

"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."

VOLUME 9.

NEW YORK, JUNE 7, 1894.

NUMBER 23.

## American Sentinel.

PUBLISHED WEEKLY BY THE  
**PACIFIC PRESS PUBLISHING COMPANY,**  
 No. 43 BOND STREET, NEW YORK.  
 Entered at the New York Post-Office.

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ONE of the Catholic speakers at one of the celebrations in Chicago last year scouted the idea of being "saved by character instead of by dogma."

LIKE everything else in the line of Catholic teaching, this is directly the opposite of the truth; for the truth is that men are saved by character.

It was expressly that men might be saved by character that Jesus Christ came into the world in human flesh and lived through the course of human life from infancy to manhood. And without this character which was wrought out in Christ in the flesh, no man can be saved.

BUT even though it were true that men are saved by dogma rather than by character, still it would not by any means follow that men are saved by papal dogma. For the papal dogmas are not true. For instance, it is declared to be "a dogma divinely revealed" that the pope is infallible. This dogma we shall examine upon its claimed merits later on. There is another one that we wish to examine just now, and this is the dogma of

### "THE IMMACULATE CONCEPTION."

It may be well to remark in beginning that there is a large number of Protestants as well as other non-Catholics who entertain the mistaken view that the doctrine of the immaculate conception refers to the conception of Jesus by the Virgin Mary. The truth is that it refers not to the conception of Christ by Mary, but to the conception of Mary herself by her mother. The official and "infallible" doctrine of the immaculate conception as solemnly defined as an article of faith by Pope Pius IX., speaking *ex cathedra*, on the 8th of December, 1854, is as follows:—

By the authority of our Lord Jesus Christ, of the blessed apostles Peter and Paul, and by our own authority, we declare, pronounce, and define, that the

doctrine which holds that the most blessed Virgin Mary, in the first instant of her conception, by a special grace and privilege of Almighty God, in view of the merits of Jesus Christ, the Saviour of mankind, was preserved free from all stain of original sin, has been revealed by God, and, therefore, is to be firmly and steadfastly believed by all the faithful.

Wherefore, if any shall presume, which may God avert, to think in their heart otherwise than has been defined by us, let them know, and moreover understand, that they are condemned by their own judgment, that they have made shipwreck as regards the faith, and have fallen away from the unity of the church.—*Catholic Belief*, p. 214.

IN these days of the general acceptance of Catholicism as Christianity, and of the compromises with the Catholic Church, and apologies for her, it is well that we should study such things as this that we may know for ourselves what is their real effect upon the doctrine of Christ, and what their consequences, in those who accept the dogma. The first consequence of it is to make the Virgin Mary, if not actually divine, then the nearest to it, of any creature in the universe; and this, too, in her human nature. In proof of this we have the following statements of Catholic fathers and saints:—

The ancient writer "De Nativitate Christi" found in St. Cyprian's works, says: Because (Mary) being "very different from the rest of mankind, human nature, but not sin, communicated itself to her."

Theodoret, a father who lived in the fifth century, says that Mary "surpassed by far the cherubim and seraphim in purity."

In the Greek Liturgy of St. Chrysostom, a father of the fourth century, . . . the following words are directed to be chanted by the choir during the canon of the mass: "It is truly meet that we should praise thee, O mother of God, . . . thou art the mother of our God, to be venerated in preference to the cherubim; thou art beyond comparison more glorious than the seraphim."

Theodore, patriarch of Jerusalem, said in the second council of Nice, that Mary "is truly the mother of God, and virgin before and after childbirth; and she was created in a condition more sublime and glorious than that of all natures, whether intellectual or corporeal."—*Id.*, pp. 216, 217.

These statements show that in the view of the Catholic Church and of the dogma of the immaculate conception, the nature of Mary was so "very different from the rest of mankind," so much "more sublime and glorious than that of all natures," and "surpassed by [so] far the cherubim and seraphim" as to be "beyond comparison more glorious than" they, and therefore to be venerated "in preference" to them. This then puts the nature of Mary

infinitely beyond any real likeness or relationship to mankind.

Having this clearly in mind, let us follow to the next step. And here it is in the words of Cardinal Gibbons:—

We affirm that the Second Person of the Blessed Trinity, the Word of God, who, in his divine nature is, from all eternity, begotten of the Father, consubstantial with him, was in the fullness of time again begotten, by being born of the virgin, thus taking to himself from her maternal womb, a human nature of the same substance with hers.

As far as the sublime mystery of the incarnation can be reflected in the natural order, the blessed virgin, under the overshadowing of the Holy Ghost, by communicating to the Second Person of the adorable Trinity, as mothers do, a true human nature of the same substance with her own, is thereby really and truly his mother.—*Faith of Our Fathers*, pp. 198, 199.

Now put these two things together. First, we have the nature of Mary defined as being not only "very different from the rest of mankind," but "more sublime and glorious than all natures;" thus putting her infinitely beyond any real likeness or relationship to mankind as we really are.

Next, we have Jesus described as taking from her a human nature of the same substance as hers.

It therefore follows as certainly as that two and two make four, that in his human nature the Lord Jesus is "very different" from mankind, is farther from us than are the cherubim and the seraphim, and is infinitely beyond any real likeness or relationship to us as we really are in this world. And in this it follows also that the dogma of the immaculate conception puts Jesus Christ infinitely beyond the reach of mankind: as far beyond our reach indeed as though he had never offered himself at all. Thus completely does the doctrine of the immaculate conception rob the world of Jesus Christ the Saviour, to just the extent that the doctrine is received.

We know the answer that "the Church" makes to this—that Mary and Joseph especially, and all the other saints, intercede with Him for those who would have his help, and that through these he is enabled to reach mankind though he himself is so far beyond us. But this is as great a fraud as is all the rest of the scheme. For the Virgin Mary and Joseph and all the rest of the saints are dead, and cannot intercede for anybody. For the Word of

God says plainly that "the dead know not anything." Eccl. 9:5. And "in death there is no remembrance of thee." Ps. 6:5. And Jesus said to his disciples all, "Whither I go ye cannot come." John 13:33.

Thus with Mary and Joseph and the other saints, *all dead*, and consequently unable to intercede for anybody, the fact is doubly demonstrated that the dogma of the immaculate conception puts Jesus Christ infinitely beyond the reach of mankind and robs the world of the Saviour to the extent that that dogma is received.

THE truth is, that the Lord Jesus, in his human nature, was made *lower* than the angels, and took our nature of flesh and blood just as it is, with all its infirmities. The Scriptures are as plain as anything can be on this point, and are worthy to be set down here against this papal invention. Having found that the papacy puts Christ as *far away* from men as possible, it will be well to know how *near* to men he really is.

