The Court Archive:
Sunday Laws

John A. Lupton
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Sunday laws in America date back to Puritan Massachusetts. The idea of working on the "Lord's Day" was anathema to the comfort and welfare of society. In early Connecticut, for example, it was even illegal to travel on Sundays. The term "blue laws" became commonly used to refer to Sunday laws. The origin of the name blue laws has been incorrectly attributed to these types of laws being printed on blue paper. More likely, "blue" is a synonym of immoral, and it is simply a description of the kinds of activities the laws are meant to prevent.

When Illinois became a state, it continued this national trend to restrict certain mercantile activities on Sundays. After the Civil War, many Sunday laws remained in place, but enforcement waned. By the late nineteenth century, new Sunday laws came into effect, one of which related to barber shops. Many barbers lobbied the legislature for a day off. In response, Representative Sherman Cody of Cook County introduced a bill for barbershops to close on Sunday. The bill easily passed the legislature, and Governor John Peter Altgeld signed it into law in 1895.

Not all barbers were happy with a forced day off and the inability to earn income. Sunday was traditionally a popular day for men to get a nice shave. William Eden, a Chicago barber, decided to test the Cody law and opened for business on Sunday. Other barbers reported him to the authorities. A justice of the peace court found him guilty and fined him $25. Eden appealed to the Cook County Criminal Court. Judge John Gibbons realized the case should be decided by the Supreme Court, and since "the state cannot appeal, the judgment of the court is that William S. Eden be fined the sum of $25."

Eden appealed his case to the Illinois Supreme Court, which heard the arguments in the January 1896 term in *Eden v. People*, 161 Ill. 296 (1896). Chief Justice Alfred Craig wrote the opinion in the 6-1 decision to declare the Cody law unconstitutional. Craig noted the adoption by many states of the English statute that prohibits Sunday labor and business. Illinois created its own Sunday statute that "prohibits labor or amusement that disturbs the peace and good order of society." The Cody law attempted to make a radical change in the state's general Sunday statute to one profession—the barbers. In its argument, the State claimed that the law was constitutional because of its police powers to subject all occupations to reasonable regulation required for the

public interest. Craig dismissed that argument because the safety or welfare of society is not injuriously affected by barber shops being open on Sundays. The Cody law, according to Craig, affects only one class of business, and Eden is "deprived of property without due process of law, in direct violation of the constitutions of the United States and of this State." Eden was able to open on Sundays and resume his normal business.

Sunday laws still exist in today's society. Some Illinois communities prohibit alcohol sales on Sundays. Statewide, it is illegal for auto dealerships to be open on Sunday—a law that went into effect in 1982 after a 30-year battle, and the Illinois Supreme Court ruled it to be Constitutional in *Fireside Chrysler Plymouth Mazda v. Edgar*, 102 Ill 2d. 1 (1984).