

# NOT NECESSARY ON SUNDAY

## JUDGE GILL UPHOLDS THE LAW AGAINST SABBATH SHAVING.

**A Man May Use a Razor on Himself, Says the Court, but a Barber Who Works on Sunday Is Guilty of a Misdemeanor.**

Is a shave on Sunday a necessity? After wrestling with this question Judge Gill of the court of appeals to-day handed down a decision in the negative. The question was brought up in the case of the state against Ed Wellott, a barber of Moberly, who was indicted and convicted for working on Sunday contrary to the statute. The statute provides that no work other than household offices or other work of necessity shall be performed on Sunday under penalty of being punished as for a misdemeanor. The evidence showed that on the Sunday in question Wellott was running his barber shop in Moberly in the ordinary manner. Two witnesses testified that they had been shaved and that they noted no difference in the process from that of any other day except that the blinds were down. Upon Wellott's arrest it was contended that the work was of necessity but the judge in the lower court thought differently and Wellott was convicted. It was also contended that as one might shave himself on Sunday without breaking the law, one can also lawfully secure the services of another for the same purpose.

This argument, Judge Gill says, is not sound. In his opinion he says: "A party may shave himself as he would take a bath or wash his face and it would not be understood as labor, but when the barber opens up his shop and there follows his usual worldly employment it is quite a different matter. It is entirely improper for us to animadvert on the propriety of this statute. We are not here to say what the law ought to be or to assert that barber work ought to come within the exceptions to the law for the observance of the Sabbath. It is our duty to declare the law as we find it, and leave the wisdom or policy of the statutes to the legislative branch of the government. The judgment will be affirmed."

Upon the question of necessity Judge Gill says that it is not enough that it shall be more convenient to be shaved on Sunday than on other days of the week. It ought to be an unforeseen necessity, or if foreseen such as could not be reasonably provided against, to bring it within the exceptions of the statute. Nor can the necessity be of the party's own creation.

In all the court handed down seventeen opinions. The following is a full list: