Either from inadvertance or a want of the liberality shown in the other States, the Sunday laws of Pennsylvania, New Hampshire, Delaware, Maryland, North Carolina, South Carolina, Georgia, Tennessee, Mississippi, Alabama, Florida, and California are silent in regard to this by no means inconsiderable class; and it has been held in the first mentioned State that the provisions of the Sunday laws apply to Jews as well as others. *Commonwealth* v. *Wolf*, 3 S. & R. 48; *Society &c.*, v. *Commonwealth*, 52 Penn.St. 125; *City Council* v. *Benjamin*, 5 Strobh. 508; but see *Ex parte Newman*, 9 Cal. 502.

Thus far reference has been had chiefly to the provisions of the statutes of the different States in regard to the observance of Sunday, which serve to illustrate the spirit or characteristics of the State where they are found,—an investigation perhaps more curious than valuable. The most important differences, in a legal point of view, are those which are found in comparing the clauses in the statutes of the different States which restrict business, labor, and pleasure on the first day of the week.

In *Swann* v. *Broome*, 1 W. Bl. 526, Lord Mansfield gives the history of the common law doctrine, "Dies Dominicus non est juridicus," and declares that no judicial act could be done on Sunday. Other than this, the common law makes no distinction between it and any other day. The case of *Hiller* v. *English*, 4 Strobh. 486, contains an exhaustive discussion upon the limitation placed on judicial acts upon Sunday.

Laws upon the observance of Sunday came naturally from the Church at an early day; but it was not until after six hundred years that labor and secular business were prohibited by it, and then only so far as they are an impediment to religious duties, and because of their being so.

The earliest important civil legislation (5 & 6 Ed. V. c. 3) looks only to the religious celebration of the day, "that it be kept holy," and in no manner forbids labor. The statute 1 Eliz. c. 2, and 3 Jac. I. c. 4, § 27, in the same spirit, punishes by fine "all persons having no lawful or reasonable excuse for absence from church," but puts no further restriction on the observance of Sunday.

We are obliged to wait until the statute of 29 Car. II. c. 7, § 1, before we find any restriction, in terms, upon labor on the first day of the week. Up to this time, the laws had been but a re-enactment of the first clause of the Mosaic law known as the Fourth Commandment, "Remember the sabbath day to keep it holy." This statute seems to be the interpretation in that age of the remainder of that Commandment; viz., "Six days shalt thou labor, and do all thy work," &c. From this statute (29 Car. II. c 7, § 1) spring, with many modifications, the Sunday laws, as they are now found in this country.

In some of the States, as we have seen, the statute of Elizabeth compelling attendance at church has been followed (though all such laws are now, it is believed, repealed); but, for the most part, sufficient, and many of these follow closely upon the English statute of Charles II. in their terms. By this statute, no tradesman, artificer, workman, laborer, or other person or persons whatever, *shall do or exercise any worldly labor or business, or work of their ordinary calling, on Sunday*; and it prohibits the sale or hawking of goods and wares.

This statute is followed, in terms, in Georgia and South Carolina, and nearly so in Tennessee; so that, in these States, the rule laid down by Lord Tenterden, in *Sandiman* v. *Breach*, 7 B & C. 96, would apply: that under the words "person or persons" no other class is included than those described by the words which precede them. This would seem to be the case in North Carolina, where the terms of the statute are "no tradesman or other person."

The clause in the statute of Charles II. which forbids "any labor, business, or work of ordinary calling" on Sunday, is to be found in many of the statutes in this country, and has received an interpretation in the different courts of many of the States. In the case of *Allen* v. *Gardiner*, 7 R. I. 22, it was held that the execution of a release by a creditor to an assignee on Sunday is not a work of ordinary calling.

In a recent case in Massachusetts, not yet reported (*Hazard* v. *Day*), the Court refused to disturb the finding of the Court below,—that a real estate broker in Rhode Island, who delivered on Sunday a contract of his principal and received from the defendant a duplicate contract and check signed by him, was acting in his ordinary calling, and was within the Sunday law of that State. In Georgia, the execution and delivery of a note is held not to be within a person's ordinary calling. *Sanders* v. *Johnson*, 29 Ga. 526. And in North Carolina, where the sale of a horse was made privately on Sunday by a horse dealer to a person who was aware of the vendor's ordinary business, it was held that an action on the warranty would lie: *Melvin* v. *Easley*, 7 Jones Law, 356. The leading English cases bearing on the question as to what constitutes ordinary calling, are *Drury* v. *Defontaine*, 1 Taunt. 131; *Scarfe* v. *Morgan*, 4 M. & W. 270; *Wolton* v. *Gavin*, 16 Q. B. 48; *Fennell* v. *Ridler*, 5 B. & C. 406; *Norton* v. *Powell*, 4 M. & G. 42; *Smith* v. *Sparrow*, 4 Bing. 84; *Blocksome* v. *Williams*, 3 B. & C. 232; *Rex* v. *Whitnash*, 7 B. & C. 596; *Begbie* v. *Levi*, 1 Cromp. & J. 180.

In most of the States,—viz., Maine, Massachusetts, Vermont, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Kentucky, Mississippi, Arkansas, Michigan, and Wisconsin,—it is evident, from the terms of the Statute, that it was the intention of the legislature to compel a general suspension of business and labor on Sunday.

Thus the execution of any contract on Sunday renders it void, as in the case of a promis-