

21st CONGRESS.]

No. 101.

[2d SESSION.

SUNDAY MAILS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 31, 1831.

To the Congress of the United States: The undersigned, citizens of Kentucky, by way of remonstrance, would respectfully represent:

That, from the public journals, they learn that numerous petitions have been presented to both Houses of Congress, praying for such a modification of the laws concerning the Post Office Department as to prevent the transportation and opening of the mail on the Sabbath day.

It appears that the reasons or arguments on which those petitions are founded principally resolve themselves into two: First, that the transportation and opening of the mail on the Sabbath tend to impair the moral influence of that day; and, secondly, that conscientious Christians are precluded from an equal participation in the emoluments of office.

Sensible as we are of the advantage, nay, of the necessity, of cultivating morality as a means of preserving our republican institutions in their purity, we should lament any and every act of the General Government, or its functionaries, which might have a tendency to impair moral influence of any kind. But, when we consider the objects for which the post office establishment was instituted, we are of opinion that the effectuation of these objects, deemed important to the safety and to the prosperity of the whole community, will justify, if they do not imperiously require, the *constant employment* in the Post Office Department of one individual out of many thousands, for the transmission of information necessary for the Government, desired by the people, and useful to them in all their various concerns, whether political, agricultural, manufacturing, commercial, or religious.

To preserve and secure the peace and safety of the whole was the first great object leading to the formation of the General Government. That it might be enabled, more effectually than the States separately could, to hear, see, speak, and act for the whole, with a view to ward off or repel whatsoever should menace the peace or prosperity of all or any part, numerous important powers were given by the constitution. Among these, that of "establishing post offices and post roads" is a most important auxiliary. It is through this channel that the Government is enabled at all times to hear from without, and to speak from within, through its functionaries, whatsoever is necessary for the security of the whole.

During the short existence of our Federal Government, insurrection, conspiracy, and war have successively invaded our land and disturbed our peace. In detecting their schemes and suppressing their progress, the importance of the operations of the Post Office Department must be acknowledged by all; and, as the approach of dangers is not arrested by the Sabbath, so neither should the vigilance of the Government be intermitted for a seventh part of its time. As, by the warning voice of the watchman on the tower, the city prepares for defence, so also by the continual cry of "all's well," in time of peace, the busy multitude within composedly enjoy a conscious security. The officers of our Government, civil and military, chosen by the people, or appointed by a vigilant Executive, placed in foreign countries, and within and around our extended borders, maritime and territorial, are our watchmen; and through the mail, at all times, their warning or their composing voice should be heard.

The continual operation of the mail, then, is only in compliance with one of the great duties of the Federal Government; and we cannot perceive how the necessary performance of a high public duty on the Sabbath can impair the moral influence of that day.

The petitioners, holding the first day of the week as the Sabbath, to be exclusively devoted to religious exercises, consider that the present laws and regulations relating to the Post Office Department tend to prohibit "the free exercise of religion," because of their conscientious scruples against performing official duties on Sunday. Claiming credit as they do for their superior *republican* patriotism, in thus wishing to chasten the morals of the nation, how can they ask such a change of the laws, as, while it relieves themselves, places others of their fellow-citizens in precisely the same predicament from which they would escape? Will they answer that it is because a large *majority* of the religious professors in the United States agree as to their Sabbath? Surely not; because the constitutional prohibitions intended to secure the rights of conscience were introduced solely for the purpose of protecting the rights of *minorities* in matters of conscience. The aggregate of all the professors in all the sects forms but a small minority of the people whose interests would be affected by the change; the petitioners, it is believed, only a small portion of that minority. And, if we may judge from the number and respectability of those who have filled the offices of the Department, from the highest to the lowest, many of them professors of religion, we must believe that the number who would be excluded from office by their conscientious scruples would be astonishingly small; so small, indeed, that their numbers would be far short of that sect (whose religion, however denounced by the petitioners, is equally protected by the constitution) who pay a sacred regard to the ancient Sabbath, the seventh, instead of "the first day of the week."

Not disposed to implicate the motives of the petitioners in asking the change, as they have done the motives of those who enacted and those who now prefer the existing laws, we are willing to concede to them an unconsciousness of the evils which would be the consequence of their measures. It is rather a matter of gratulation that their right to petition for a redress of even imaginary grievances is guaranteed by the same instrument which secures to all the right of conscience. It is from the same high authority that we claim the right to remonstrate against the changes they propose; changes which, besides weakening the Government, by relaxing its vigilance, would tend to introduce the very evils against which the first article in the amendments to the constitution was intended to guard—the blending of religious creeds with civil polity, or, in other words, the ultimate "union of church and state."

Acting according to the spirit of the constitution, (to its praise be it spoken,) our Government, as such, inquires not, and knows not, what is orthodox in matters of religion. All who are subject to its authority, as well as all who are employed in its service, are regarded equally as citizens, irrespective of their professions or creeds. And however long and generally the functionaries of our Government, in their individual or corporate capacities, may have conformed to the general and laudable custom of observing the Sabbath, it has been voluntary. But when once the Congress shall have assumed the right of deciding by a legislative act the orthodoxy of this or any other point of religious controversy, the magic spell will have been broken which has excluded religious intolerance from our civil tribunals. The next step, after selecting by law a day for religious worship, will be to enforce its observance. This point attained, it will be deemed requisite that the functionaries of Government shall be professors; and the *profession* of religion will soon be considered and assumed as a qualification paramount to those of political information and practical experience. The people once accustomed to regard the religious professions of men as a test of qualification for office, how easy will it be to transfer the test of *profession* in a candidate to the particular *modification* of his faith. Hence will arise a theatre for the exhibition of all the activity, all the ambition, and all the intolerance of sectarian zeal. Some sect, whose tenets shall at the time be most popular, will ultimately acquire the ascendancy.

