourly conversation that passed between them, Meeks incidentally mentioned that he had mended his wagon-brake that morning; and yet he was convicted of Sabbath-breaking upon the evidence of that same Riley Warren. Meeks was thus virtually compelled to be a witness against himself,—clearly another violation of both the State and United States Constitution. NSLS27 133.1

Sixth, Mr. Reeves's boys were hauling wood on Sunday. In the timber where they got the wood, they met another boy, a Seventh-day Adventist, John A. Meeks, hunting squirrels. They joined him in the hunt, scaring the squirrels around the trees so he could shoot them. Then the squirrels were divided between the Meeks boy and the Reeves boys. Then the Meeks boy was indicted, prosecuted, and convicted of Sabbath-breaking upon the evidence of the father of those boys who were hauling wood, and who helped to kill the squirrels. NSLS27 133.2

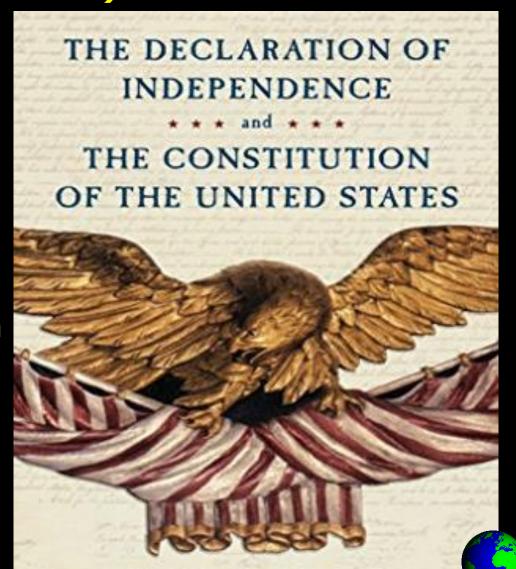


THE CONSTITUTION OF THE UNITED STATES



Seventh, James M. Pool, for hoeing in his garden on Sunday, was convicted of Sabbath-breaking, on the evidence of a "sanctified" church member who had gone to Pool's house on Sunday to buy tobacco. NSLS27 133.3

Allow me to mention the methods of prosecution. In the case of Scoles, J. A. Armstrong was called before the Grand Jury. After repeated answers to questions in regard to work done on Sunday by different parties in several different lines of business and traffic, he was asked the direct question whether he knew of any Seventh-day Adventists who worked on Sunday, and when in the nature of the case he answered in the affirmative, every one of the Seventh-day Adventists whom he named was indicted, and not one of any other class or trade. NSLS27 133.4



In the second case of James A. Armstrong; he was arrested at the instance of the mayor. When asked for the affidavit upon which Armstrong was arrested, the mayor said that A. J. Vaughn had called his attention to Armstrong's working, and had said, "Now see that you do your duty," yet Vaughn testified under oath that he did not see Armstrong at all on the day referred to. Armstrong was not only arrested at the instance of the mayor, but he was also tried before the mayor, who acted as Justice of the Peace. And when mayor, who acted as Justice of the Peace. And when Vaughn testified that he had not seen Armstrong at all on the day referred to, this made the mayor, virtually, both prosecuting witness and judge; and the questions which he asked show that that was precisely his position, and his own view of the case. The question which he asked to each of the first two witnesses was, "What do you know about Mr. Armstrong's working on Sunday, June 27?" This question assumes all that was expected to be proved on the trial. NSLS27 134.1



Justice of the Peace

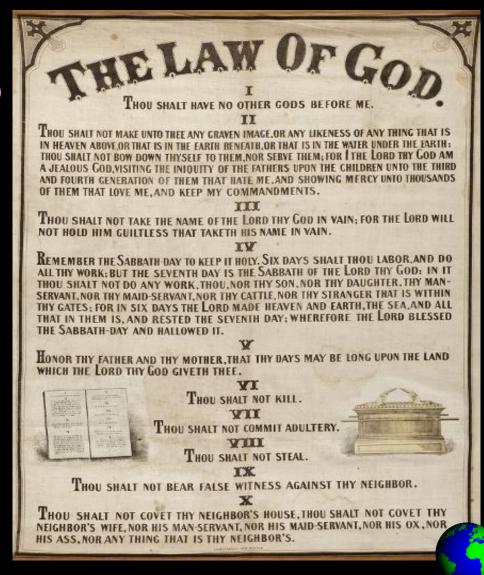


This is enough to show the workings of such a Sunday law as is embodied in this Senate bill. There were many other cases, everyone in the same line. But throughout the whole list of cases, it is only the record of how people who were performing honest labour on their own premises in a way in which it was impossible to do harm to any soul on earth, were indicted, prosecuted, and convicted upon the evidence of men who, if there were any wrong involved in the case at all, were more guilty than they. If religious persecution could possibly be more clearly demonstrated than it is in this thing, we hope never to see an illustration of it. NSLS27 134.2

