

## U. S. Congress.

### SENATE.

Jan. 19, 1829.—MR. JOHNSON of Kentucky, made the following report:

The Committee to whom was 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 4th 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 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 examples 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 in 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 citizen 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 can not interfere. It is not the legitimate province of the legislature to determine what religion is true, or what false. Our government is a civil, and not a religious institution. Our Constitution recognizes 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 spir-

it 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 portion 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 conscience, or imposing any restraint upon others. Passengers in the mail stage 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 urgency 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 conscience 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 heretofore 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 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 sea-ports, and betwixt them and the most interior settlements. The delay of the mails during 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 stage, 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 holyday 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, 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. Despotism may invade those rights, but justice still confirms them. Let the national legisla-