

*An ACT for suppressing vice and immorality.*

A. D. 1798.

Passed the 16th of March, 1798.

**I. BE** IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That no travelling, worldly employment or business, ordinary or servile labor or work, either upon land or water, (works of necessity and charity excepted) nor shooting, fishing, (not including fishing with a seine or net, which is hereafter provided for) sporting, hunting, gunning, racing, or frequenting of tippling houses, nor any interludes or plays, dancing, singing, fiddling, or other music for the sake of merriment, nor any playing at foot ball, fives, ninepins, bowls, long bullets, or quoits, nor any other kind of playing, sports, pastimes or diversion, shall be done, performed, used or practised by any person or persons, within this State, on the Christian Sabbath, or first day of the week, commonly called Sunday; and that every person, being of the age of fourteen years or upwards, offending in the premises, shall, for every such offence, forfeit and pay, to the use of the poor of the township, in which such offence shall be committed, the sum of one dollar; and that no person shall cry, shew forth, or expose to sale, any wares, merchandize, fruit, herbs, meat, fish, goods or chattels, upon the first day of the week, commonly called Sunday, or sell or barter the same, upon pain, that every person, so offending, shall forfeit and pay to the use of the poor of the township, where such offence shall be committed, the sum of two dollars; and if any person, offending in any of the premises, shall be thereof convicted before any justice of the peace for the county where the offence shall be committed, upon the view of the said justice, or confession of the party offending, or proof of any witness or witnesses upon oath or affirmation, then the said justice, before whom such conviction shall be had, shall direct and send his warrant, under his hand and seal, to some constable of the county where the offence shall have been committed, commanding him to levy the said forfeitures or penalties by distress and sale of the goods and chattels of such offenders, and to pay the money therefrom arising to the overseers of the poor of the township, where the said offence or offences shall have been committed, for the use of the poor thereof; and in case no such distress can be had, then every such offender shall, by a warrant under the hand and seal of the said justice, be set publicly in the stocks for any space of time not exceeding four hours. **AND FURTHER,** That if any person shall be found fishing, sporting, playing, dancing, fiddling, shooting, hunting, gunning, travelling, or going to, or returning from, any market or landing with carts, waggons or sleds, or behaving in a disorderly manner on the first day of the week, called Sunday, it shall be lawful for any constable, or other citizen, to stop every person so offending, and to detain him or her till the next day, to be dealt with according to law. **PROVIDED ALWAYS,** That no person going to or returning from any church or place of worship, within the distance of twenty miles, or going to call a physician, surgeon, or midwife, or carrying a mail to or from any post office, or going express by order of any public officer, shall be considered as travelling within the meaning of this act. **AND PROVIDED ALSO,** That nothing in this act contained shall be construed to prohibit the dressing of victuals in private families, or in lodging houses, inns, and other houses of entertainment for the use of sojourners, travellers or strangers.

Business, work, and diversion prohibited on the Sabbath, upon the penalty of one dollar.

Persons selling or offering to sell goods, &c, on the Sabbath, to forfeit two dollars.

Forfeitures how to be recovered and applied.

If no goods from whence to make the forfeiture, the offender to be put in the stocks.

Persons fishing, travelling, hunting, &c on the Sabbath, may be stoped.

Penalty for drawing a seine or net on the Sabbath.

**II. AND BE IT ENACTED,** That no person shall, on the first day of the week, called Sunday, cast, draw or make use of any seine or net, for the purpose of catching fish in any pond, lake, stream or river within the territorial limits or jurisdiction of this State, or be aiding or assisting therein; and every person, offending in the premises, shall, on being thereof convicted before any justice of the peace for the county, where the offence shall be committed, upon the view of the said justice, or confession of the party offending, or proof of any witness or witnesses upon oath or affirmation, forfeit and pay the sum of fourteen dollars for every such offence; and in case of non payment of the said forfeiture, then the said justice, before whom such conviction shall be had, shall direct and send his warrant, under his hand and seal, to some constable of the county in which the offence shall have been committed, commanding him to levy the said forfeiture or penalty, by distress and sale of the goods and chattels of such offender, and to pay the money therefrom arising to the overseers of the poor of the township, where the said offence shall have been committed, for the use of the poor thereof; and for want

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of goods and chattels whereby to make such distress, to convey the body of the said offender to the common gaol of the county, there to remain in safe custody until the said forfeiture, with the costs of prosecution, shall be fully paid, or until such offender shall be delivered by due course of law.