It may be asked, Why was not an appeal taken? An appeal was taken to the Supreme Court of the State, in the first case that was tried. The judgment of the lower Court was confirmed in an opinion closing with these words:— NSLS27 134.3



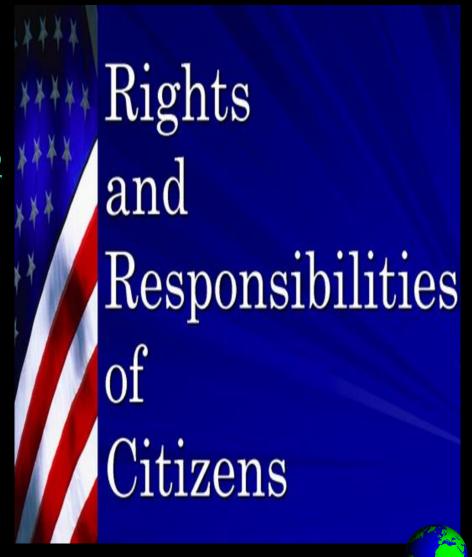
"The appellant's argument, then, is reduced to this: That because he conscientiously believes he is permitted by the law of God to labour on Sunday, he may violate with impunity the statute declaring it illegal to do so; but a man's religious belief cannot be accepted as a justification for his committing an overt act made criminal by the law of the land. If the law operates harshly, as laws sometimes do, the remedy is in the hands of the legislature. It is not the province of the judiciary to pass upon the wisdom or policy of legislation. That is for the members of the legislative department; and the only appeal from their determination is to the constituency." NSLS27 135.1



This decision of the Supreme Court is of the same piece with the prosecutions and judicial processes throughout. It gives to the legislature all the omnipotence of the British Parliament, and in that does away with all necessity for a Constitution. The decision on this principle alone, is un-American. No legislative body in this country is framed upon the model of the British Parliament in respect to power. In this country, the powers of every legislature are country, the powers of every legislature are defined and limited by Constitutions. It is the prerogative of Supreme Courts to define the meaning of the Constitution, and to decide whether an act of the legislature is Constitutional or not. If the act is Constitutional, then it must stand, whatever the results may be. And the Supreme Court is the body by which the Constitutionality or the unconstitutionality of any statute is to be discovered. NSLS27 135.2



But if, as this decision declares, the legislature is omnipotent, and that which it does must stand as law, then there is no use for a Constitution. "One of the objects for which the judiciary department is established, is the protection of the Constitutional rights of the citizens." NSLS27 135.2 So long as there is a Constitution above the legislature, which defines and limits its powers, and protects and guards the rights of the citizens, so long it is the province of the Supreme Court to pronounce upon the acts of the legislature. The Supreme Court of Arkansas, therefore, in this case, clearly abdicated one of the very functions for which it was created, or else subverted the Constitution of Arkansas; and in either case Constitution of Arkansas; and in either case, bestowed upon the legislature the omnipotence of the British Parliament, which is contrary to every principle of American institutions. NSLS27 136.1



Nor is the State of Arkansas an exception in this case; for this is the usual procedure of Supreme Courts in sustaining Sunday laws. They cannot be sustained upon any American principle; resort has to be made in every instance, and has been with scarcely an exception, either to the church-and-state principles of the British Government, or to the British principle of the omnipotence of the legislative power. But American principles are far above and far in advance of the principles of the British Government, in that they recognize Constitutional limitations upon the legislative power and countenance no union of church and state; consequently, Sunday laws never have been, and never can be, sustained upon American principles. NSLS27 136.1