In the first chapter of Hebrews, Jesus the Son of God is presented in his divine nature as equal with God and as God indeed, the Creator and Upholder of all things, as "so much better than the angels," that he has "a more excellent name than they," and as so much higher than the angels that "all the angels of God worship him." In the second chapter of the same book, he is presented in his human nature as "lower than the angels," even as man himself. Thus it is written: "One in a certain place testified, saying, What is man that thou art mindful of him? or the Son of man that thou visitest him! Thou madest him a little lower than the angels; thou crownedst him with glory and honor, and didst set him over the works of thy hands: thou hast put all things in subjection under his feet. For in that he put all things in subjection under him, he left nothing that is not put under him. But now we see not yet all things put under him. But we see Jesus, who was made a little lower than the angels." Thus, instead of his human nature being "beyond comparison" higher than angels, cherubim, and seraphim, it was made as much lower than they as man himself was made lower.

Nor is it only as man was lower than the angels *before he sinned*. It was *not* as man was lower than the angels in his *sinless* nature, that Jesus was made lower than the angels in his human nature; but as man was lower than the angels in his *sinful* nature, as he is since he by sin became subject to suffering and death. For so it is written: "We see Jesus, who was made a little lower than the angels for the suffering of death, . . . that he, by the grace of God, should taste death for every man. For it became him, for whom are all things, and by whom are all things, in bringing many sons unto glory to make the captain of their salvation perfect through sufferings." Thus, as man in his sinless human nature was made a little lower than the angels, and then by sin stepped still lower to suffering and death; even so Jesus, that he might bring him back to the glory of God, in his love followed him down even here, partakes of his nature as it is, suffers with him, and even dies *with* him as well as *for* him in his *sinful human nature*. For "he was numbered with the transgressors"—He died as a malefactor between two malefactors. This is love. This is Jesus our

Saviour, for he comes to us where we are, that he may reach us and lift us up from ourselves unto God.

YET this blessed saving truth is even more plainly stated, thus: "Forasmuch then as the children are partakers of flesh and blood, he also himself likewise took part of the same." He, in his human nature, took the same flesh and blood that we have. All the words that could be used to make this plain and positive are here put together in a single sentence. See: The children are partakers of flesh and blood. Because of this *he* took part of the same. But that is not all, he *also* took part of the same flesh and blood as the children have. Nor is this all: he *also himself* took part of the same flesh and blood as we. Nor yet is this all: he *also himself likewise* took part of the same flesh and blood as man. Thus the Spirit of inspiration so much desires that this truth shall be made plain and emphatic that he is not content to use any fewer than all the words that could be used in the telling of it. And therefore it is declared that just as, and just as certainly as, the children of men are partakers of flesh and blood, *he also, himself, likewise*, took part of the same flesh and blood as we have in the bondage of sin and the fear of death. For he took this same flesh and blood that we have, in order "that through death he might deliver them who through fear of death were all their lifetime subject to bondage."

Therefore, instead of its being true that Jesus in his human nature is so far away from men, as they really are, that he has no real likeness nor relationship to us, it is true that he is in very deed our kin in flesh and blood relation—even our Brother in blood relationship. For it is written: "Both he which sanctifieth and they who are sanctified are all of one: for which cause he is *not ashamed to call them brethren*, saying, I will declare thy name unto my brethren." This great truth of the blood-relationship between our Redeemer and ourselves is clearly taught also in the gospel in Leviticus. There was the law of redemption of men and their inheritances. When any one of the children of Israel had lost his inheritance, or himself had been brought into bondage, there was redemption provided. If he was able of himself to redeem himself or his inheritance, he could do it. But if he was not able of himself to redeem, then the right of redemption fell to his nearest of kin in blood-relationship. It fell not merely to *one* who was *near* of kin among his brethren, but to *the* one who was *nearest* of kin who was able. Lev. 25: 24-28, 47-49; Ruth 2:20; 3:12, 13; 4: 1-12.

Thus there has been taught through these ages the very truth which we have found taught here in the second chapter of Hebrews: the truth that man has lost his inheritance and is himself also in bondage. And as he himself cannot redeem himself nor his inheritance, the right of redemption falls to the nearest of kin who is able. And Jesus Christ is the only one in all the universe who is able. He must also be, not only *near* of kin, but the *nearest* of kin. And the nearest of kin by blood-relationship. And therefore he took our very flesh and blood, and so became our nearest of kin. And so also, instead of being farther away from us than are the angels and cherubim and seraphim,

he is the very nearest to us of all persons in the universe.

He is so near to us that he is actually one with us. For so it is written: "Both he which sanctifieth and they who are sanctified are *all of one*." And he and we being one, he being one with mankind, it is impossible to have a mediator between him and men, because he and mankind are one and "a mediator is not a mediator of one." Gal. 3:20. And as certainly as Jesus Christ is one with mankind and "a mediator is not a mediator of one," so certainly this truth at once annihilates the "intercessions" of all the Catholic saints in the calendar even though they were all alive and in heaven instead of being all dead.

BUT the Scripture does not stop even yet with the statement of this all-important truth. It says further: "For verily he took not on him the nature of angels; but he took on him the seed of Abraham. Wherefore in all things it behooved him to be made like unto his brethren, that he might be a merciful and faithful high priest in things pertaining to God, to make reconciliation for the sins of the people. For in that he himself hath suffered being tempted, he is able to succor them that are tempted." "For we have not an high priest which cannot be touched with the feeling of our infirmities; but was in all points tempted like as we are, yet without sin." Heb. 4:15. Being made in his human nature, in all things like as we are, he could be, and was, tempted in all points like as we are.

As in his human nature he is one with us, and as "himself took our infirmities" (Matt. 8:17), so he could be "touched with the *feeling* of our infirmities." He felt just as we feel and knows all about it, and so can help and save to the uttermost all who will receive him. As in his flesh, and as in himself in the flesh, he was as weak as we are, and of himself could "do nothing" (John 5:31), when he "bore our griefs and carried our sorrows" (Isa. 53:4), and was tempted as we are, feeling as we feel, by his divine faith he conquered all by the power of God which that faith brought to him and which in our flesh he has brought to us.

And thus "what the law could not do in that it was weak through the flesh, God sending his own Son in the *likeness* of *sinful* flesh" did. The law could not bring us to God, nor could it find in the flesh the righteousness which it must have, because the flesh had fallen away from God and could not reach him again. But though the sinful flesh could not reach God, yet God in his eternal power and infinite mercy could reach sinful flesh. And so "the Word was made flesh and dwelt among us full of grace and truth." "God was manifest in the flesh," even "sinful flesh, and for sin condemned sin in the flesh: that the righteousness of the law might be fulfilled in us who walk not after the flesh, but after the Spirit." Rom. 8:3, 4.

