

20th CONGRESS.]

No. 74.

[2d SESSION.]

## SUNDAY MAILS.

COMMUNICATED TO THE SENATE, JANUARY 19, 1829.

Mr. JOHNSON, of Kentucky, made the following report:

The committee to whom were referred the several petitions on the subject of mails on the Sabbath, or the first day of the week, report:

That some respite is required from the ordinary vocations of life, is an established principle, sanctioned by the usages of all nations, whether Christian or pagan. One day in seven has also been determined upon as the proportion of time; and, in conformity with the wishes of the great majority of citizens of this country, the first day of the week, commonly called Sunday, has been set apart to that object. The principle has received the sanction of the National Legislature, so far as to admit a suspension of all public business on that day, except in cases of absolute necessity, or of great public utility. This principle the committee would not wish to disturb. If kept within its legitimate sphere of action, no injury can result from its observance. It should, however, be kept in mind that the proper object of government is to protect all persons in the enjoyment of their religious as well as civil rights, and not to determine for any whether they shall esteem one day above another, or esteem all days alike holy.

We are aware that a variety of sentiment exists among the good citizens of this nation on the subject of the Sabbath day; and our Government is designed for the protection of one, as much as for another. The Jews, who in this country are as free as Christians, and entitled to the same protection from the laws, derive their obligation to keep the Sabbath day from the fourth commandment of their decalogue, and, in conformity with that injunction, pay religious homage to the seventh day of the week, which we call Saturday. One denomination of Christians among us, justly celebrated for their piety, and certainly as good citizens as any other class, agree with the Jews in the moral obligation of the Sabbath, and observe the same day. There are also many Christians among us who derive not their obligation to observe the Sabbath from the decalogue, but regard the Jewish Sabbath as abrogated. From the example of the Apostles of Christ, they have chosen the first day of the week, instead of that day set apart in the decalogue, for their religious devotions. These have generally regarded the observance of the day as a devotional exercise, and would not more readily enforce it upon others, than they would enforce secret prayer or devout meditations. Urging the fact, that neither their Lord nor his disciples, though often censured by their accusers for a violation of the Sabbath, ever enjoined its observance, they regard it as a subject on which every person should be fully persuaded in his own mind, and not coerce others to act upon his persuasion. Many Christians again differ from these, professing to derive their obligation to observe the Sabbath from the fourth commandment of the Jewish decalogue, and bring the example of the Apostles, who appear to have held their public meetings for worship on the first day of the week, as authority for so far changing the decalogue as to substitute that day for the seventh. The Jewish Government was a theocracy, which enforced religious observances; and though the committee would hope that no portion of the citizens of our country could willingly introduce a system of religious coercion in our civil institutions, the example of other nations should admonish us to watch carefully against its earliest indication.

With these different religious views the committee are of opinion that Congress cannot interfere. It is not the legitimate province of the Legislature to determine what religion is true, or what is false. Our Government is a civil and not a religious institution. Our constitution recognises in every person the right to choose his own religion, and to enjoy it freely, without molestation. Whatever may be the religious sentiments of citizens, and however variant, they are alike entitled to protection from the Government, so long as they do not invade the rights of others.

The transportation of the mail on the first day of the week, it is believed, does not interfere with the rights of conscience. The petitioners for its discontinuance appear to be actuated from a religious zeal, which may be commendable if confined to its proper sphere; but they assume a position better suited to an ecclesiastical than to a civil institution. They appear, in many instances, to lay it down as an axiom, that the practice is a violation of the law of God. Should Congress, in their legislative capacity, adopt the sentiment, it would establish the principle that the Legislature is a proper tribunal to determine what are the laws of God. It would involve a legislative decision in a religious controversy, and on a point in which good citizens may honestly differ in opinion, without disturbing the peace of society, or endangering its liberties. If this principle is once introduced, it will be impossible to define its bounds. Among all the religious persecutions with which almost every page of modern history is stained, no victim ever suffered but for the violation of what Government denominated the law of God. To prevent a similar train of evils in this country, the constitution has wisely withheld from our Government the power of defining the divine law. It is a right reserved to each citizen; and while he respects the equal rights of others, he cannot be held amenable to any human tribunal for his conclusions.