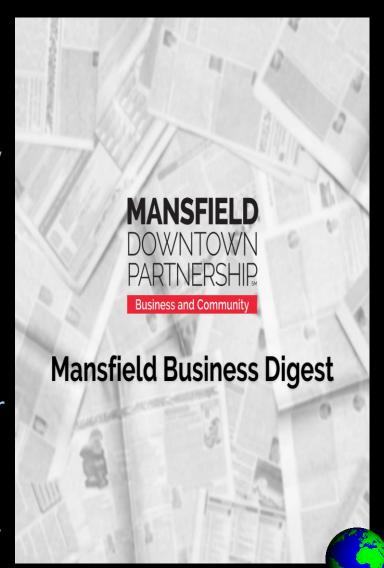




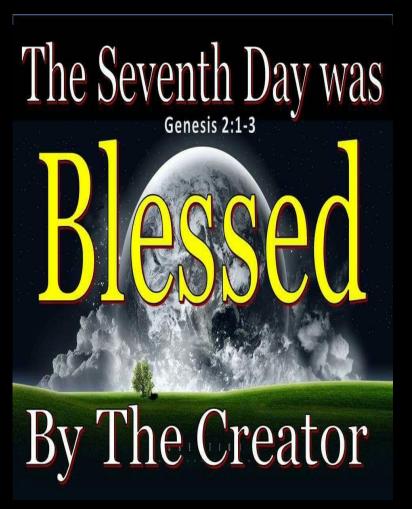
That this stricture upon Supreme Court of Arkansas is not unjust, we have the clearest proof. The three judges who then composed the Supreme Court, were all members of the Bar Association of the State of Arkansas. In less than three months after this decision was rendered, the Bar Association unanimously made a report to the State on "law and law reform," an official copy of which I have in my possession. In that report, under the heading "Sunday Laws," is the following:— NSLS27 136.2

"Our statute as it stands in Mansfield's Digest, provides that 'persons who are members of any religious society who observe as Sabbath any other day of the week than the Christian Sabbath, or Sunday, shall not be subject to the penalties of this act [the Sunday law], so that they observe one day in seven, agreeably to the faith and practice of their church or society.'—Mans. Dig., sec. 1886. NSLS27 136.3

"This statute had been in force from the time of the organization of the State government; but it was unfortunately repealed by act of March 3, 1885.—Acts 1885, 37. NSLS27 137.1



"While the Jews adhere, of course, to the letter of the original command to remember the seventh day of the week, there is also in the State a small but respectable body of Christians who consistently believe that the seventh day is the proper day to be kept sacred; and in the case of Scoles vs. State, our Supreme Court was compelled to affirm a judgment against a member of one of these churches, for worshiping God according to the dictates of his own conscience, supported, as he supposed, by good theological arguments. It is very evident that the system now in force, savouring, as it does, very much of religious persecution, is a relic of the Middle Ages, when it was thought that men could be made orthodox by an act of parliament. Even in Massachusetts, where Sabbatarian laws have always been enforced with unusual vigour, exceptions are made in favor of persons who religiously observe any other day in the place of Sunday. We think that the law as it stood in Mansfield's Digest, should be restored, with such an amendment as would prevent the sale of spirits on Sunday, as that was probably the object of repealing the above section." NSLS27 137.2

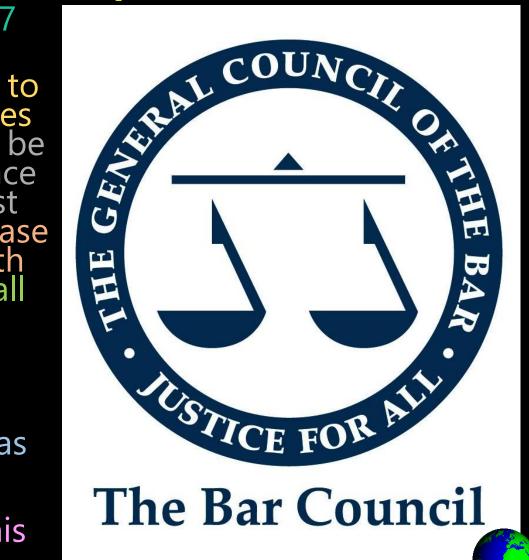




Now the Arkansas Constitution says:— NSLS27 137.3

"All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent. No human authority can, in any case or manner whatsoever, control or interfere with the right of conscience; and no preference shall ever be given by law to any religious establishment, denomination, or mode of worship, above any other." NSLS27 137.4

This report of the Bar Association says, "In the case of Scoles vs. State, our Supreme Court was compelled to affirm a judgment against a member of one of these churches, for worshiping God according to the dictates of his own conscience." NSLS27 138.1



