

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice” Church of the Holy Trinity v. United States, 143 U.S. 457 (1892)



In its opinion, the Court says:

"All laws should receive a sensible construction.

And in the case of *United States v. Palmer*, 3 Wheat. 610, 16 U. S. 631, the same judge applied the doctrine in this way:

"The words of the section are in terms of unlimited extent. The words 'any person or persons' are broad enough to comprehend every human being. But general words must not only be limited to cases within the jurisdiction of the state, but also to those objects to which the legislature intended to apply them. Did the legislature intend to apply these words to the subjects of a foreign power, who in a foreign ship may commit murder or robbery on the high seas? The title of an act cannot control its words, but may furnish some aid in showing what was in the mind of the legislature. The title of this act is 'An act for the punishment of certain crimes against the United States.' It would seem that offenses against the United States, not offenses against the human race, were the crimes which the legislature intended by this law to punish. "

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Even the Constitution of the United States, which is supposed to have little touch upon the private life of the individual, contains in the First Amendment a declaration common to the constitutions of all the states, as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," etc., and also provides in Article I, Section 7, a provision common to many constitutions, that the executive shall have ten days (Sundays excepted) within which to determine whether he will approve or veto a bill.