Oh! His name is called Immanuel, which is "God with us." Not God with *him* only, but God with *us*. God was with *him* in eternity, and could have been with him even though he had not given himself for us. But man through sin became without God, and God wanted to be again with us. Therefore Jesus became us, that God with him might be God with *us*. And that is his name because that is what he is.

Therefore and finally, as certainly as in his human nature, Jesus Christ is one with us, and as certainly as God with him is God with us, so certainly the nature of the Virgin Mary was just like that of all the rest of us, and so certainly the dogma of the immaculate conception is an absolute fraud.

#### "A Defect in the Constitution."

UNDER this heading, a writer in a western paper proposes to secure religious liberty to every citizen of the United States by a constitutional amendment "clothing Congress with power to protect the citizens of the various States from religious persecution under the form of State laws." There is very much in the article in question that might be criticised, but for the present only one or two points will be noticed.

The article referred to is an attempted defense of religious liberty, else it would not occasion remark. But coming as it does from one, who is beyond doubt a friend of liberty of conscience, the article demands attention.

The first proposition calculated to startle the thoughtful advocate of religious liberty is this:—

In the exercise of such rights [rights of conscience], there must of necessity be some limitations. . . . The rule, therefore, seems to be that no man has the right, or should have the power, to violate in the name of religious conscience those great fundamental principles of morality which mankind intuitively understand to be so manifestly correct that they need no demonstration.

It is to be presumed that the writer of the foregoing uses "morality" in the popular sense of the duties of man to man. But even in that sense his statement is objectionable. There must *not* of necessity be limitations in the exercise of the *rights* of conscience. Not that every man, or that any man, should be permitted to do whatever his conscience tells him is right to do; but simply because that which infringes in any way the equal right of another is not a *right*. There is a difference between conscience and the rights of conscience. No man can have any right, either of conscience or otherwise, to infringe the rights of others. *Rights* never cross, never conflict; but conscientious convictions often do.

But the article in question contains something far more startling than this to which reference has been made. The same writer says in the same article: "As stated above, a man should be protected in the enjoyment of his religious convictions, so long as he is not guilty of practicing immorality or other *wrong*." Now this certainly covers all the ground possible. No matter how restricted the definition given to immorality, the expression "other wrong" covers all the ground not covered by the former, and leaves a man the liberty(?) to do anything that does not offend either God or man; and that in the opinion of his fellow-men; for he is to be protected in the enjoyment of his religious convictions only so long as he is not guilty of practicing immorality—that is, if our supposition as to the sense in which the word is used be correct, wrong to man—or other wrong, which must, in this case, be sin against God. The only question that remains is, Is a certain course of action wrong? does it offend either God or man? If so it can be forbidden, according to the logic of the writer referred to. The most ardent National Reformer or bigoted papist never claimed more than this.

Civil government has nothing whatever to do with right or wrong, that is with the abstract quality of actions determined by the standard of morals; but only with *rights* and *wrongs*, that is with acts themselves in their relation to person, property, or reputation of individuals, or to the public. Right and wrong has to do with moral obligation from the standpoint of the divine law; wrongs, with human relations. Blackstone says that wrongs may be either public or private. The latter he defines as "civil injuries immediately affecting individuals;" the former as "crimes and misdemeanors which affect the community." Murder, assault, theft, etc., are private wrongs; embezzlement of public funds, election frauds, riot, etc., are public wrongs.

Of course the things enumerated are all immoral, and so sinful; but while the injury is done to men the sin is against God, and, as such is cognizable only by the divine Judge. Primarily all sin is against God for it is his law that is violated: "Whosoever committeth sin transgresseth also the law; for sin is the transgression of the law." 1 John 3:4. This fact is recognized in the 51st Psalm. David had committed the two greatest wrongs possible against Uriah, yet he said to the Lord: "Against thee, thee only, have I sinned." The civil law properly deals with wrongs against men; but never with sin against God as such. But all sin is immoral; hence, to say that "a man should be protected in the enjoyment of his religious convictions, so long as he is not guilty of practicing immorality or other *wrong* in the name of his faith," is only to say that the individual ought not to be molested unless those in authority adjudge him guilty, either of sin against God or crime against man. The writer of the article in question has made a mistake. His religious-liberty "bed is shorter than that a man can stretch himself on it: and the covering narrower than that he can wrap himself in it."

#### Preacher, Priest, and Woman Suffrage.

REV. DR. RYLANCE has preached a sermon on woman suffrage and the *New York Sun* of May 21, quotes him as saying:—

What most I dread in contemplating the possible entrance of women into active politics just now is their going wrong in the exercise of their newly acquired powers, under appeals to their better nature. Women are said to be more readily obedient to the counsels or the commands of the Church than men generally are. This, I am inclined to think, is true. Should occasion arise for the rulers of the Church to ask concessions from the State, does it not stand to reason that they would, through their priestly agents, call to their aid the political influence of newly enfranchised women?

Dr. Rylance explained in a succeeding paragraph that his dread is for the added power to the Roman Catholic Church, especially in the school question, which the ballot in the hands of women will give. Of this the doctor says, "How abundantly the Roman priests would bless you then for giving the ballot to women."

This fear is not without foundation, indeed, it is already shown, by the history of the movement to establish the religious observance of Sunday by law in this country, to be well founded; but Dr. Rylance in his haste to oppose Roman Catholicism has failed to see that the Protestant glass house stands between him and the Roman Catholic cathedral and no stone

that he can throw will reach Roman Catholicism without first shattering the stained glass of Protestantism.

There is certainly good reason for the presentiment which the New York preacher expresses, but the more immediate danger lies in the fact that the women would support, politically, the efforts of the professed Protestant denominations to dominate the State and enforce their tenets by law. This of course is the indirect establishment of Roman Catholicism, but neither Dr. Rylance nor any other so-called Protestant would either see or acknowledge this. Let us have the truth, the whole truth, and nothing but the truth in this matter. It is that the honorable women of the country are already stirred up throughout all the popular denominations for the establishment and enforcement of the papal principle of the promotion, support, and furtherance of popularly accepted religion by the power of the civil law. This is Roman Catholicism no matter by what name its supporters may be called. To this papal idea the organizations of influential women throughout the country have given themselves. There are Protestant priests and popish Protestant women, and these far outnumber the Roman Catholics and possess far greater and more extensive influence than they. Dr. Rylance should know and all Protestants should know that the foes of true religion and undefiled are of the household of professed Protestantism and nothing but the almost universal Protestant treason which is now working could give sufficient cause for the dread of Roman Catholic rule which is now so general.