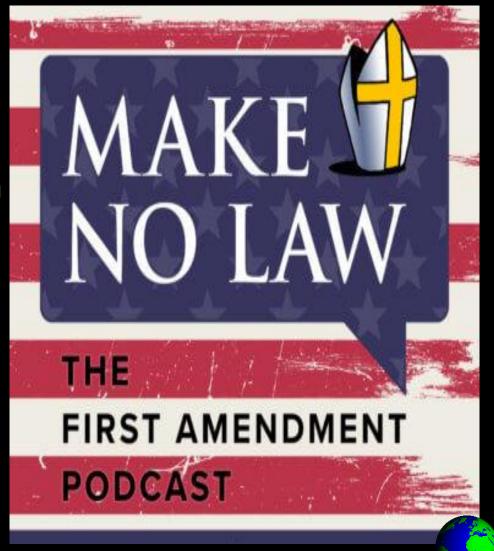
The members of the Supreme Court being members of the Bar Association, in that report it is confessed that they confirmed a judgment against a man for doing that which the Constitution explicitly declares all men have a natural and indefeasible right to do. NSLS27 138.2

Senator Blair.—Then if they had a law like this, they were wrongly convicted under the law, just as innocent men are sometimes hung; but you cannot reason that there should be no law against murder because innocent men are sometimes executed. It is fault in the administration of the law. You cannot reason from that that there should be no law. NSLS27 138.3





Mr. Jones.—If there had been arrests of other people for working on Sunday, in anything like the numbers that there were of seventh-day observers, and the law had been enforced upon all alike, then the iniquity would not have been so apparent; or if those who were not seventhday observers, and who were arrested, had been convicted, even then the case would not have been so clearly one of persecution. But when in all the record of the whole two years' existence of the law in this form, there was not a solitary saloon keeper arrested, there was not a person who did not observe the seventh day arrested, with the two exceptions named, then there could be no clearer demonstration that the law was used only as a means to vent religious spite against a class of citizens guiltless of any crime, but only of professing a religion different from that of the majority. NSLS27 138.4



The fact of the matter is,—and the whole history of these proceedings proves it,—that from beginning to end these prosecutions were only the manifestation of that persecuting, intolerant spirit that will always make itself felt when any class of religionists can control the civil power. The information upon which the indictments were found, was treacherously given, and in the very spirit of the Inquisition. The indictment itself is a travesty of legal form, and a libel upon justice. The principle was more worthy of the Dark Ages than of any civilized nation or modern time; and the Supreme Court decision that confirmed the convictions, is one which is contrary to the first principles of Constitutional law or Constitutional compacts. NSLS27 139.1



And if Congress should lend its sanction to religious legislation to the extent of passing this national Sunday bill, now under consideration, and its principles should be made of force in all the States, the history of Arkansas from 1885-86 would be repeated through the whole extent of the nation. This I can prove, at least so far as the intention goes of those who are actively in favor of it. Rev. D. Mc Allister is one of the principal men of the National Reform Association. That Association and the Woman's Christian Temperance Union held a joint convention at Lakeside, Ohio, in July 1887; and speaking on the subject of a national Sunday law, Dr. Mc Allister said:— NSLS27 139.2



"Let a man be what he may,—Jew, seventh-day observer of some other denomination, or those who do not believe in the Christian Sabbath,—let the law apply to everyone, that there shall be no public desecration of the first day of the week, the Christian Sabbath, the day of rest for the nation. They may hold any other day of rest of the week as sacred and observe it; but that day which is the one day in seven for the nation at large, let that not be publicly desecrated by anyone, by officer in the Government, or by private citizen, high or low, rich or poor." NSLS27 139.3



Then someone stated from the audience that—NSLS27 140.1

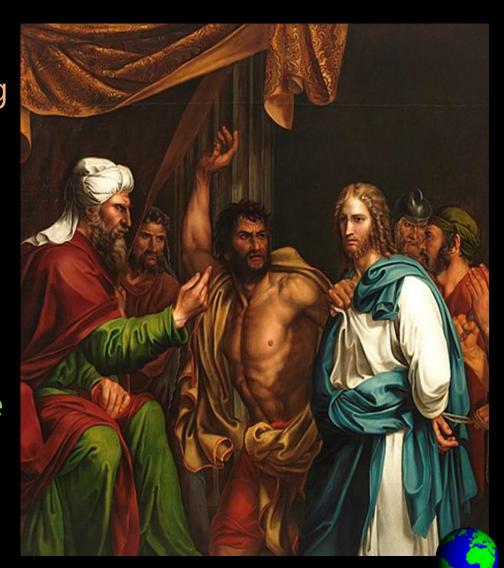
"There is a law in the State of Arkansas enforcing Sunday observance upon the people, and the result has been that many good persons have not only been imprisoned, but have lost their property, and even their lives." NSLS27 140.2

