

# Indiana Palladium.

EQUALITY OF RIGHTS IS NATURE'S PLAN—AND FOLLOWING NATURE IS THE MARCH OF MAN.—BARLOW.

Volume V.]

LAWRENCEBURGH, INDIANA; SATURDAY, FEBRUARY 14, 1829.

[Number 6.

## BY AUTHORITY.

LAWS OF THE UNITED STATES PASSED AT THE SECOND SESSION OF THE TWENTIETH CONGRESS.

[PUBLIC, No. 6.]

AN ACT to amend an act entitled "An act for the better organization of the Medical Department of the Navy," approved 24th May, 1829.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every Surgeon who was in the Navy, at the time of the passage of the act for the better organization of the Medical Department of the Navy approved twenty-fourth of May, one thousand eight hundred and twenty-eight, shall be entitled to the additional pay and rations (according to length of service) provided for by the fourth section of that act, notwithstanding such Surgeons may not have been examined, or received their appointments in the manner prescribed by the first section thereof.

ANDREW STEVENSON,  
Speaker of the House of Representatives

JOHN C. CALHOUN,  
Vice-President of the United States,  
and President of the Senate.

APPROVED, 21st January, 1829.

JOHN QUINCY ADAMS.

[PUBLIC, No. 7.]

AN ACT for altering the times for holding the sessions of the Circuit Court of the U. S. for the District of Georgia, at the places provided by law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sixth Circuit Court of the United States for the District of Georgia, which is by law appointed to be held on the fourth Monday in November, annually, at Savannah, in the said State, shall hereafter be held on the Thursday after the first Monday in November, annually, at Milledgeville, in the said State; and that the session of the said Court which is now required by law to be held on the sixth day of May annually, at Milledgeville, in the said State, shall hereafter be held on the Thursday after the first Monday in May annually, at Savannah, in the said State; and that all process, which shall have been issued, and all recognizances returnable, and all suits and other proceedings, which have been continued to the said Courts respectively, on the days, and at the places heretofore provided by law for their meeting, shall be returned, and held to be continued to the said Courts, at the times and places herein provided for the meeting of the said Courts respectively.

Approved, 21st January, 1829.

[PUBLIC, No. 8.]

AN ACT to allow a salary to the Marshal of the Eastern District of Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two hundred dollars be, and the same hereby is, allowed, annually, as a salary to the Marshal of the Eastern District of Virginia.

Approved, 21st January, 1829.

[PUBLIC, No. 9.]

AN ACT to establish a Port of Entry at Magnolia, in Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That all the ports, harbors, shores, and waters, of the main land of Florida, and of the islands opposite and nearest thereto, extending from Ocklockney bay to Charlotte harbour, be, and they are hereby, established a Collection District, by the name of the St. Mark's District; and a port of entry shall be established at Magnolia for said District, and a Collector shall be appointed, who shall give the same bond, perform the same duties, and be entitled to the same compensation and fees, as the Collectors of the other Districts in Florida.

Sec. 2. And be it further enacted, That all that part of Florida, between the St. Mary's and St. John's river, shall be annexed to, and made a part of, the Collection District of St. Augustine.

Approved, 21st January, 1829.

[PUBLIC, No. 10.]

AN ACT allowing an additional drawback on sugar refined in the United States, and exported therefrom.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the passage of this act, there shall be allowed a drawback on

sugar refined in the United States, and exported therefrom, of five cents per pound, in lieu of the drawback at present allowed by law on sugar so refined and exported: *Provided*, That this act shall not alter or repeal any law now in force regulating the exportation of sugar refined in the United States, except to change the rate of drawback when so exported: *And provided*, That this act shall cease to be in force so soon as the exports of sugar shall be equal to the imports of the same article.

Approved, 21st January, 1829.

[PUBLIC, No. 11.]

AN ACT in addition to the act entitled "An act to amend the judicial system of the U. S. States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if, at any session of the Supreme Court, four Justices thereof shall not attend on the day appointed for holding said session, such Justice or Justices as may attend shall have authority to adjourn said Court from day to day, for twenty days after the time appointed for the commencement of said session, unless four Justices shall sooner attend; and the business of said Court shall not, in such case, be continued over to the next stated session thereof, until the expiration of said twenty days, instead of the ten days now limited by law.

Sec. 2. And be it further enacted, That if it shall so happen, during any term of the said Supreme Court, after four of the Judges shall have assembled, that, on any day, less than the number of four shall assemble, the Judge or Judges so assembling shall have authority to adjourn said Court from day to day until a quorum shall attend, and, when expedient and proper, may adjourn the same without day.

Approved, 21st January, 1829.

[PUBLIC, No. 12.]

AN ACT to authorize the Citizens of the Territories of Arkansas and Florida to elect their Officers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the citizens of the Territory of Arkansas, qualified to vote, shall and may, at such time and place, and under such rules and regulations, as the Legislature of said Territory may prescribe, elect their Officers, Civil and Military, except such as, by the laws of Congress now in force, are to be appointed by the President of the United States; and except, also, Justices of the Peace, Auditor and Treasurer for said Territory, who shall be chosen by joint vote of both Houses of the Legislature, at such time, and for such term of service, as the said Legislature shall prescribe.

Sec. 2. And be it further enacted, That the term of service, and the duties and powers, fees, and emoluments, of the Officers Civil and Military, so chosen by the citizens, shall be prescribed by the Legislature, and they shall be commissioned by the Governor of the Territory, and subject to be removed from office in such mode and for such cause as the Legislature shall declare by law. All laws now in force, inconsistent with the provisions of this act, are hereby repealed. This act shall take effect from and after the first day of December, one thousand eight hundred and twenty nine.

Sec. 3. And be it further enacted, That every bill that shall have passed the House of Representatives and the Legislative Council of the Legislature of the Territory, shall, before it become a law, be presented to the Governor of said Territory; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and to the same protection from the laws, proceed to reconsider it: If, after such re-consideration, two-thirds of that House shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall likewise be re-considered, and, if approved by two-thirds of that House, it shall become law. But in all such cases, the votes of both Houses of the Legislature shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively: And if any bill shall not be returned by the Governor within three days (Sunday excepted) after it shall have been presented, the same shall be a law, in like manner as if he had signed it, unless the Legislature, by their adjournment, prevent its return, in which case it shall not be a law.

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 re-

strictions 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.

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 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.

Sec. 6. And be it further enacted, That the act of the Governor and Legislative Council of the Territory of Florida, fixing the seat of justice of Jackson county, in said Territory, be, and the same is hereby, annulled; and the people and local authorities of said county shall have the privilege of selecting their county seat, in such manner as other counties have been authorized to do, under the laws of said Territory.

Approved, 21st January, 1829.

IN SENATE OF THE UNITED STATES.

JANUARY 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 1st 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 for 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; 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 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 decalogues, 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

devotional exercise, and would not more readily enforce it upon others, than they would enforce secret prayer or devout meditation. Urging the fact, that neither their Lord, nor his disciples, though often censured by their accusers for a violation of the Sabbath, ever joined 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 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 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 denominates 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. The 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 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 consciences, or imposing any re-

strictions 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.

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 express, 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 the Sunday, would give occasion to the employment of private express, 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 holy day becomes incorporated in our institutions, shall we not forbid the movement of the 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 interest 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.