Extensive religious combinations to effect a political object are, in the opinion of the committee, always dangerous. This first effort of the kind calls for the establishment of a principle, which, in the opinion of the committee, would lay the foundation for dangerous innovations upon the spirit of the constitution, and upon the religious rights of the citizens. If admitted, it may be justly apprehended that the future measures of Government will be strongly marked, if not eventually controlled, by the same influence. All religious despotism commences by combination and influence; and when that influence begins to operate upon the political institutions of a country, the civil power soon bends under it; and the catastrophe of other nations furnishes an awful warning of the consequence.

Under the present regulations of the Post Office Department, the rights of conscience are not invaded. Every agent enters voluntarily, and, it is presumed, conscientiously, into the discharge of his duties, without intermeddling with the conscience of another. Post offices are so regulated as that but a small proportion of the first day of the week is required to be occupied in official business. In the transportation of the mail on that day, no one agent is employed many hours. Religious persons enter into the business without violating their own consciences, or imposing any restraints upon others. Passengers in the mail stages are free to rest during the first day of the week, or to pursue their journeys, at their own pleasure. While the mail is transported on Saturday, the Jew and the Sabbatarian may abstain from any agency in carrying it, from conscientious scruples. While it is transported on the first day of the week, another class may abstain, from the same religious scruples. The obligation of Government is the same to both of these classes; and the committee can discover no principle on which the claims of one should be more respected than those of the other, unless it should be admitted that the consciences of the minority are less sacred than those of the majority.

It is the opinion of the committee that the subject should be regarded simply as a question of expediency, irrespective of its religious bearing. In this light it has hitherto been considered. Congress have never legislated upon the subject. It rests, as it ever has done, in the legal discretion of the Postmaster General, under the repeated refusals of Congress to discontinue the Sabbath mails. His knowledge and judgment in all the concerns of that Department will not be questioned. His intense labors and assiduity have resulted in the highest improvement of every branch of his department. It is practised only on the great leading mail routes, and such others as are necessary to maintain their connexions. To prevent this, would, in the opinion of the committee, be productive of immense injury, both in its commercial, political, and in its moral bearings.

The various departments of Government require, frequently in peace, always in war, the speediest intercourse with the remotest parts of the country; and one important object of the mail establishment is, to furnish the greatest and most economical facilities for such intercourse. The delay of the mails one whole day in seven would require the employment of special expresses, at great expense, and sometimes with great uncertainty.



The commercial, manufacturing, and agricultural interests of our country are so intimately connected as to require a constant and the most expeditious correspondence betwixt all our seaports, and between them and the most interior settlements. The delay of the mails during the Sunday would give occasion to the employment of private expresses, to such an amount, that probably ten riders would be employed where one mail stage is now running on that day; thus diverting the revenue of that department into another channel, and sinking the establishment into a state of pusillanimity incompatible with the dignity of the Government of which it is a department.

Passengers in the mail stages, if the mails are not permitted to proceed on Sunday, will be expected to spend that day at a tavern upon the road, generally under circumstances not friendly to devotion, and at an expense which many are but poorly able to encounter. To obviate these difficulties, many will employ extra carriages for their conveyance, and become the bearers of correspondence, as more expeditious than the mail. The stage proprietors will themselves often furnish the travellers with those means of conveyance; so that the effect will ultimately be only to stop the mail, while the vehicle which conveys it will continue, and its passengers become the special messengers for conveying a considerable proportion of what would otherwise constitute the contents of the mail.

Nor can the committee discover where the system could consistently end. If the observance of a holiday becomes incorporated in our institutions, shall we not forbid the movement of an army, prohibit an assault in time of war, and lay an injunction upon our naval officers to lie in the wind while upon the ocean, on that day? Consistency would seem to require it. Nor is it certain that we should stop here. If the principle is once established that religion, or religious observances, shall be interwoven with our legislative acts, we must pursue it to its ultimatum. We shall, if consistent, provide for the erection of edifices for the worship of the Creator, and for the support of Christian ministers, if we believe such measures will promote the interests of Christianity. It is the settled conviction of the committee that the only method of avoiding these consequences, with their attendant train of evils, is to adhere strictly to the spirit of the constitution, which regards the General Government in no other light than that of a civil institution, wholly destitute of religious authority.