To which Mr. Mc Allister coolly replied:— NSLS27 140.3

"It is better that a few should suffer, than that the whole nation should lose its Sabbath." NSLS27 140.4

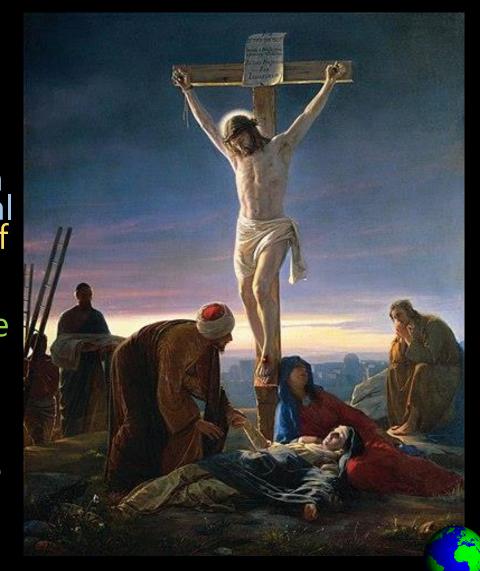
This argument is identical with that by which the Pharisees in Christ's day justified themselves in killing him. It was said:— NSLS27 140.5

"It is expedient for us that one man should die for the people, and that the whole nation perish not." John 11:50. NSLS27 140.6



And then says the record:— NSLS27 140.7 "Then from that day forth they took counsel together for to put him to death." Verse 53. NSLS27 140.8

It is because of these principles, unblushingly avowed by the very men who stand in the lead in the effort to secure the enactment of this national Sunday law; and because of the practical effect of such a law in Arkansas and Tennessee, and to some extent in Pennsylvania,—it is because of these things that we say to you, gentlemen of the United States Senate, you cannot afford to give to these men the power which they seek in the enactment of this proposed Sunday law. The speech of Senator Crockett's, which I have read, was made in the legislature of Arkansas, when he was pleading for exemption clause,—when he was pleading for toleration, in fact. NSLS27 140.9



Senator Blair.—Do you know whether this young man had money or friends? NSLS27

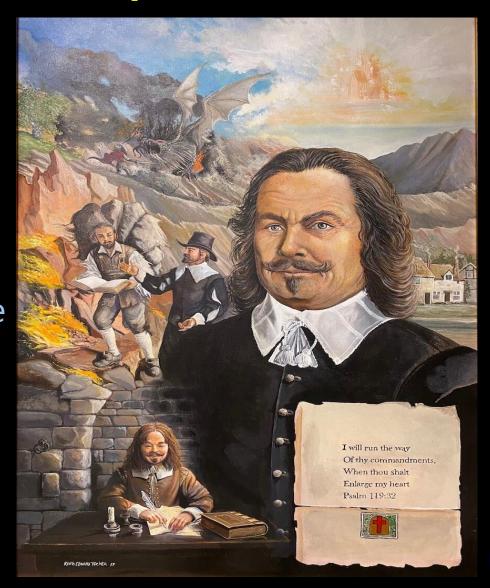
Mr. Jones.—Dr. Lewis, can you certify whether he had money? NSLS27 141.2

<u>Dr. Lewis</u>.—The case was never reported to other churches for relief. I do not know as to his personal estate. NSLS27 141.3

Senator Blair.—Do you not think it was a peculiar man who would allow his child to be killed and his wife to starve? NSLS27 141.4

Dr. Lewis.—The case was not reported to our churches in the North. NSLS27 141.5

Mr. Jones.—About that peculiarity I will say that John Bunyan stayed twelve years in Bedford jail when he could have got out by simply saying the word "yes," and agreeing that he would not preach. NSLS27 141.6





