

United States Statutes

ANNOTATED STATUTES

OF THE

INDIAN TERRITORY.

EMBRACING ALL

LAWS OF A GENERAL AND PERMANENT CHARACTER

IN FORCE AT THE CLOSE OF THE SECOND SESSION
OF THE FIFTY-FIFTH CONGRESS

AT BELL TELEPHONE CO.

BY

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§ 1227 (M. D. 1884). Every apprentice or servant compelled to labor on Sunday shall be deemed a separate offense of the master. (S. & H. 1888; G. D. 1615.)

§ 1228 (M. D. 1885). The provisions of this act shall not apply to steamboats and other vessels navigating the waters of the state, nor to such manufacturing establishments as require to be kept in continual operation. (S. & H. 1889; G. D. 1616.)

§ 1229 (M. D. 1886). Persons who are members of any religious society who observe as Sabbath any other day of the week than the Christian Sabbath or Sunday shall not be subject to the penalties of this act, so that they observe one day in seven, agreeably to the faith and practice of their church or society. (G. D. 1617.)

For full construction of this section, see *Scales v. State*, 47 Ark. 476, 1 S. W. 769.

§ 1230 (M. D. 1887). Every person who shall, on Sunday, keep open any store or retail any goods, wares or merchandise, or keep open any dram-shop or grocery, or sell or retail any spirits or wine, shall, on conviction thereof, be fined in any sum not less than ten dollars nor more than twenty. (G. D. 1618.)

A person who has control of a grocery may be indicted for keeping it open on Sunday, whether he be owner or not. *Shover v. State*, 10 Ark. 259. See *Marre v. State*, 36 Ark. 222. It is necessary to prove the offense on some Sabbath within 12 months before the prosecution, but proof of any particular Sabbath is not necessary. *Id.* The indictment must show that the offense was committed on some Sunday, though the particular Sunday is not important. *Robinson v. State*, 38 Ark. 548. See, also, *Marquardt v. State*, 52 Ark. 269, 12 S. W. 562.

Keeping open barber shops—Indictment, etc. *State v. Frederick*, 45 Ark. 347. As to what is keeping open door, within the meaning of the statute, see *Seelig v. State*, 43 Ark. 96.

Keeping open meat and vegetable shops is a violation of this section. *Petty v. State*, 58 Ark. 1, 22 S. W. 654.

§ 1231 (M. D. 1888). Charity or necessity on the part of the customer may be shown in justification of the violation of the last preceding section. (S. & H. 1892; G. D. 1619.)

§ 1232 (M. D. 1889). Every person who shall, on the Christian Sabbath or Sunday, be engaged in the running of any single horse, for any bet or wager on the speed of such horse, or for pastime, or for amusement, without any bet or wager, or shall be engaged in any cock fight, on any bet or wager, or for pastime, without bet or wager, shall, on conviction thereof, be fined in any sum not exceeding one hundred dollars, nor less than twenty dollars. (Rev. St. c. 44, div. 7, art. 2; S. & H. 1893; G. D. 1620.)

§ 1233 (M. D. 1890). Every person who shall, on the Christian Sabbath or Sunday, be engaged in any game of brag, bluff, poker, seven-up, three-up, twenty-one, vintun, thirteen cards, the odd trick, forty-five, whist, or at any other game at cards known by any name now known to the laws, or with any other new name, for any bet or wager on such games, or for amusement, without any bet or wager, shall, on conviction thereof, be fined in any sum not less than twenty-five dollars nor more than fifty dollars. (Act Jan. 12, 1853; S. & H. 1894; G. D. 1621.)

In an indictment under this section for playing cards on Sunday, it is not necessary to allege that the game was played for amusement, or that the defendant bet on the game. *Stockden v. State*, 18 Ark. 186. Nor is it necessary to state the name of the game. *State v. Jeffrey*, 33 Ark. 136. If the name be alleged, it must be proven. *State v. Anderson*, 30 Ark. 131.

§ 1234 (M. D. 1891). If any person shall be found hunting with a gun, with intent to kill game, or shooting for amusement on the Sabbath day, on conviction thereof, he shall be fined in any sum not less than five nor more than twenty-five dollars for each separate offense. (Act Jan. 19, 1855; S. & H. 1895; G. D. 1622.)