What other nations call religious toleration, we call religious rights. They are not exercised in virtue of governmental indulgence, but as rights, of which Government cannot deprive any portion of citizens, however small. Despotic power may invade those rights, but justice still confirms them. Let the National Legislature once perform an act which involves the decision of a religious controversy, and it will have passed its legitimate bounds. The precedent will then be established, and the foundation laid for that usurpation of the divine prerogative in this country, which has been the desolating scourge to the fairest portions of the old world. Our constitution recognises no other power than that of persuasion for enforcing religious observances. Let the professors of Christianity recommend their religion by deeds of benevolence; by Christian meekness; by lives of temperance and holiness. Let them combine their efforts to instruct the ignorant; to relieve the widow and the orphan; to promulgate to the world the gospel of their Savior, recommending its precepts by their habitual example; Government will find its legitimate object in protecting them. It cannot oppose them, and they will not need its aid. Their moral influence will then do infinitely more to advance the true interests of religion, than any measures which they may call on Congress to enact.

The petitioners do not complain of any infringement upon their own rights. They enjoy all that Christians ought to ask at the hand of any Government—protection from all molestation in the exercise of their religious sentiments.

*Resolved*, That the committee be discharged from the further consideration of the subject.

20th CONGRESS.]

No. 75.

[2d SESSION.]

## SUNDAY MAILS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 3, 1829.

Mr. McKEAN, from the Committee on the Post Office and Post Roads, to whom were referred certain memorials against the transportation of the mail on the Sabbath, and the delivery of letters, &c. from post offices on that day, reported:

The memorials on this subject, on account of the numerous sources from which they have been received, the number and respectability of the signatures, as well as the intrinsic importance of the question involved, require from the committee and the Legislature the most deliberate and respectful consideration. It is believed that the history of legislation in this country affords no instance in which a stronger expression has been made, if regard be had to the numbers, the wealth, or the intelligence of the petitioners.

They present a subject not entirely clear of difficulty, but one in which they feel a deep interest, and which, in their opinion, intimately concerns the moral character of the country.

It is not considered to be the duty of the committee, nor does it comport with its inclination, to enter at large into the origin of the Sabbath, or the sanctity which belongs to it.

In all Christian countries it is considered not only as a day of rest from secular employment, but one that should be set apart for religious observances. So intimately is it interwoven with the doctrines of Christianity, that it forms an important part of the creed of every Christian denomination. They agree in the principle, though some of them differ as to the day.

The committee believe that a proper observance of the sabbath is calculated to elevate the moral condition of society. In accordance with the recorded example of the Creator of the Universe, and enforced by scripture precepts, one day in seven should be abstracted from ordinary business, and devoted to moral and religious exercises. Wherever these duties have been regarded in the true spirit of Christianity, a moral influence has imposed salutary restraints upon the licentious propensities of men. It has made them better citizens, and better men in all the relations of society, both public and private.

The institution of the Sabbath is respected in various operations of our Government. In the halls of legislation, the courts of justice, and the executive departments, except under peculiar emergencies, business is suspended, not by legal provision, but by force of public opinion. Restraints imposed on the consciences of individuals by human laws, sanctioned by severe penalties, have always failed to produce reformation. They have generally, if not always, made men worse instead of better. Under such exercise of power, Christianity degenerates into an instrument of oppression, and loses all its beauty and moral excellence. It flourishes most unaided by the secular arm.

The committee, therefore, as citizens and legislators, would be ready to repel any attempt to bring the consciences of men under legislative control in this country. A disposition to do so can never proceed from the pure principles of Christianity.

The standard of moral obligation should remain in the scriptures, and all acts which do not interfere with the rights of others should rest between the individual, his conscience, and his God.