W. H. MCKEE.

#### The Policy of Rome.

It is a somewhat suggestive fact that in nearly all the large Catholic gatherings of late the burden of the discourses delivered have been reiterations of intense patriotism and loyalty to American institutions. It almost leads to the conclusion that, after all, there is just ground for believing the truth of the assertions that the papacy is at variance with the principles of this Government. These noisy and oft-repeated declarations are almost too unanimous, and would indicate that an organized effort was really being made to subvert the principles of this Government, and that these multiplied assurances were given to cover an ulterior purpose which is carefully sought to be concealed. The invidious hints with regard to errors in the public school system, division of creeds, frequency of divorce, the so-called higher criticism, and the growing infidelity of the age, which are all boldly attributed to Protestantism, are pointed out as the natural outcome of the work of the Reformation. In contrast with this, Roman Catholicism is heralded and championed as the defender of temperance, of morality, of the marriage contract, of religious liberty, of the Bible, of the Word of God, and the supreme exponent and teacher of Christian truth. The Catholic Church alone, if we are to believe her own statements, is society's only safeguard, and has the exclusive power to bring order and happiness out of the condition of anarchy and chaos which is everywhere undermining the foundations of law and order. In these various ways a deep and carefully prepared scheme is being wrought out by which Rome is seeking to establish the fulfillment of the vision of Archbishop Hen-

nessey, referred to in a sermon delivered by him at Chicago. In a burst of oratory, while the audience sat spellbound under his words, he dramatically exclaimed:—

I can see in a vision the future of America and the Catholic Church, wherein she will be again called the Great Ireland of the West. I can see bishops, priests, monasteries, schools and colleges, all yielding their wisdom for the benefit of their host of students, who are coming to this new Ireland as immigrants to Christ. I can see the nations of Europe and Africa all bowing in reverence before the Church of God. I would fain hope for this condition, and love to think of it.

This growing conviction of the existence of a deep and carefully prepared plan to undermine the principles of civil and religious liberty, which has been enjoyed to such a pre-eminent degree in this country, finds ample corroboration in the events which have transpired within a few short years. Realizing that the success of social or political revolutions depends largely upon public sentiment, Rome has for years been seeking to turn the minds of the young to her communion. The efforts that she has made to secure State aid to her parochial schools, or to place Catholic educators in the public schools of this country, have been long and patiently persevered in. The methods of procedure have not always been the same, but no sooner has she suffered defeat in one direction, than she has industriously applied herself in another. While the character of Romanism never changes, she becomes all things to all men, till she can accomplish her purpose. Underneath an affectation of liberality and freedom, she is secretly laying her snares and planning her devices with consummate wisdom and subtlety.

The recent agitation in regard to securing a division of the school funds in the States of New York, Maryland and elsewhere, has led to a more careful study and a better understanding of the position of the papacy upon the school question. The present attack, however, which is being made upon the public school system, is so radically different from that which met its defeat a few years ago in Maryland, that one is apt to lose sight of the fact that both received their inspiration from the same source. A reference to the main points involved in that case will at once enable us to discover that the same masterly spirit which led the attack in that conflict, is prompting the present movement.

#### THE MARYLAND CASE.

The Maryland case (45, Maryland Reports, 310), briefly, was as follows:—

By city ordinance, approved June 12, 1875, the city of Baltimore appropriated certain sums of money to various enterprises, including four Roman Catholic institutions: St. Mary's Industrial School for Boys, the Maryland Industrial School for Girls, the St. Vincent's Infant Asylum of the city of Baltimore, and the Maryland Institute for the Promotion of the Mechanic Arts.

On June 28, following, George S. Brown, William G. Harrison and others, at the instance of the Protestant clergy of Baltimore, secured a temporary injunction from the Circuit Court of Baltimore City prohibiting the mayor and city council of Baltimore from paying, and these four institutions from demanding, the money which had been appropriated for them.

On the 18th of February, 1876, this temporary injunction was ordered continued until the final hearing or further order.

From this order of the Circuit Court

appeals were taken to the supreme court of the State.

An abstract of the decision of the supreme court, which was handed down June 22, of the same year, is as follows:—

These appellants were among a number of other institutions to which appropriations were made by the city ordinance, approved on the 12th of June, 1875, making general appropriations for that year. The appropriations to these Roman Catholic institutions were classed under the head of "City Poor," and were of specific sums of money, without reference to, or mention of, any relation or agency between the city and those institutions.

It was contended by Brown, Harrison, and others, representing the Protestant portion of the community, that the four Roman Catholic institutions above-mentioned were organized for the administration of private charities, mostly under the control of churches or religious denominations, and that they were in no sense public institutions; that they were not under the control or supervision of the city or of the State, but that they were, on the contrary, organized, composed and managed by private citizens.

The representatives of these Catholic institutions claimed that their work had been such as properly pertained to the municipal government, and that they were charitable and benevolent institutions. It was contended that the St. Mary's Industrial School for Boys, the Maryland Industrial School for Girls, and the St. Vincent's Infant Asylum of the city of Baltimore, had been organized for the purpose of fostering, reforming, and educating the poorer children of the city, thus relieving the city of an expense which it would otherwise have to meet. In the case of the Maryland Institute for the Promotion of the Mechanic Arts, they maintained it to be simply an important adjunct to the public school system of the city. The Catholics denied that they were private corporations, but claimed, on the contrary, to be public institutions, managed for public purposes, and therefore entitled to the appropriations made for them *as of right*.

In substantiation of the claim that they were public institutions, and therefore entitled to be supported from the public treasury, attention was called to the fact that, in the case of St. Mary's Industrial School for Boys, the governor of the State and the mayor of the city of Baltimore each appointed, every two years, three persons to represent the State and city in the board of trustees. In the Maryland Industrial School for Girls, the governor of the State was empowered to appoint ten, and the mayor of the city of Baltimore, five, of the thirty trustees composing the board of that institution.

The court, in passing upon this feature of the controversy, stated that the object, manifestly, in providing such representation in those institutions was for the purpose of removing an objection made by some portions of the community, that they were private corporations, and consequently not entitled to receive appropriations from the public treasury. That such trustees and directors did not, in fact, control the institutions, nor were they clothed with any State or municipal authority, but they were directed, controlled and limited in the exercise of powers and duties solely by the charters and by-laws of the institutions.

It was further contended by the representatives of the Catholic institutions that

they had been performing functions and duties that rightfully pertained and belonged to the city government; that it was the duty of the municipal authorities to establish and maintain institutions of like character to those which they had established; and inasmuch as no such institutions had been provided by the city, therefore it was competent for the city to provide by taxation for their support.

After a careful consideration of all the facts the court stated that it utterly failed to discover any express power, or any fair implication, by which the appropriations to these four Roman Catholic institutions, in the manner in which they had been made, could be sustained. That they were made without terms or conditions, and the institutions could receive the money thus appropriated, and the day after, in the exercise of the powers completely in their control, discharge every inmate received from the city. That the city council, in making these appropriations, entirely abdicated all discretion over the subject of their application. They became, therefore, mere donations. That the city council had no power to make appropriations to these institutions simply as such, nor because merely of the very humane and laudable objects and purposes for which they were created by their founders and promoters. The same principle, it was declared, that would sustain these appropriations, would equally sustain appropriations to every private school and private charity in the city. And once concede the power to make them, and it would be in vain to invoke the courts to exercise discretion as to any limit in the amount or extent of them.

