

SUNDAY LAWS.

on Sunday is not indictable either as a misdemeanor or a nuisance. It was held not to be a misdemeanor, because a penalty for the violation of the Sunday laws is imposed. The question then was, whether it was a nuisance, and the Court said: "It cannot be said that a barber's shop is something which incommodes or annoys, or which produces inconvenience or damage to others. On the contrary, the business of barbering is so essential to the comfort and convenience of the inhabitants of a town or city, that it may be regarded as a necessary occupation. To hold that it becomes a nuisance when carried on on Sunday, is a perversion of the term "nuisance." All that can be said of it is, that when prosecuted on Sunday it is a violation of the statute, and subject to be proceeded against as prescribed by law, but not subject to be indicted as a nuisance. It may shock the moral sense of a portion of the community, to see the barber carrying on his business with open doors on Sunday, but it produces no inconvenience or damage to others, and, therefore, cannot be regarded in legal contemplation "a nuisance." (*State v. Lorry*, 7 Baxt. 95.)

It appears that every State in the union, except Louisiana, has a Sunday law; the original and model of most of them is the English Statute of 1676, passed when Charles II. was king. The laws differ greatly, therefore do the decisions: but the general principle of all is the same: ordinary business and labour is forbidden, except works of necessity and charity. In some of the statutes the laws contain special provisions against what we may assume to be the besetting sins of the inhabitants. The Arkansas Statute punishes Sunday indulgence in brag, bluff, poker, seven-up, three-up, twenty-one, thirteen cards, the odd-trick, forty-five, whist, or any other game at cards by a fine of from \$25 to \$50. California charges from \$50 to \$500 (in the shape of a fine) for attending any bull, bear, cock, or prize fight, horse race or circus; or for keeping open any gambling house, or any

place of barbarous or noisy amusement, or any theatre where liquor is sold on the Lord's day. In ages gone by in England bull-baiting or bear-baiting used to cost three shillings and fourpence, and wrestling and bowling five shillings, upon Sunday, (1 Car. I.) The Florida law enacts that anyone disturbing a congregation of whites, is subject to a penalty of not more than \$100; or the offender may be whipped, the stripes not to exceed the orthodox forty save one; or be imprisoned for not more than six months.

South Carolina alone sticks to the old notion of compelling people to go to church. Her statute provides, "that all persons having no reasonable or lawful excuse, on every Lord's day shall resort to some meeting or assembly of religious worship, tolerated and allowed by the laws of the state, and shall there abide orderly and soberly during the time of prayer and preaching, on pain of forfeiture, for every neglect of the same, of the sum of one dollar."

In the original Sunday-go-to-Meeting Act, that of Elizabeth, every person had to repair to his parish church every Sunday, on pain of forfeiting one shilling for each offence; and anyone over sixteen who absented himself for a month, forfeited £20 a month. (Eliz. c. 2. 23 Eliz. c. 1.)

In Indiana the act forbidding working, &c. on the day of rest, applies only to those over 14 years of age.

"Necessity" is a relative term, and the law does not mean that the work to be allowed must be "absolutely necessary." "If nothing but absolute necessity were intended, it would, in general, be unlawful to prepare a meal on the Sabbath, because it might without difficulty be previously prepared, or most people might safely enough fast for twenty-four hours. To supply gas light would be equally unlawful, for people might use candles previously provided, or might retire to bed at twilight."

The great object of all these laws is to make the day a day of rest; but some things