The civil and ecclesiastical power once united in the hands of a dominant party, the people may bid adieu to that heart-consoling, soul-reviving religious liberty, at once the price of the patriot's blood, and the boon of enlightened wisdom; a liberty no where enjoyed but in the United States; a liberty which, the early history of our own country teaches us, the first settlers of America, who fled themselves from religious persecution in the *old* world, denied to their fellow-citizens in the *new*, so soon as they, in the administration of their Government, introduced the dangerous principle of making religious opinion a test of qualification for civil power.

It was to secure the inestimable privilege of worshipping God according to the dictates of conscience, against the misguided zeal of even their own representatives, that its enlightened framers ingrafted into the Federal constitution

the prohibitory clauses on congressional legislation. And here we will take occasion to express our high admiration and unqualified approbation of that inestimable principle established in the constitution—of leaving the religion of the people free as the air they breathe from governmental influence. That principle, the offspring of American patriotism, in its benign, liberal, and comprehensive design, emulates the great, the obvious, the benevolent attributes of DEITY, who, in the bounteous dispensations of his providence to the inhabitants of the earth, as the kind Parent of all, regards not the times or seasons of their devotional exercises, but, with liberal and impartial hand, “makes his sun to shine on the evil and the good, and sends the rain upon the just and the unjust,” imparting to all in the same latitudes the same principles of nature, which afford them health and sustenance; leaving the degree of their enjoyment of his blessings to depend on the industry with which they shall imitate his untiring bounty, to the diligence with which they shall seek truth, and to the sincerity with which they shall cultivate towards each other that universal benevolence which he so freely bestows upon all.

Entertaining these views, the undersigned would earnestly, but respectfully, remonstrate against any change in the existing laws whereby the celerity of communicating information may be diminished; but more especially against any legislative act, which might, by any possibility, be construed into a preference for any one mode of faith or religious opinion whatever.

JANUARY, 1831.

[21st CONGRESS.]

No. 102.

[2d SESSION.]

IRREGULARITY OF THE EASTERN MAIL.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 11, 1831.

SIR:

GENERAL POST OFFICE DEPARTMENT, *February 10, 1831.*

In obedience to a resolution of the House of Representatives requesting the Postmaster General to “communicate to the House the causes of the irregularity of the arrival of the eastern mail, to what the failure is attributable, and what remedy can be provided to prevent the delay,” I have the honor to state that the recent snow storm so obstructed the roads as to render them, in some instances, wholly impassable; and nothing but the unwearied and almost unexampled exertions of efficient and enterprising contractors, in the midst of the tempest, could have procured a passage for the mail through the immense drifts of snow, which are represented to have been in many places from five to twenty feet in height. This impediment, it is presumed, will not be of frequent occurrence; yet it is anticipated that the melting of the snow, especially if attended with rain, will so swell some of the streams on the route as to cause a few more failures. I am further advised that this mail is occasionally retarded in its progress by the rise of water and floating of ice in the Susquehannah river, and the condition of about forty-four miles of the road between Philadelphia and Baltimore, which, like most other roads not *turnpiked*, is rendered bad by rain, &c. The only “remedy” which, it is conceived, “can be provided to prevent the delay,” is to obviate the difficulty in crossing the streams, and *turnpike* that part of the road to which allusion has been made.

I have the honor to be, respectfully, your obedient servant,

W. T. BARRY.

HON. ANDREW STEVENSON, *Speaker of the House of Representatives.*

[21st CONGRESS.]

No. 103.

[2d SESSION.]

SUNDAY MAILS.

COMMUNICATED TO THE SENATE, FEBRUARY 14, 1831.

Whereas a variety of sentiment exists among the good people of the United States on the subject of the expediency or in expediency of stopping the transportation of the mail on the Sabbath day; and inasmuch as Congress has been and is still urged to pass an act restricting the carrying of the mails to six days in the week only, by petitions and memorials from various quarters of the Union; and inasmuch as it is believed that such an innovation upon our republican institutions would establish a precedent of dangerous tendency to our privileges as freemen, by involving a legislative decision in a religious controversy on a point in which good citizens may honestly differ; and whereas a free expression of sentiment by the present General Assembly on the subject may tend, in a great degree, to avert so alarming an evil as the union of church and state:

Therefore resolved by the people of the State of Illinois, represented in the General Assembly, That the able report made by Colonel Richard M. Johnson, of Kentucky, in the Senate of the United States, on the 19th January, 1829, adverse to the stoppage of the transportation of the mails on the Sabbath, or first day of the week, meets our decided approbation.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution to our Senators and Representatives in Congress, with the request that they use their exertions to prevent the passage of any bill which may, at any time, be introduced for such purpose.

We certify the foregoing to be a true copy of a resolution adopted by the General Assembly of the State of Illinois at their present session.

JESSE B. THOMAS, JUN.,
Secretary to the Senate.

DAVID PRICKEETT,
Clerk to the House of Representatives.

JANUARY 21, 1831.