It was stated that the fact that the institutions were under denominational or religious control, could in no manner effect their qualification for assuming such relation to the city, or for the full and faithful discharge of the duties they might be expected to perform. It could, therefore, be no objection, in itself, that the institutions were under the control and influence of those belonging to any particular church or denomination.

Finding no warrant or authority to justify the appropriations to these various institutions, the court declared it had no alternative but to declare them void, and the decree continuing the injunction was confirmed and perpetuated.

The importance of this case can hardly be overestimated. In several States this decision has been referred to and commented upon as establishing the correct doctrine with regard to sectarian appropriations of public moneys. What might have been the result had the court before whom these cases were reviewed been predisposed to sympathize with the movement to maintain sectarian institutions at public expense, is something which dawns upon us with appalling suddenness. America would have presented to the world the spectacle of a nation, blessed as no other on earth has ever been, stricken with a paralysis as deadly and fatal to her vitality and growth as ever struck down the strong man in the prime of life. Had Rome been successful in that movement, its multitude of priests, monks, nuns, and sisters, would have established Catholic schools and so-called benevolent institutions without number, and a system as burdensome to the people as was ever created, would have been inaugurated in this country. The way would have been prepared for such an onslaught, not only

upon the treasuries of municipal corporations, but also upon the treasuries of the various States and of the Federal Government itself, as would have proved as great a drain upon the people of America as the maintenance of standing armies is to the nations of Europe.

Is the present attitude of Rome in regard to our public school system any more favorable to the interests of America? Less than twenty years ago she met with crushing defeat along the old lines, and to-day we are brought face to face with a no less dangerous policy, which seeks, merely by other means, to commit this Government to a union of Church and State, and the support of sectarian institutions. Under the plea of justice, or of right, or as a favor, as may best serve her purpose, while at the same time, in every possible way, depreciating the work of the Reformation and progress, Rome, true to her nature, is again artfully intriguing for the accomplishment of the same ends. Whether she will succeed in her purpose is the question which the people of this country will have to answer within a few short years. Which will it be?

E. E. PARLIN.

STATE OF TENNESSEE,  
IN THE  
SUPREME COURT.

STATE OF TENNESSEE }  
US. } JACKSON, APRIL TERM, 1894.  
W. B. CAPPS, IN ERROR. }

Brief and Argument of W. L. Carter, of  
Counsel for the Defense.

(Concluded.)

BUT it has been said so often, and by such eminent authority that "Christianity is part of the law of the land," that we give the following, which is conclusive of the question. Judge Allen G. Thurman, whose standing as a lawyer and statesman is second to no one, in the case above cited says:—

The Constitution having declared that all men have a natural and indefeasible right to worship Almighty God according to the dictates of conscience; that no human authority, whatever, can control or interfere with the rights of conscience; that no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; and that no preference shall ever be given by law to any religious society or mode of worship,—it follows that neither Christianity nor any other religion is a part of the laws of the State. *Bloom vs. Richards, supra.*

Continuing he says:—

We sometimes hear it said that all religions are tolerated in this State, but this is not strictly accurate; much less is it accurate to say that one religion is a part of the law and all the rest merely tolerated. It is not mere toleration that every individual has in his belief or disbelief. He reposes, not upon the leniency of the Government, or of any class or sect of men; but upon his natural and indefeasible rights of conscience, which, in the language of the Constitution, are "beyond the control or interference of any human authority." Same; *Lindsey vs. Coates, 1 Ohio State, 243.*

In *State vs. Chandler, 2 Har. (Del.), 553*, Justice Clayton said:—

Even in England, Christianity was never considered as part of the common law so far as that, for a violation of its injunctions and independent of the established laws of man and without the sanction of any positive act of Parliament, any man could be called to answer in a court of common law.

As well stated by an eminent New York judge:—

The maxim that Christianity is a part of the common law has been frequently repeated by judges and text-writers, but few have ever examined its truth, or

*explained its meaning.* If Christianity is a part of the municipal law in the proper sense of the term, as it must be if a part of the common law, every person is liable to be punished by civil power who fails to embrace its precepts; and if it must be conceded that in this sense the maxim is untrue, it ceases to be intelligible, since a law without sanction is an absurdity in logic and a nullity in fact. 4 *Sanford's Rep., 181.*

Justice Welsh says:—

If Christianity is a law of the State, like every other law it must have a sanction. Adequate penalties must be provided to enforce obedience to all its requirements and precepts. No one contends for any such doctrine in this country, and I might almost say, in this age of the world. . . . True Christianity asks no aid from the sword of civil authority. It began without the sword, and whenever it has taken up the sword, it has perished by the sword. To depend on civil authority for its enforcement is to acknowledge its own weakness, which it can never afford to do. It is able to fight its own battles. Its weapons are moral and spiritual and not carnal. . . . It is not the power of man, but the power of God, on which it depends. 23 *Ohio State, 211, Board of Education vs. Minor.*

And on page 248 he says, "Legal Christianity is a solecism, a contradiction of terms." The last named case was argued for the Board of Education by the Hon. Stanley Matthews, afterward Associate Justice of the Supreme Court of the United States, and by Gov. Hoadley, afterwards governor of Ohio. The opinion, deciding unanimously in favor of the board, is one of the ablest expositions of the doctrine of the complete separation of the State from in any way interfering or influencing in religious matters, that has ever been given.

And thus authority might be given without limit, almost; and not only of the most eminent jurists, but also of such statesman as Washington (*U. S. Stat., Vol. 8, 154*), and of Jefferson ("Works of Thos. Jefferson," Vol. 1, p. 45), and others. James Madison tersely says:—

The same authority that can establish Christianity to the exclusion of all other religions, with the same ease may establish any particular sect. "Writings of Jas. Madison," Vol. 1, p. 162.

We close this part of the discussion by the following quotation from Judge Cooley, whose reputation as a constitutional lawyer is perhaps greater than that of any living man:—

For these several reasons Christianity is not a part of the law of the land in any sense which entitles the courts to take notice of or base their judgments upon it. "Constitutional Limitations," 584.

So far, then, as the Parker case is based on the statement of the chief justice that "Christianity is a part of the law of the land," it is unfounded.

The second proposition is equally unfounded.

IS SUNDAY LABOR IMMORAL?