Persons keeping the seventh day of the week to be exempt from answering process, &c.

III. AND BE IT ENACTED, That every inhabitant of this State, who religiously observes the seventh day of the week as the Sabbath, shall be exempt from answering to any process in law or equity, either as defendant, witness, or jury, except in criminal cases; likewise from executing on the said day the duties of any post or office, to which he may be appointed or commissioned, except when the interest of the State may absolutely require it, and shall also be exempt from working on the highways, and doing any militia duty on that day, except when in actual service.

Such persons to be exempt from fine for laboring on the seventh day.

IV. AND BE IT ENACTED, That if any person, charged with having labored or worked on the first day of the week, commonly called Sunday, shall be brought before a justice of the peace to answer the information and charge thereof, and shall then and there prove to the satisfaction of the said justice, that he or she uniformly keeps the seventh day of the week as the Sabbath, and habitually abstains from following his or her usual occupation or business, and from all recreation, and devotes the day to the exercise of religious worship, then such defendant shall be discharged. PROVIDED ALWAYS, That the work or labor, for which such person is informed against, was done and performed in his or her dwelling house or work shop, or on his or her premises or plantation, and that such work or labor has not disturbed other persons in the observance of the first day of the week as the Sabbath; AND PROVIDED ALSO, That nothing in this section contained shall be construed to allow any such person to openly expose to sale any goods, wares, merchandize, or other article or thing whatsoever, in the line of his or her business or occupation.

Provided, &c.

Penalty for driving stages on Sunday.

V. AND BE IT ENACTED, That if any stage or stages shall be driven through any part of this State on the first day of the week, called Sunday, except sufficient reason shall be offered to shew that it be done in cases of necessity or mercy, or in case of carrying the mail to or from any post office, the driver or drivers, proprietor or proprietors of such stage or stages, shall, on being thereof convicted before any justice of the peace for the county, where the offence shall be committed, upon the view of the said justice, or confession of the party offending, or testimony of any witness or witnesses, forfeit and pay the sum of eight dollars for every such offence; and in case of non payment of the said forfeiture or penalty, then the same shall be levied, recovered and applied in the manner and form prescribed in and by the second section of this act; and every justice of the peace in this State is hereby empowered and required, upon his personal knowledge or view, or other due information, of any stage or stages being driven or run through any part of this State as aforesaid, to stop and detain the same, or order and direct the same to be stopped and detained, at the costs and expense of the proprietor or proprietors of such stage or stages, until the following day, and then to be dealt with as herein before is directed.

Penalty for driving carts, drays, &c. on Sunday.

VI. AND BE IT ENACTED, That no waggoner, carter, drayman, drover, butcher, or any of his or their servants, shall ply, or travel with his or their waggons, carts or drays, or shall load or unload any goods, wares, merchandize, or produce, or drive cattle, sheep or swine, in any part of this State, on the first day of the week, called Sunday, under the penalty of two dollars for every offence, to be levied, recovered and applied in the manner and form prescribed in the second section of this act.

No process unless in criminal cases to be served on Sunday.

VII. AND BE IT ENACTED, That no person or persons, upon the first day of the week, commonly called Sunday, shall serve or execute, or cause to be served or executed, any writ, process, warrant, order, judgment or decree, (except in criminal cases, or for breach of the peace) but that the service of every such writ, process, warrant, order, judgment or decree, shall be void to all intents and purposes whatsoever; and the person or persons, so serving or executing the same, shall be as liable to the suit of the party grieved, and to answer damages to him for doing thereof, as if he or they had done the same without any writ, process, warrant, order, judgment or decree.

VIII. AND