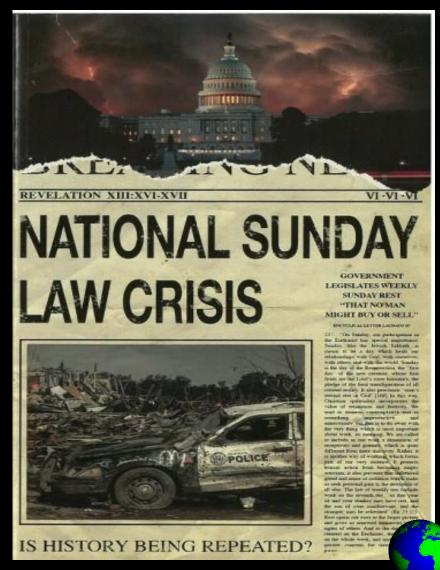
Senator Blair.—It was a very different thing to be called on to say that he would abstain from the performance of a great duty in his church. He preached the gospel, and he would not agree not to preach the gospel. But here is a man who lets his wife and child die rather than pay twenty-five or fifty dollars and get out and have an opportunity to go to work for them. NSLS27 141.7

Mr. Jones.—What kind of law is that which puts a man upon his conscience to choose between his wife and child and paying a fine of twenty-five or fifty dollars? But suppose he had paid the fine, and got out and gone to work again, how long could he have worked? When the next Sunday came round, it was his duty to his wife and child to work for their support. Is he to go to work on Sunday, and go through the course of prosecution again, and again pay a fine of twenty-five or fifty dollars? How long could this be kept up? There are not many poor farmers who can clear from twenty-five to fifty dollars every week above all expenses, to be devoted to paying regular fines for the privilege of following their honest occupation on their own premises. NSLS27 141.8

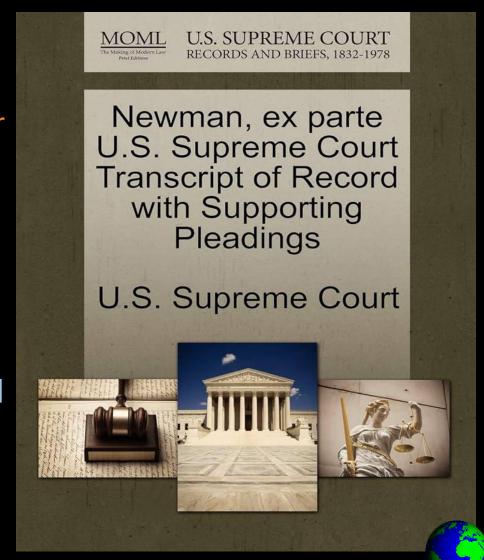




But it will be said, "Let him not work on Sunday, then he would not have to pay a fine." Well, if he consents to do no work on Sunday, he consents to be robbed of one-sixth of his time, which he honestly owes to the support of his wife and child. For to rob him of one-sixth of his time and child. sixth of his time is precisely what the State does in such a case; and it is either confiscation outright, or confiscation under the guise of a fine imposed as punishment for his refusing to allow himself to be robbed of one-sixth of his time. Either this, or else he must give up his right to worship God according to the dictates of his own conscience and the word of God, and so surrender his rights of conscience altogether. It comes to this, therefore, that Sunday laws are a direct invasion of the rights of conscience. NSLS27 141.8 More than this, Sunday laws are a direct invasion not only of the Constitutional right, but the inalienable right, of acquiring possessing, and protecting property. I here adopt the language of the Supreme Court of California,—language which can never be successfully controverted:— NSLS27 142.1



"The right to protect and possess property is not more clearly protected by the Constitution than the right to acquire. The right to acquire must include the right to use the proper means to attain the end. The right itself would be impotent without the power to use the necessary incidents. If the legislature have the authority to appoint a time of compulsory rest, ... it is without limit, and may extend to the prohibition of all occupations at all times... For the Constitution to declare a right inalienable and at the same time leave the legislature unlimited power over it, would be a contradiction in terms, an idle provision, proving that a Constitution was a mere parchment barrier, insufficient to protect the citizen, delusive and visionary, and the practical result of which would be to destroy, not conserve, the rights which they may assume to protect. The legislature, therefore, cannot prohibit the proper use of the means of acquiring property, except the peace and safety of the State require it."—Ex parte Newman, 9 Cal., pp. 517, 510. NSLS27 142.2