Outside of purely religious feelings, or precepts, no one regards Sunday labor as different from labor on any other day of the week. This is shown by the fact that Jews, Sabbatarians, and all others who do not attach any special religious significance to the day, do not regard Sunday labor as immoral. And the Jews are noted as moralists. If the question were asked, Why should not persons labor on Sunday? no reason could be given other than that it is contrary to our religious belief. It is the day, not the deed. And what is there peculiar about the day that distinguishes it from other days of the week, except that it is regarded as sacred by a large part of the people? There is no difference by nature. We could not tell when Sunday came except by the calendar. Nor will it do to say that it is set apart by civil law; for that would not affect the moral aspects of the labor. By

law a thing can be made *malum prohibitum* but not *malum in se*. There are many things that are prohibited by law, such as hunting at certain seasons certain game, fishing in streams in certain ways, license and revenue law, etc., in which there is no moral turpitude involved. The law does not affect the morality of an act. It would be just as immoral to steal without a law on the subject as it is with it. It is well shown in the well-known division of crimes into the two classes *malum prohibitum* and *malum in se*. But the learned chief justice in the Parker case says that the legislature prohibited Sunday labor because it was immoral. The act of the legislature did not make it immoral, but the law was made because of the immoral character of the act.

Nor can it be immoral because it shocks our religious feelings or belief.

The devout Catholic believes it to be immoral to eat meat on Friday. It is not the eating of the meat, but the day on which it is done that shocks his moral sense. He is taught this by his religion. But it is no more immoral to eat meat on Friday than it is to labor on Sunday. There might be a majority of the citizens of the State Catholics, and they prohibit the eating of meat on Friday (like Sunday laws, for health, or sanitary reasons), but would it be held that repeated acts of eating meat on Friday was immoral because a majority regarded it so, and that it would constitute a nuisance?

Again, the Jews and Sabbatarians regard Saturday as sacred, and it would be a shock to their religious feelings to see the day desecrated, if they were largely in the majority; and if they had the power, they might and probably would set apart the day, as Sunday now is set apart by the majority. Would then a repetition of acts of labor on Saturday become a nuisance? Or in a community composed mostly of Mohammedans would it be immoral to labor on the sixth day of the week, or Friday? And would repeated acts of the kind constitute a nuisance?

It has been held in several cases that Sunday labor is immoral, but the reason given is that it is a desecration of "the sacred institution of the Sabbath" (*Sorter vs. State, 5 Eng. [Ark.], 259; Pearce vs. Atwood, 13 Mass., 324; Lyon vs. Strong, 6 Vt., 219; Adams vs. Gay, 19 Vt., 358*), and "because not in unison with our holy religion." *Amis vs. Kyle, 2 Yerger, 31; Lindenmuller's case, 33 Barb., N. Y., 548.*

None have ever given any reason for holding Sunday labor immoral on any but religious grounds, and certainly no other can be found.

As before shown, it cannot be so held in this State, because, in order to do so, the courts would have first to decide that Sunday was a sacred or religious day, and thus decide a matter that is in controversy between Christians themselves, as well as against Jews, etc. In other words the courts cannot decide questions of religion at all,—not even as to whether a question is one that is held by any sect to be true or not true.

The courts cannot decide whether Sunday, the first day of the week, is the "Sabbath," or whether Saturday, the seventh day, is the one to observe. Hence the courts cannot hold that Sunday labor is immoral because it is a desecration of the Sabbath; because they would first have to decide that that day was the Sabbath.

As stated, no case has ever based the

statement that Sunday labor is immoral on other than religious grounds.

But by far the ablest as well as the most numerous authorities have upheld the constitutionality of Sunday statutes on purely secular grounds,—the power of the legislature to forbid labor on one day of the week,—and expressly state that the question of morals and religion is not involved at all.

Of course all persons know that the Sunday laws have always been based on, and are essentially a part of, the teachings of the Church; but while admitting this fact, they are sustained on other grounds.

The following authorities show conclusively that there is no moral turpitude involved in Sunday labor. In New York it was said that:—

In so far as the business is immoral, the permitted sales are just as immoral as those prohibited. Business transactions which are void, are void not because they are immoral, but because they are prohibited by law. *Styles vs. Smith*, 12 Wendell, 57.

And Judge Thurman, of Ohio, says:—

The act does not, to any extent, rest on the grounds that it is immoral or irreligious to labor on the Sabbath any more than upon any other day. *Bloom vs. Richards*, 2 Ohio State, 387.

To the same effect are *Mahone vs. Cook*, 26 Pa., 342; *Dale vs. Knapp*, 98 Pa., 389; *M'Gatrick vs. Newman*, 4 Ohio State, 566; *L & N. R. R. case*, 80 Ky., 291; *Sandstorm vs. State*, 25 Tex., App. 133. As stated by Mr. Ringgold, "It is safe to say that anything may be done on Sunday that may be done on any other day unless prohibited by statute." Ringgold's "Law of Sunday," 226; *Benham vs. Ohio*, 12 So. Reporter, 996.

That Sunday labor is not immoral, is shown by the fact that Sabbatarianism are exempted from the penalties for Sunday labor in many States.

There are nineteen States that expressly exempt from the operation of the statutes against Sunday labor, persons who from religious motives keep sacred some other day of the week: Ark. Act. 1884, chap. 45; Conn. 1888, chap. 99; Ill. Rev. Stat. 261; Ind. Rev. Stat., 2000; Iowa Code, sec. 5438; Kans. Gen'l. Stat., 2396; Ky. Gen'l. Stat., chap. 21, sec. 10; Maine Rev. Stat., chap. 124, sec. 223; Mass. Gen. Stat., chap. 28, sec. 13; Mich. Howells Anno. Stat., sec. 2015-22; Minn. Acts, Vol. 2, p. 2984; Neb. Comp. Stat., sec. 241; N. J. Rev. Stat., p. 1227, sec. 33; N. D. Comp. Stat., 6243; Ohio, Rev. Stat., sec. 7033; R. I. Pub. Stat., chap. 244, sec. 18; Va. Code, sec. 3800; W. Va. Code, chap. 149, sec. 17; Wis. Anno. Stat., sec. 4596.

If Sunday labor is immoral, these States grant the right to certain of their citizens to do that which is immoral, and if a succession of such acts constitutes a nuisance, those States permit nuisances because of the religious belief or acts of the exempted class.

California, Idaho, and Arizona have no Sunday laws at all; and if the Sunday nuisance theory is to prevail, they allow as a right the carrying on of that which is a nuisance, without let or hindrance.

Other States (Kansas, Nevada, etc.) prohibit games, amusements and the like, but allow honest labor on Sunday. These statutes show that in the minds of the legislatures of the States, Sunday laws rest not upon moral grounds at all, but are purely religious regulations.

A moment's observation will at once show that there is no question of morals involved in Sunday labor. We see street

cars, omnibuses, and other means of travel or transit in cities carried on every Sunday. And so far from regarding it as immoral, there are few people, indeed, who will not patronize them. And should there be one who does not, it is from strict religious scruples. The question of morals is never thought of.

