

# King, Robert M. (1856–1891)

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Robert M. King was a humble farmer whose religious persecution case was in the process of being appealed to the United States Supreme Court when he passed away. This case received a considerable amount of attention in the secular press.

## Early Life

King was born November 5, 1856.<sup>1</sup> He was a lifelong resident of Obion County, Tennessee.<sup>2</sup> He had a wife and six children.<sup>3</sup> He was converted to Adventism in the spring of 1884 by Pastor Samuel Fulton.<sup>4</sup> This upset some of his Methodist neighbors. Fearing that his example would confuse their children as to which day really was the Sabbath,<sup>5</sup> they demanded that King either quit observing Saturday or leave the community.<sup>6</sup> He replied that this was a free country and that he was allowed to worship God in accordance with his understanding of the Scriptures. Threatened with prosecution if he didn't quit working on Sunday, he replied that he was a poor man and couldn't afford to give up 1/6 of his work week.<sup>7</sup> Indeed, many Seventh-day Adventists at that time believed that the fourth commandment was a twofold imperative: it not only mandated rest on Saturday but also *required* believers to work on all the other six days.<sup>8</sup>

The neighbors formed an enforcement league, pledging to “prosecute each and every violation of the Sunday law of our state that may come under our observation.” Despite this threat, people in that area who were not Seventh-day Adventists continued hunting and fishing and doing farm work in violation of the strict Tennessee Sunday laws, but enforcement league members ignored them and focused on the Adventists.<sup>9</sup>

## King's Arrest

On June 23, 1889, King quietly went out to cultivate his cornfield, which was a long ways back from the road. The corn was so tall as to virtually cover him while he was working.<sup>10</sup> A Sunday school superintendent rode out to the back of King's lot and waited patiently until King became visible by emerging from one of the rows of corn. The superintendent told King he was going to have him arrested for a Sunday law violation.<sup>11</sup> King was arrested and fined three dollars plus court costs for a total of \$12.85, which he paid.<sup>12</sup>

## The Second Trial

King's enemies were not through with him. A grand jury indicted him for working on that same Sunday, as well as other Sundays. Although he wasn't disturbing anybody unless they went out of their way to disturb him, his Sunday work was declared to be a public nuisance.<sup>13</sup> The witnesses against him all admitted that King's Sunday work had not disturbed them in any way except that it offended their religious feelings.<sup>14</sup>

The defense insisted that if the only way King's actions were a nuisance was that it was offensive to someone's religious feelings, this was "religious legislation—legislation in favor of some sect, some mode of worship, . . . in direct contravention of the Bill of Rights." King's lawyer was not allowed to produce evidence that he had already paid a fine for the work he had done on Sunday, June 23, 1889, or that the prosecution had singled out Seventh-day Adventists while ignoring Sunday law violations by other people, including one of the witnesses against King. Although he wasn't allowed to produce evidence that King was a member of a Saturday-keeping religious organization, Attorney General J. R. Bond was allowed to bring up his church membership as a way of arousing jurors' prejudice against King.<sup>15</sup>

Deliberately conflating Adventism and Mormonism, Bond said, "I wish to God we had more Methodist churches, and more Baptist churches, and more Episcopal churches, and more Catholic churches,.... But in the name of God, I do not want any of these Advent churches or Mormon churches. Guiteau, when he had a revelation from God, took a pistol and shot down the ruler of this nation, and they hung him; and that is what they ought to do with all these fellows..... Not satisfied with working on Sunday, and keeping half a dozen women, they come down here and want to save us, and have us keep half a dozen women."<sup>16</sup> The jury found King guilty. He was fined \$75 and costs, a huge amount in those days, especially for someone in his financial condition.<sup>17</sup>

## Imprisoned

On June 19 he was arrested again. The charge: hoeing potatoes on Sunday, June, 15. This time the fine was \$5 and costs.<sup>18</sup>

Realizing that they could keep continually arresting him over and over again, bankrupting him, he refused to pay either of the last two fines, choosing prison instead. From prison he observed, "It seems strange to me that I have to lie in jail for working on Sunday, when I can look out from here on Sunday and see people at work close enough to [holler] at, and nothing [is] said about it. Last Sunday they hauled wood here to a brick kiln, four or five men working all day. But of course, they were not Adventists." After 23 days, he was released from prison on a writ of habeas corpus.<sup>19</sup>

## Tennessee Supreme Court

About this time Adventists organized the National Religious Liberty Association to advocate for religious freedom and church-state separation. This organization decided to defend King in court<sup>20</sup> and to publicize his case in the secular press.<sup>21</sup> This resulted in quite a few sympathetic articles and editorials in widely read newspapers.<sup>22</sup> With a few exceptions,<sup>23</sup> the religious press was generally unsympathetic.<sup>24</sup>

King appealed to the Tennessee Supreme Court. When the prosecuting attorney failed to appear, the Memphis Ministerial Association decided that they would employ a lawyer to prosecute King.<sup>25</sup>

King was represented by Colonel T. E. Richardson. Pointing out that because King's actions were declared to be a public nuisance, he was assessed a fine that was much greater than the maximum fine permitted for violations of the Tennessee Sunday law. Richardson quoted Tennessee's chief justice as saying it was "a perversion of the term 'nuisance' " to apply it to Sunday barbering. Richardson said this ruling should also apply to an activity like plowing, "necessary for the comfort, and even the existence of the citizens," when done on private property "in a secluded part of the country." This, he said, was "the beginning of a revival of religious persecution that has so often cursed humanity." Upholding the guilty verdict, he said, "it can result in evil, and only evil. . . . It is the very spirit of the Inquisition."<sup>26</sup>