But does the peace and safety of the State require it in any such case as is here involved? Can it ever be against the peace and safety of the State for any man to follow his honest, legitimate, and even laudable occupations? It is against the peace and safety of the State to prohibit it. For, as I have before conclusively proved, for the State to do so is for it to put honest occupations in the catalogue of crimes; to put peaceable and industrious citizens upon a level with criminals; and to put a premium upon idleness and recklessness. It is certainly against the peace and safety of any State to do any such thing. Therefore, it is demonstrated that Sunday laws are an invasion of the inalienable right of acquiring and possessing property, and for that man in Arkansas to have obeyed that law, would have been to surrender his inalienable right. NSLS27 143.1

1 Thessalonians 5:2-3

For when they shall say,



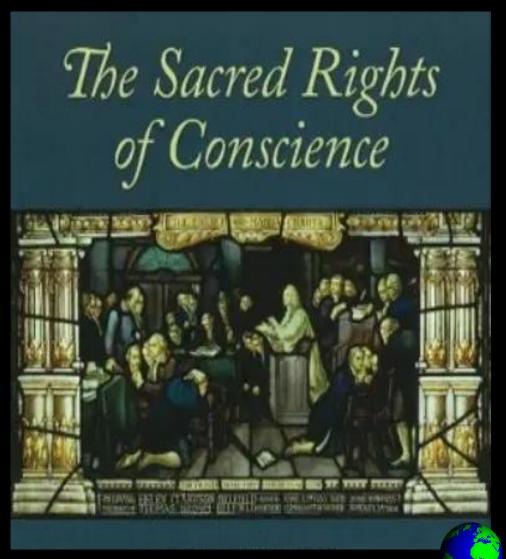
and safety; then sudden destruction cometh upon them, as travail upon a woman with child; and they shall not escape.

Maranatha



Once more: As the right to acquire property includes the right to use the proper means to attain that end, and as such a law deprives a man of the use of such means during one-sixth of his time, it follows that it is a violation of that provision of the Fourteenth Amendment of the United States Constitution, which declares that "no State shall deprive any citizen of life, liberty, or property, without due process of law." NSLS27 143.2

All this, sir, is involved in the question as to whether that man shall recognize the law to such an extent as even to pay the fine. If he does, then it follows inevitably that all his property shall go to pay fines, or else he must choose between yielding his rights of conscience and allowing one-sixth of his time to be confiscated, and in that a certain proportion of property; because to the industrious citizen, time is property. But if the State by a Sunday law or by any other means, may confiscate a part, it may confiscate all. Where, then, shall resistance to oppression begin? NSLS27 143.3