The same might be said of the railroads, steamboats, livery stables, news agents, etc., etc. Did the thought ever occur to one that when he buys his Sunday newspaper he is guilty of an immoral act? or when he takes a car and travels to his place of business in order to be ready on Monday to commence his labors, that he has been guilty of that which, if repeated, becomes a nuisance and indictable as such?

It having been as we claim, demonstrated that there is no question of morals involved in Sunday labor, if then, such labor does not interfere with nor disturb others, a succession of such acts cannot become a nuisance.

It follows that as the acts of defendant, in laboring on his farm on Sunday were not immoral in themselves, and as no one was molested, disturbed, or interfered with thereby, the two separate acts or any number of such, did not become a public nuisance. And he is amenable only to the penalty prescribed by the statute, sec. 2289, for having followed his usual avocation on Sunday.

In 1890, in the case of *R. M. King*, this question was again before this court, and without giving any written opinion the decision of the lower court convicting the defendant was affirmed. He afterwards applied to the U. S. Court, Judges Hammond and Jackson, for discharge on *habeas corpus*. Judge Hammond, in an ably written opinion, said that if the question were on its merits before him he would have no difficulty in deciding that King had not been convicted of violating any law. But he dismissed the case on the ground that the courts of the State had jurisdiction to try and determine the case, and having done so, the Federal courts could not interfere with the sentence, however erroneous it might be.

Then, in the language of Chief Justice Nicholson, "to hold that labor becomes a nuisance, simply because it is carried on on Sunday is a perversion of the term nuisance." This is true, both on principle and authority, and the defendant if amenable at all to law, could only be proceeded against under the statute.

It is a fact, worthy of remark, that if the Sunday law against labor were enforced, the consequences would be destructive to all interests, to an extent not usually thought of. Suppose the railroads, steamboats, street cars, and all other public carriers were stopped; the sale of papers, books, magazines, etc., punished; livery stables and messengers indicted as nuisances; and, as was once done in Massachusetts, persons were indicted for gathering sticks to make fires,—and all because of the day being Sunday,—would not consternation spread to such an extent that laws would be speedily passed that would put a stop to such relics of barbarism?

It is also worthy of remark that while the labor as enumerated above, is openly, publicly, and notoriously carried on every Sunday, and has been at all times in the past, there has never yet been a case of a single conviction for Sunday labor in the State since its foundation, except the person convicted was a member of the sect known as Seventh-day Adventists; and in

no instance has the labor complained of been such as to molest or interfere with the comfort, well-being, or rights of others. For this reason, the prosecution smacks so strongly of religious persecution, that it should be repelled from the courts.

W. L. CARTER,  
*Counsel for Defendant.*

S. F. WILSON,  
W. L. CARTER,  
*Counsel for the Defense.*

#### Making Merchandise of Religion.

A LECTURE was recently delivered in Holyoke, Mass., which to my mind is worthy of note. The lecturer was sent out by a syndicate of food firms for the purpose of creating a demand by stimulating public sentiment in favor of the foods handled by these firms. The lecturer's method is to reach the "better" classes by giving his lectures under the auspices of the Woman's Christian Temperance Union or the Young Men's Christian Association, or some other popular society. Having secured his audience of the well-to-do, his first step is to create a distrust in the minds of his hearers in regard to food producers in general. Even the honest old farmers of Vermont toiling amid their sugar camps in the Green Mountains are made to appear as unprincipled adulterators of the sweet extracts from their woody vales.

The lecturer himself appears more honorable by contrast and by the very contempt which he manifests for such things. He would scorn anything that came short of the highest Christian integrity. Neither was he alone in his views. The firms which he represented were all of them composed of high-toned, honorable, Christian gentlemen. Temperance men; God fearing men; men who respected the Sabbath. None of their products were manufactured or transported upon the Sabbath day. Surely such men were worthy of patronage. Their products cost a trifle more, but you could rest assured that such men would give you only the genuine article.

I thought that the fact that the religion of these men, and especially their observance of Sunday was made so prominent a feature of this lecture, and a reason why they should be patronized was significant.

J. S. COMINS.

#### Why Exempt "Conscientious" Seventh-day Baptists, if Sunday Laws Are not Religious?

THE provision in many of the Sunday laws, while adopted in order to do justly, apparently, by Sabbath-keepers, Jews and Christians, is wholly unmeaning and unjust if Sunday be only a "civil institution." Why must one be conscientious in observing the Sabbath, before he can be permitted to do secular business on Sunday, except that the law assumes that he must be religious on one day or the other? If Sunday is only a *dies non*, merely a civil holiday or rest day, why put it on a basis unlike that of Thanksgiving day, Christmas, or the Fourth of July? These are *dies non*. This is as far as civil authority has any right to go; as far as civil rights demand that it shall go. How far-cical to demand that before one be permitted to work on the Fourth of July he shall patriotically observe another day! No legislature would think of enacting a

law that everybody *must* feast upon Thanksgiving, except such as shall prove that they have gorged on turkey and cranberry sauce the day before. In short, no holiday except Sunday is hedged about with statutes forbidding labor or amusement on the part of those who have refrained from those on a previous day designated by the statute. It is unjust and unchristian to forbid Sabbath-keepers to labor on Sunday. It is a shameful relic of Middle Age bigotry and intolerance to punish them for so doing. But there is neither consistency, justice, nor religious freedom in exempting them because they have been "conscientious," or religious in observing the day previous. Inconsistencies could scarcely be more glaring than those are which are presented in connection with Sunday legislation and its enforcement.—*Evangel and Sabbath Outlook.*

**Grants of Public Money for Parochial Schools.**

A CAMPAIGN is being waged at the doors of Congress against those items in the Indian Appropriation bill providing for the support of parochial schools. The opponents of the appropriations for schools under church management claim that they have a large number of members of the House pledged to fight the grants when the bill is brought up. They represent that during the past eight years a total of \$2,366,416 has been given to the Roman Catholic schools out of \$3,767,951 appropriated, and that *the proportion given to the Catholic schools is steadily increasing since the Congregational, Methodist, Presbyterian, and Episcopal churches have withdrawn their applications for funds.*

The whole amount asked for this year is said to be nearly \$400,000, to be distributed among forty-five Roman Catholic schools. The particular items in the bill which congressmen are asked to oppose are for the following schools: St. Boniface, Banning, Cal., \$12,500; Holy Family, Blackfeet, Mont., \$12,500; St. John's, Collegeville, Minn., \$10,000; St. Benedict's, Stearns County, \$10,000; St. Paul's, Clontarf, Minn., \$10,000; St. Ignatius, Jocko, Cal., \$45,000; St. Joseph's, Rensselaer, Ind., \$8,330; Kate Drexel, Umatilla, Ore., \$9,000.