When the Tennessee Supreme Court affirmed the verdict against King, King's supporters appealed to the appropriate Federal district court.<sup>27</sup>

## U. S. District Court

For this appeal, the National Religious Liberty Association hired an additional lawyer, former U. S. Postmaster General Don M. Dickinson,<sup>28</sup> who told the court, "The record discloses a case savoring so strongly of religious persecution that the position could . . . be sustained that King has been discriminated against because of his religious belief, and within the meaning of the Fourteenth Amendment has 'been denied equal protection of the laws.' "<sup>29</sup>

Judge E. S. Hammond of the U. S. Circuit Court for the Western District of Tennessee delivered his opinion on August 1, 1891.<sup>30</sup> He admitted, "There seems not to have been any law . . . declaring the violation of statutes against working on Sunday a common nuisance" and "in this sense it may be said that King was wrongly convicted." However, he didn't think the Fourteenth Amendment extended the provisions of the First Amendment to the states. He said the Founding Fathers had not deprived the states of the right, "if they chose, to establish a creed and a church" and that his court had no right to declare King's conviction a violation of "due process of law."<sup>31</sup>

## Appeal Aborted

Even before the District Court decision, the National Religious Liberty Association had decided that, if that ruling was unfavorable, they would appeal to the United States Supreme Court.<sup>32</sup> Indeed, after that decision was reached, his case was placed on the Supreme Court docket.<sup>33</sup>

Lizzie J. Abonlien, a church member, had visited him in prison and reported that he was “very cheerful and of good courage.” She said, “The Sabbath before he died he said he had been thinking how God's people have been persecuted in the past, and he felt that God had especially blessed him during the week, and that his faith was stronger than ever before.” On November 10, 1891, he died of a heart attack, leaving behind a wife and six children.<sup>34</sup> Consequently, his case was dropped from the Supreme Court docket.

During King's appeal, Tennessee authorities had stopped or at least slowed down their attacks on Seventh-day Adventists. When Judge Hammond's decision was followed by the removal of King's case before the U. S. Supreme Court, they felt they had a green light to step up the persecution.<sup>35</sup> King was only one of more than one hundred Seventh-day Adventists in the United States who, between 1885 and 1896, were prosecuted for Sunday labor. They would spend a total of 1,438 days in jail, serve on chain gangs for 455 days, and pay \$2,269.69 in fines and court costs.<sup>36</sup>

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## NOTES

1. Lizzie J. Abonlien, King obituary, *ARH*, December 18, 1891, 767.
2. Dennis Lynn Pettibone, "Caesar's Sabbath: The Sunday Law Controversy in the United States, 1879 to 1892," (Ph.D. diss., University of California, Riverside, 1979),308.
3. Abonlien, King obituary.
4. Ibid.
5. William Covert," The Sunday Law in Operation," *Signs of the Times*, July 22, 1889, 435-436.
6. Dennis Pettibone, "The Sunday-Law Movement" in *The World of Ellen G White*, edited by Gary Land. (Hagerstown, MD: Review and Herald, 1987), 113.
7. Covert, 436.
8. *The Ellen G White Encyclopedia* (Hagerstown MD: Review and Herald, 2013) s.v. "Sunday Legislation."
9. William Addison Blakely, *American State Papers on Freedom in Religion*, third revised edition (Washington, D.C.: Review and Herald, 1943), 544-545.
10. Pettibone, "Caesar's Sabbath," 309.
11. A. F. Ballenger, "The King Case," *The Home Missionary*, July 1890, 145.
12. A. F. Ballenger, "The Persecution in Tennessee," *General Conference Daily Bulletin*, February 21, 1893, 324.
13. Ibid.
14. Pettibone, "Caesar's Sabbath."
15. Ibid., 309-310.
16. Ibid., 310.

17. Ibid.
18. "Fined Again," *American Sentinel*, August 28, 1890, 270.
19. Pettibone, "The Sunday-Law Movement," 114.
20. "Religious Liberty in Tennessee," *Chicago Tribune* June 18, 1890, reprinted in *The Home Missionary*, July 1890, 152.
21. See, for example, Dan T. Jones to M.G. Huffman, July 11, 1869. General Conference, Letter Book 2, General Conference of Seventh-day Adventist Archives.
22. Examples include the *Chicago Tribune* article noted above as well as articles from the *New York World*, *The Atlanta Constitution*, and the *Chicago Inter Ocean* reprinted in the same issue of *The Home Missionary*. See also *Chicago Inter-Ocean*, July 20, 1889, 16:2; *Chicago Times* July 3, 1892, 4:2; *Oakland Morning Times*, July 3, 1890, *Brooklyn Daily Eagle* October 20, 1892, 3:3; *St. Louis Republic*, August 4, 1891, 6:2.
23. "Editorial Notes," *The Independent*, August 6, 1891, 1171-1173; *Baptist Examiner* quoted in *American Sentinel*, February 26, 1891, 70.
24. [Editorial notes], *American Sentinel*, October 15, 1891, 326.
25. Ballenger in *General Conference Daily Bulletin*.
26. Blakely, 520-526.
27. Pettibone, "Caesar's Sabbath," 311.
28. Ibid.
29. Blakely, 530.
30. Ibid.
31. *In Re King*, 46 Federal Reporter 905; Pettibone, "Caesar's Sabbath," 311; Blakely, 530-532.
32. Ballenger, "The King Case."
33. Ballenger in *General Conference Daily Bulletin*.
34. Abonlien, King obituary.
35. Ballenger in *General Conference Daily Bulletin*.

36. Blakely, 1911 edition, 734, cited in Pettibone, "Caesar's Sabbath," 306.

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