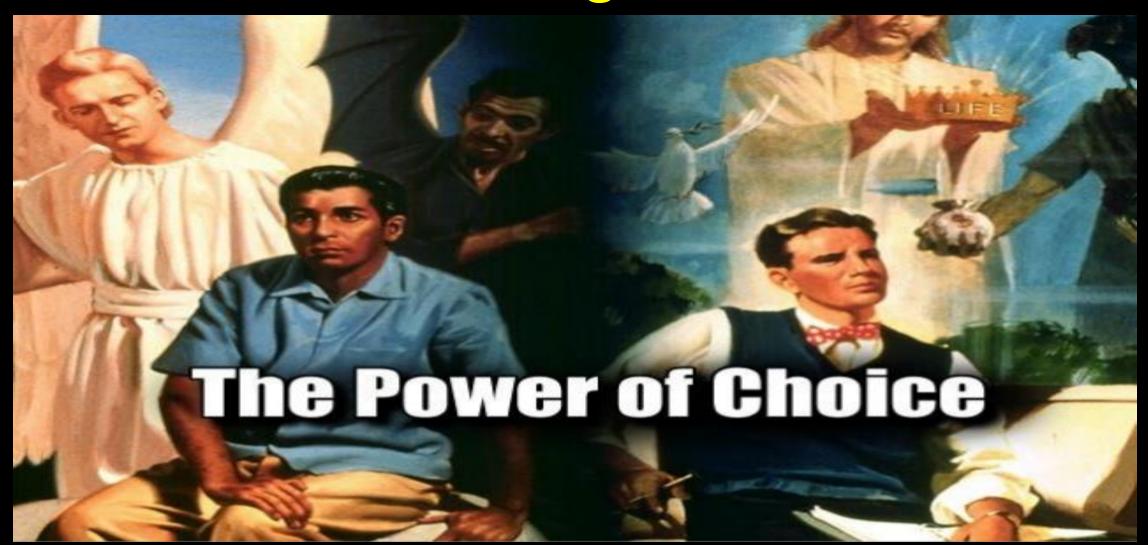


I say, At the very first appearance of it. Under cover of the word "loan" Charles I. undertook to confiscate a small sum of money from each of the property owners of England. John Hampden's share was about seven dollars and seventy-five cents. He was a rich man, but he refused to pay it; and his refusal to pay that paltry sum led to all England's being plunged into confusion and civil war: the king lost his board Hampden himself lost civil war: the king lost his head, Hampden himself lost his life, and all this rather than to pay the insignificant sum of seven dollars and seventy-five cents!—less than one-third of the fine imposed upon this man for refusing to assent to the confiscation of one-sixth of his property.
But John Hampden's refusal to pay that money
established the Constitutional principle that every man has the inalienable right to acquire, possess, and protect property—a right which was invaded in this case. Upon this principle alone that man was entirely justified in refusing to pay the fine imposed by that Sunday law. But as there was also involved the inalienable right of conscience, he was doubly justified in refusing to obey the law or to recognize the principle. NSLS27 143.3

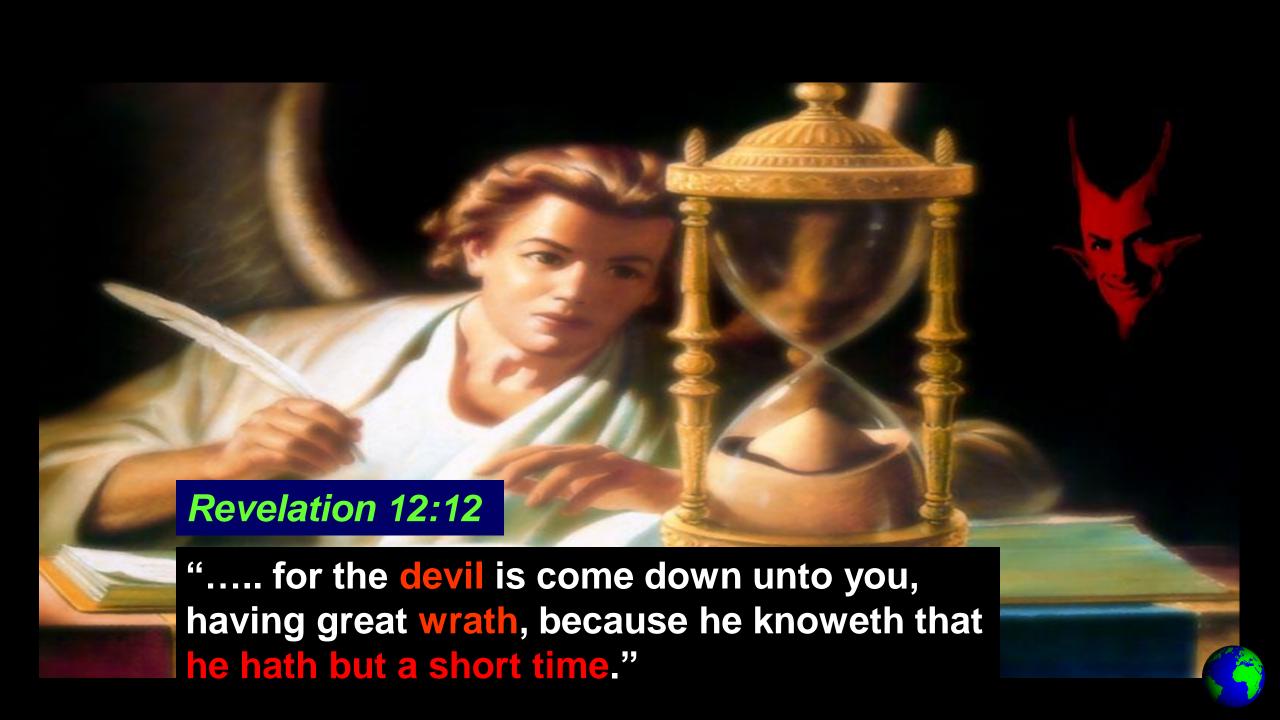


When the observance of Sunday be mandatory, each person must decide whether to accept the sign of authority of God (Sabbath) or the authority of men (Sunday)

God has given all:







Enter The Ark of Hope

And other sheep I have, which are not of this fold: them also I must bring, and they shall hear my voice; and there shall be one fold, and one shepherd.

- John 10:16



The Ark of the Covenant



Psalms 77:13

Behold, I stand at the door, and knock: if any man hear my voice, and open the door, I will come in to him, and will sup with him, and he with me. -Revelation 3:20