THE attempt has been renewed to induce the present Congress to take action on the proposed amendment recognizing the name of God in the Constitution. We have never been much impressed by the arguments of those who urge this amendment. Considering the enormous difficulty of passing an amendment to the Constitution, and the slight gain that would accrue from the mere mention of God in that document, this agitation seems to us like hunting snipe with a howitzer. The same amount of effort and ammunition rightly expended would carry havoc into the ranks of the enemy. The putting of the name of God into the Constitution will make the United States neither more nor less a Christian nation than it now is; and if it were really a Christian nation, what would the presence or the absence of the name import?—*N. Y. Examiner.*

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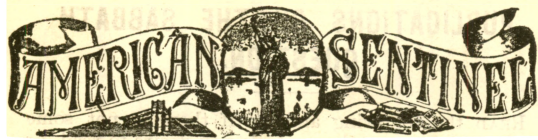
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THE case against Elder W. A. McCutchen and Prof. Elmer C. Keck, at Gainesville, Ga., for Sunday work, has been postponed by request of the prosecuting attorney until August. Some doubt is expressed that the case will ever be tried again.

It seems that the cause of legal Sunday sacredness is not to lose its influential champion, Col. W. C. P. Breckinridge, the self-confessed adulterer, and father of the Breckinridge Sunday bill. It is said that his renomination and re-election are now assured.

WE print this week the conclusion of the brief of W. L. Carter, of counsel for the defense in the Capps case before the Tennessee Supreme Court. It is an able, candid, and temperate presentation of the law and precedents in such cases; and is withal convincing; nevertheless it failed to so impress the court, and the decision of the lower court has been affirmed. This commits Tennessee fully to a course of religious persecution under the forms of law, but without any statute authorizing anything of the kind. Sabbath-keepers in that State may as well be prepared for the worst. The courts stand ready to do the bidding of religious prejudice, bigotry and intolerance.

REFERRING to the Capps case the *Jackson Daily Whig* says:—

The supreme court, Judge McAlister delivering the opinion of the court, yesterday morning affirmed the case of W. B. Capps vs. the State, a case appealed from Weakley County.

Capps is a Seventh-day Adventist, and believes that Saturday is the Sabbath of the Bible, and that there is no divine warrant for changing the Sabbath from Saturday to Sunday. He acted upon his conviction and kept Saturday as his Sabbath and true day of rest. On Sunday he went forth to his work, plowing, cutting stalks, etc. This shocked the sensibilities of his neighbors whose attention was attracted by the unusual spectacle. Capps was indicted in the circuit court of Weakley County, and there being no dispute as to facts, he was convicted, and Judge Swiggart fined him \$10. The defendant claimed, of course, that he had committed no offense, and that his arrest and fine were illegal and unconstitutional and violative of that religious liberty guaranteed to all citizens of the United States by the Constitution thereof.

Judge McAlister said that the settled law of this State was against the defendant, and referred especially to the recent case of King vs. the State. The judgment of the lower court was affirmed.

The sentence of the court may seem light, but it is sufficient to keep Mr. Capps in jail for not less than sixty days. The fine alone, at twenty-five cents per day, the credit allowed by the State, is equivalent to forty days in jail, while the costs will make it considerably more.

THE probate court at Buffalo has been asked to decide a question which may prove to be as far-reaching in its consequences as any ever decided by any court. Notwithstanding constitutional guarantees of religious liberty, the courts of the United States, and of various States, have from time to time assumed to say that this is a Christian nation, and that Christianity is a part of the law of the land, etc. But aside from Sunday observance it has not been very clearly defined what constituted the official Christianity which is a part of our common law, or that in the case of the country at large constitutes this a "Christian nation." The Buffalo decision may aid materially in elucidating this question and in adding another article to the national creed.

The question to be decided by the Buffalo court has been stated thus:—

Is the soul immortal? Do masses celebrated by the Roman Catholic Church benefit the dead?

The facts which raised this question, or these questions, rather, have been given thus: Mrs Catherine Backus, who died in Buffalo last January, bequeathed her estate, consisting of \$1,000 in cash, to Nicholas Bashman as trustee, to be expended by him for masses "for the benefit of my poor soul and that of my deceased husband." Mrs Backus' children contested the will on the grounds that the trustee was invested with too much discretionary power and that the soul is at best an intangible legatee, and that there is no competent evidence before the court that Mrs. Backus or her husband was possessed of a soul for which a trust might be held.

Great possibilities are bound up in this question. We have for a long time known that sooner or later the dogma of the immortality of the soul would be officially indorsed by our Government, but just how this was to be brought about was not easy to see. But the Buffalo case points out the probable course the matter will take. Once in the courts the dogma of natural immortality, or life without Christ, can easily become an article of governmental religion.

MAY 25, the General Assembly of the Southern Presbyterian Church, in session at Nashville, declined to sustain the appeal of the Charleston Presbytery against the synod of South Carolina in the celebrated Means case. Miss Sadie M. Means, an employée of the Telephone Exchange in Columbia, S. C., was dismissed by the session of the Second Presbyterian Church of that city for violation of the Sabbath, in that she performed her duties at the exchange on Sunday from 9 o'clock A. M., until 1 o'clock P. M. A. M. Monteith and Emma M. Monteith, brother-in-law and sister of Miss Means, appealed the case to Charleston Presbytery, and the presbytery indorsed the action of the session. The appeal was then carried to the synod of South Carolina, and this body reversed

the action of the presbytery of the session and ordered Miss Means restored to the church.

This the session failed to do, and Charleston Presbytery appealed to the general assembly. The vote to sustain was 48; to partially sustain, 8; not to sustain, 77. The effect of this action of the assembly will be that Miss Means will be restored to communion in the Second Presbyterian Church.

This action is fitting. Sunday being only an institution of the church, resting only upon human authority, it is eminently proper that churches should define the relation of their members to it. The Southern Presbyterian Church evidently recognizes the fact that there is no divine command for Sunday observance, else the highest court of that church would scarcely dare to excuse people from keeping it holy.

AN Oshkosh, Wis., paper says, "The Sunday Observance Society has by no means gone to sleep. Another public meeting of the society will be held on Wednesday evening at the First Methodist Church, the other evangelical churches having adjourned their regular prayer-meetings for that purpose. Several speakers and interesting music have been secured for that occasion."

And yet we are told the Sunday is a civil institution and that Sunday laws are in no wise religious. But the churches adjourn their prayer meetings to secure their enforcement. Do they do this for any other "civil" law?

Nos. 119 and 121 of the *Bible Students' Library* have reached our table. These are both good numbers.

No. 119, "The Kingdom of Christ," contains 16 pages, and shows in an interesting way the nature of the kingdom and its subjects, and when and how it will be established—not when as to definite time, but in its relation to other events. Price, 2 cents.

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