

SUNDAY LAWS.

until Monday it is likely to be spoiled; pro-gathered his wheat into his garner sooner than he did (*Turner v. State*, 67 Ind. 595). In that State, too, he can pick and haul to market his water melons—as a work of necessity—if otherwise they would spoil (*Wilkinson v. State*, 59 Ind. 416). (The need of the community for water melons must be great!) It appeared from the evidence in this case that Wilkinson was prosecuted for drawing a load of 100 melons to market on a Sunday. On that day he had over 600 dead ripe and ready for market, and he lost all except the one load he marketed. Judge Hawk, in giving judgment on an appeal from the conviction for Sabbath breaking, said: "It would seem that a kind Providence had crowned the labours of the appellant with a bountiful harvest of melons. They were ripening and decaying much faster than he could get them to the market, twenty-six miles off." The learned judge then gave his ideas on water melons and works of necessity: "A ripe water melon in its season is a luxury; but there is nothing more stale, flat and unprofitable than a decayed or rotten melon. It seems to us that it was his duty as a prudent and careful husbandman to labour diligently to get as many of his melons as he could to market. Whatever was his duty to do in the premises, there was a moral necessity for him to do; and in the accomplishment of the main purpose of saving and securing the benefits of his crops, whatever labour he was reasonably required to do on Sunday must be regarded, as it seems to us, a work of necessity." The judge further remarked: "It is no desecration of the Sabbath to garner and secure on that day the fruits of the earth, which would otherwise decay and be wasted. It is not necessary for the protection of the Sabbath that men should abuse or overwork either themselves or their horses by midnight work."

Yet down in Arkansas (see above as to some of the provisions of their Sunday laws) there was a poor farmer named Goff, whose

wheat was wasting from over-ripeness; but he had no cradle wherewith to cut it, and he waited to borrow one until Saturday night, as his poverty compelled him to work for his neighbours during the week. On Sunday he cut his own grain with the borrowed implement. The Court decided that there was no general necessity that wheat should be cut on Sunday, therefore no one might do it, and that the poor man was not justified in breaking the Sabbath (*State v. Goff*, 20 Ark. 289). The disciples of the Man of Nazareth, who not only gathered but also threshed the wheat for their daily bread on the Sabbath day, would have had small chance of an acquittal before this Court; as little chance as any of them would have had if he had been in the poor shoemaker's boots in Massachusetts. This wretched mortal had a garden patch where ill weeds had grown apace. For days he could not get away from his master's shop; at last he got a two days' holiday—Friday and Saturday. He worked hard at his crops, even by moonlight, until late on Saturday night. When he ceased a few hills remained unfinished, in a very bad condition and suffering from want of hoeing. On Sunday morning, about eight o'clock, he spent half an hour in finishing these hills of corn. He was convicted for breaking the Sabbath, and the Court, on appeal, sustained the conviction. (*Com. v. Josselyn*, 91 Mass., 411; see also *Com. v. Sampson*, 97 Mass., 407.) The judges in this case must have belonged to that school of the Rabbis which insisted that it was a sin to eat an egg laid upon the seventh day; or have been lineally descended from the members of the Kirk session of Humber, who cited poor Margaret Brotherstone before them "for that she did water her kail upon the Sabbath day," and ordered her, she having confessed her sin, "to give evidence in public of her repentance the next Lord's day." (Buckle, vol. iii., chap. iv., note 182).

In Indiana (and even in Vermont, although the latter State is very near the unco' guid of Massachusetts), the Courts have considered