

The Mayor and the Sunday Liquor

Within a few weeks a number of elegantly addressed Mayor Henry, urging him to enforce the law against the sale of intoxicating liquors on the Sabbath. In answer the Mayor recites the various acts of Assembly touching this subject, and states that according to his construction of the law he has no such power as to prohibit the sale of the Sabbath. The first is that of 1765, but the provisions of this act do not permit the Mayor or the police to prevent the sale of liquor thereon conferred upon constables. The second statute is that of April 22, 1794, which enacts that if any person shall permit any such violation of the law on the Sabbath on the Lord's day, works of necessity and charity only excepted, and be convicted, such person shall for every offence pay four dollars, to be levied by distress, and in case of refusal or neglect to pay, or goods cannot be found on which to levy, the party shall be imprisoned six days in the house of correction, provided that the present act shall commence within seventy-two hours after the offence is committed.

The serving of all legal process on Sunday, except in the cases of the seizure of property or breach of peace, is forbidden by statute. The violation of the Sunday law is a misdemeanor, but unless accompanied by noise or disorder it is not a breach of the peace. Such is the language of the Supreme Court of Pennsylvania, in the decision of a case arising under this law. The remedy for its infraction is by complaint within seventy-two hours thereafter, on the first day of the peace, who, upon due evidence, may impose a fine of four dollars upon the offender; but only one penalty of four dollars can be levied before the first day of the week, and imposes a penalty of fifty dollars.

The third section enacts that— "In addition to the civil penalties imposed by the last preceding section, for a violation of the provisions of the first section of this act, every person who shall violate the provisions of that section shall be liable to be arrested by any constable, and be imprisoned in the county jail for a period of not less than ten, nor more than sixty days, at the discretion of the court."

The Mayor, therefore, thinks that it is apparent that there is no power vested in him or in any magistrate to close up or prevent access to a tavern or other drinking place on Sunday. And that upon such day no policeman can lawfully be permitted to visit these resorts, or to arrest persons committing misdemeanors by setting at naught the restrictions of the law.

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