

SUNDAY LAWS—RECENT ENGLISH DECISIONS.

that the collecting and the boiling down of maple sap is a work of necessity on Sunday where the sap is flowing freely and all the troughs are full; the maple sugar man having no way of saving his harvest save by emptying the troughs that are full. (*Morris v. State*, 31 Ind. 189; *Whitcomb v. Gilman*, 35 Vt. 297.)

Again in liberal Indiana, the brewer is allowed to turn or handle the barley which he is manufacturing into malt for his beer, as twenty-four hours neglect would make it unfit for use. The turning is a work necessary to accomplish the object which the brewer has in view, and as the law authorizes the manufacture of beer the labour necessary to make it is lawful and a work allowable on Sunday. (*Crockett v. State*, 33 Ind. 416.)

In Ohio it was held that under special circumstances a miller might grind on that day. The Judge said he thought it would hardly be questioned that a gas company might supply gas, a water company water, and a dairyman milk to their customers on that day; for it is no part of the design of the law to destroy or impose ruinous restrictions upon any lawful trade or business. (*McGarrick v. Wason*, 4 Oh. St. 566.)

Again in Indiana an inn-keeper sold cigars from a stand which was a part of his establishment, and the Court held that he was not punishable. The Judge said:—There is a daily necessity for putting a house in order, cooking meals, drinking coffee or tea, smoking a cigar by those who have acquired the habit, or continuing any lawful habit on Sunday, the same as there is on a work-day, and whatever is necessary and proper to do on Sunday to supply this constant daily need is a work of necessity within the meaning of the law. It is not unlawful to keep a hotel on Sunday in the same way that it is usually kept on a week-day, and if a hotel keeps a cigar stand, which is a part of its establishment, from which it sells cigars to its guests, boarders and customers on a week-day, to sell cigars from the same stand in the same way on Sun-

day is not unlawful. There is no difference legally between the act of selling a cigar under such circumstances and the act of furnishing a cup of tea or coffee, a meal of victuals, or supplying any other daily want to a customer on Sunday for pay." (*Carver v. State*, 69 Ind. 61.) Smokers, therefore, cannot complain.

In Alabama, as in Ontario, all shooting is forbidden if it is not justified by necessity, and shooting a dog in mere mischief is not a necessity. (*Smith v. State*, 50 Ala. 159.) In Missouri, however, a man went out hunting on Sunday. He was prosecuted, but acquitted as the law only forbade working on the Sabbath day; the district attorney argued that "hunting" was "working," but the Judges could not see it in that light. (*State v. Carpenter*, 62 Mo. 594.)

In Massachusetts it has been held that cleaning out a wheel-pit on Sunday, to prevent the stoppage of mills employing many hands, is not a work of necessity within the meaning of the law. Nor can one who helped at this work as a matter of kindness protect himself by claiming that what he did was a work of charity. (*McGrath v. Merwin*, 112 Mass. 467.) No wonder, when the law is such, that the poet wrote, "Alas for the rarity of Christian charity under the sun."

The consideration of works of charity must be deferred until some future time.

[See also, on above subject, *Seaman v. The Commonwealth*, 21 Am. Law Reg. N. S. 256. —Ed. C. L. J.]

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The April numbers of the *Law Reports* contain a formidable quantity of cases for review, containing 1 L. R. 7 App., pp. 1-218; 19 Ch. D., pp. 311-519; 8 Q. B. D., pp. 317-444; 7 P. D. pp. 5-20.

INTERPRETATION OF STATUTES—PROVISORS—FROM TIME TO TIME

In L. R. 7 App., pp. 1-218, the first case, *Mullins v. Treasurer of County of Surrey*,