

SUNDAY LAWS.

are more important and necessary than even *rest*: and the doing of such things when indispensable is allowed. So, it was held that the seasonable preparation of breakfast for her employer's family was such a work of necessity, as justified a maid-servant in travelling on Sunday morning (*Crossman v. Lyon*, 121 Mass. 301); and a servant man may drive his master's household to church in his master's carriage (*Com. v. Nesbit*, 24 Penn. St. 398). In fact "the law has never been regarded as applying to the proper internal economy of the family. It does not except the ordinary employment of making fires and beds, cleaning up chambers and fire-places, washing dishes, feeding cattle, and harnessing horses for going to church, because these were never regarded as the worldly business of the family, and therefore not forbidden to the head of the family, or to any of the domestics."

In Pennsylvania it was held unlawful to run street cars on Sunday (*Com. v. Jeandell*, 2 Gr. Pa. Cas. 506.), or an omnibus (*Com. v. Johnston*, 22 Pa. St. 102), even if the omnibus is used partly by church-goers it will not help the case. Still, "if an invalid, or a person immersed for six days within the close walls of a city, requires a ride into the country as a means of recuperation, which is the true idea of rest; there is nothing in the act of 1794 to forbid the employment of a driver, horses and carriages on Sunday to accomplish it. Equally lawful is the employment of the same means to go to the church of one's choice, or to visit the grave of the loved and lost to pay the tribute of a tear." (*Com. v. Johnston*, sup.) In Georgia, however, it was recently decided that the running of street cars in cities and their vicinity is a work of necessity (*Angusta and S. R.R. v. Renz*, 55 Ga. 126.)

Apropos, of the labour of domestic servants. A doctor's boy, having declined to wash his master's gig on Sunday, had the pleasure of drawing forth from the judge of the Aberdeen and Kincardine Small Debt Court the following remarks:—"It is essential to bear in

mind that in determining what is a work of necessity in a domestic establishment, a great deal must be left to the discretion of the master. Life would be intolerable in a house in which the servants were to refuse to do a certain piece of ordinary work on a Sunday, which their employer thought necessary, on the ground that they were of a different opinion. The Sunday work which a master may insist upon having done, must be reasonably incidental to work that is necessary. For example, I should hesitate to hold that the master was entitled to insist that Sunday should be the weekly washing day, or the day on which the silver plate, not in daily use, was to have its periodical scrubbing. On the other hand, a servant would be bound to see that such things as are in use at every meal are cleaned, even although that involve the operation of cleaning being done between the first Sunday meal and the second." The judge held that the boy should have obeyed his master, and that he was not excused by having offered on Sunday night to clean it (*Scottish Law Magazine*, 1880). Even the 29 Car. II. allowed the dressing of meat in families, inns, cook-shops, or victualling houses, and the crying of milk on a Sunday in the morning and evening.

The "necessity" intended is "not a personal necessity, but one arising out of the nature of the thing to be accomplished and the need of the community." Poverty and the need of money is no excuse for working on the Sabbath. What a farmer may do in one State he may not do in another; and what he may or may not do is sometimes very doubtful.

In Indiana a man may lawfully feed his hogs on Sunday; and, if according to the practice of good husbandry, it be necessary for him to gather the feed in the field and haul it to the feeding-place on that day, he may do it all without incurring any pains or penalties (*Edgerton v. State*, 67 Ind. 588). An honest yeoman may gather in his grain on the Sabbath day, if by leaving it in the field