

SUBJECT.....*Sunday*
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Address of

Hon. James F. Minturn

Justice of New Jersey Supreme Court

Delivered before the committee to consider

Legislation affecting Sunday

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In an era when the family worked upon the farm, day after day, in the open, under God's sunlight, imbibing the invigorating breezes of the fields, the American Sunday came as a real day of rest. In a day when the church and the Sunday School were real harbors of peace and of friendly meetings of the neighborhood, when the good people retired to their homes and the father and mother read from the family Bible, and expounded its lessons to their progeny, and closed the day with family prayer, the picture was ideal; and typifies the idyllic beauty and grandeur of the conception of a true ideal of the American Sunday of the past.

But when the lure of the factory, the workshop, and the City tempted the young people from the farm and the village, and inculcated a new theory of economic domination and new ideals and ambitions, the sunlight of God's open was thereby denied them by men's artificial creations, and the fresh air of the fields, which gave to America the blood and sinew of men who dared to do the things our history records was no longer theirs, the old order began to lose its dominance, and the sinews of combined capital and its corrolary, the labor organization, representing the new economic order, loomed up as the dominating forces in American political life. Buckle, in his "History of Civilization," informs us, that the nature, character and habits of peoples are the product of their environment. If a concrete instance in support of this statement were needed, we have it in the great change that America underwent, from the ideal life of farm and village and its religious environment to the economic and materialistic life that now pervades in large part in our ever increasing municipal population, and its worship of worldly things.

In the agricultural days men, women and children worked to satiety in the fresh air of the open, and longed for the church and meeting house of Sunday. In these days their descendants stifle in a contaminated atmosphere within doors, and long for a glimpse of the fields. The boy in the cities confined in school and house and workshop, longs for the vacant lot, or the open river. The workman and woman, look upon Sunday as the only day in which they can

In such a status, the retention of such a law upon the books, results only in public contempt for the observance of all law, and such a popular state of mind is always inimical to law and order, and breeds contempt for government and its administrators.

If you attempt to suppress the boy ball player, on the vacant lot, or the man or woman who find enjoyment and recreation upon a Sunday afternoon in the picture shows, the Grand Jury man looks askance, and desires to know upon what legal theory of exemption his neighbor may find recreation on the golf field, or on the country roads in an automobile.

Years at the Bar, and my experience on the Bench, have enabled me to perceive the inequality which results from this condition, and when the masses of the people recognize inequality in the application of the law, and its enforcement, that decent respect for law, and its administrators, which in the earlier days was characteristic of American citizenship, becomes endangered.

No reasonable American can survey the field today, and not perceive almost with a shudder, the unrest, the distemper, and the sullen disregard for law and order, which prevails.

Will the church further accentuate the condition by refusing to meet in conference, the men and women whose organizations and votes present in our representative system, a potent argument to the statesman for changes of some kind in the organic law, to accord with public sentiment in populous centres?

It is no answer to this demand to charge, that among its advocates are the parties interested in the financial returns which the realization of the change will bring. These forms of recreation could not exist a week were the public to cease its patronage and seek a field for relaxation.

tion of localities, or what is called local option—a method by which the recognized American principle of majority rule may determine the character and quality of the legal environment, which it inhabits.

For years the churches advocated this system as a satisfactory solution for the abolition of the evils incident to the liquor traffic. Under its provisions, localities may determine the hours of Sunday within which, without conflicting with religious service, or their duties to God, the public in any district adopting its provisions may enjoy the leisure, recreation and diversion which the modern worker and toiler craves and demands, as a necessary part of his existence.

Such “a consummation is devoutly to be wished” not only in the interest of the State, but in the interests of the church, whose basic interests, and future development, in a country like this depend, in no small degree, upon the realization and adoption of a mode of procedure, which while it sacrifices nothing in Christian essence, avoids popular antagonism, by conceding like one of its great doctors, liberty in non-essentials and charity in all things.