

serve it and remove it to a place of safety on Sunday; as where a plaintiff agreed to collect logs scattered by a storm, and defendant agreed to take them away on the next day, which should be a Sunday, Tuesday, or Friday, the contract was held to be binding. *Parmalee v. Wilks*, 22 Barb. 539. So labor on merchandise which A. has agreed to ship, and where longer delay is dangerous on account of the closing of navigation, is within the exception. *McGatrick v. Wason*, 4 Ohio St. 566.

In Alabama, a contract made on Sunday, to save a debt or avoid a threatened loss, has been held valid. *Hooper v. Edwards*, 18 Ala. 290; s. c. 25 Ala. 528. The hire of a horse and carriage on Sunday by a son to visit his father in the country, was held to be a valid contract. *Logan v. Mathews*, 6 Penn. St. 417. In Massachusetts, where travelling on Sunday is prohibited, in *Buffinton v. Swaney* (an unreported case, tried in Bristol County, November Term, 1845), the facts showed that a young man, who worked at a distance during the week, received injuries arising from a defect in the highway, while proceeding to visit his betrothed on Sunday, and the point was raised, and discussed by the court, whether such visit might not be an act of necessity or charity. The question, however, never reached the full Court.

The letting of a carriage for hire on Sunday from a belief that it was to be used in a case of necessity or charity, when it was not in fact so used, has been held not to be an offence under the statute. *Meyers v. The State*, 1 Conn. 502. The supplying of fresh meat on Sunday is not a necessity in Massachusetts. *Jones v. Andover*, 10 Allen, 18. The case of *State v. Goff*, 20 Ark. 289, if the facts are correctly reported, would seem to be one of too great strictness of interpretation. Defendant was poor; had no implements to cut his wheat, which was wasting from over-ripeness; and he could borrow none until Saturday evening. He exchanged work with his neighbors during the week, hired a negro, and cut his own wheat on Sunday. Held no justification for breaking the Sabbath.

In 1618, James the First of England issued his famous "Book of Sports," in which are set out the sports which "may be lawfully used on Sunday." This was in consequence of the complaints of the arbitrary interference of Puritan magistrates and ministers; and it is therein provided that "the people should not, after the end of divine service, be disturbed, letted or discouraged from any lawful recreation." The Statute of Car. I., c. 1, which prohibits sports on Sunday, did away with the effect of the "Book of Sports;" and a similar law is to be found in most of the States.

Travelling upon the Sunday is especially forbidden in some of the States; viz., Massachusetts, Vermont, Connecticut and New York. Under these statutes, it has been held that where a horse has been let to go a certain distance on Sunday, and is driven further, and

so injured, no action will lie for such injury. *Gregg v. Wyman*, 4 Cush. 322. So where a horse was injured by fast driving on Sunday. *Way v. Foster*, 1 Allen, 408. In Maine, it is held that no action lies for the death of a horse by fast driving on Sunday, but that trover for conversion will. *Morton v. Gloster*, 46 Me. 520. See *Woodman v. Hubbard*, 5 Foster, 67.

In *Bryant v. Brideford*, 39 Me. 193, a horse was let on Sunday, and an injury occurred after the legal expiration of the day. The town was held liable for an injury arising from want of repair of the road.

In Massachusetts, the Courts have been recently called upon to give an interpretation to the word "travelling," in two recent cases which are not yet reported. In *Hamilton v. The City of Boston*, the plaintiff received an injury on Sunday from a defect in the highway. The Court held that walking half a mile in the streets of Boston on Sunday evening, with no intention of going to or stopping at any place but the plaintiff's own house, was not travelling within the meaning of the Lord's Day Act; but in *Stanton v. Metropolitan R. R. Co.*, where plaintiff received an injury by being thrown from one of the defendants' horse cars, while on the way to visit a friend, it was held that the plaintiff was travelling in violation of the Lord's Day Act. In England, where the Sunday law forbids the selling of ale or spirit to any but travellers on Sunday, it is held that "a man who goes a short distance from home, for the purpose of taking refreshment, is not a traveller." *Taylor v. Humphreys*, 10 C. B. (N.S.) 429.

The carrying of the United States mail on Sunday awakened a discussion, which became important in a political point of view, about the year 1830, and was made the subject of party issues. (See the Report of Hon. R. M. Johnson, of the Committee of the United States House of Representatives, which shows how serious a consideration was given to the question.) Before this, in Massachusetts, it had been held that one carrying the mails on Sunday could not be arrested, but not so his passengers, "nor may he blow his horn to the disturbance of serious people." *Commonwealth v. Knox*, 6 Mass. 76. Although the mails were allowed to travel on Sunday in Massachusetts, it was not so with the Chief Justice of the State and his associates. An indictment was filed against them in 1793 for travelling on Sunday, and they found it necessary to humbly petition the Legislature to authorize a *nolle prosequi*.

In Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Kentucky, Indiana, Mississippi, Illinois, Alabama, Missouri, Arkansas, Wisconsin, Texas, Michigan, and Florida, travelling is not forbidden on Sunday.

In Pennsylvania, it has been held that the statute does not forbid travelling. *Jones v. Hughes*, 5 S. & R. 299. But it does not allow an omnibus or horse car to be driven on that day, it being held a worldly employment and