
Honoring and Preserving the Sports History of Chautauqua County



Chautauqua Sports Hall of Fame

15 West Third Street - Jamestown, NY 14701

November 2024

NO SUNDAY BASEBALL!

There's nothing like a Sunday afternoon baseball game-especially a Jamestown Tarp Skunks game.

The stands are full of families, with children carrying gloves in the hopes of snagging a foul ball. People are enjoying hot dogs, peanuts, popcorn, cotton candy, soft drinks, maybe an adult beverage...

But it wasn't always this way.



The following is an excerpt from a *Jamestown Evening-Journal* newspaper article of June 29, 1903

ARRESTED TWICE

Sheriff Cooper and Deputies Stop Sunday Ball at Celoron

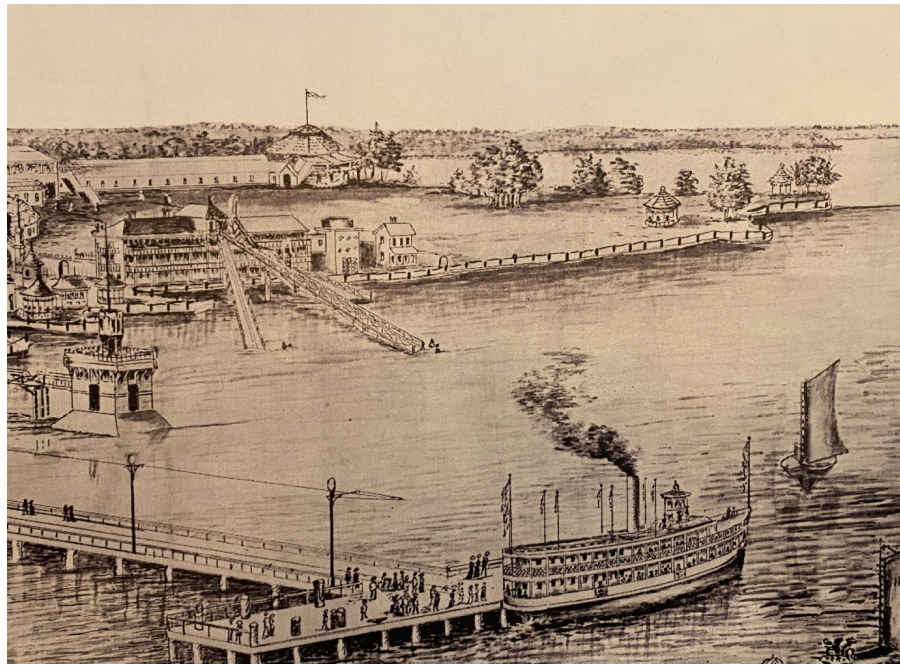
Arraigned Before Justice Price, the Men Pleaded Not Guilty, Gave Bail for their Future Appearance, Returned to the Interrupted Game, Another Arrest Later

Eighteen men, comprising the Jamestown and Kane, PA., baseball teams, were arrested twice on Sunday at Celoron for a violation of Section 265 of the Penal Code which reads:

“All shooting, hunting, fishing, playing, horse racing or gaming or other exercises or shows upon the first day of the week and all noise disturbing the peace of the day are prohibited.”

The first arrest was made by Sheriff Cooper himself immediately after the conclusion of the first inning. The second arrest was made by Deputies Joseph Dornbarger of Mayville and William B. Wood of Jamestown immediately after the conclusion of the sixth inning, and on both occasions the ballplayers were taken before Justice W. G. Price of Celoron and gave bail for their appearance on Monday morning.

The arrest was not wholly unexpected by the players but it was a surprise to the large audience which gathered to see the game. The first inning had just been played and some of the players had taken their positions for the second inning when Sheriff Cooper strode across the field



for the diamond, halting near first base, from where he beckoned the players. All left their places and grouped about him.

“You are under arrest,” said he briefly.

The crowd in the grandstand and on the bleachers understood at once what was transpiring, but all were kept in place by Umpire Hope who announced the players would be absent for a short time.

Accompanied by the sheriff, the two teams left the ball park and went to the office of Justice Price in the village hall. Justice Price was there awaiting their arrival. The names were quickly taken.

“Now gentlemen,” said Justice Price, “you are arrested on the charge of playing ball the first day in the week in violation of Section 265 of the Penal Code, how do you plead?”

“Not guilty,” quickly responded Attorney Ralph E. Russell, who appeared in behalf of both of the teams.

“Your honor,” Attorney Russell said, “you will doubtless remember a similar prosecution that was undertaken in your court a year ago and on that occasion the defendants were tried before a jury empaneled in the Town of Ellicott and a verdict of not guilty was rendered. That prosecution was a large expense to the town and on the grounds that it would be unwise to incur further expenses in like manner, I move the discharge of the defendants.”

“I deny your motion,” replied Justice Price.

“Then I ask that they be released on their own recognizance,” continued Attorney Russell.

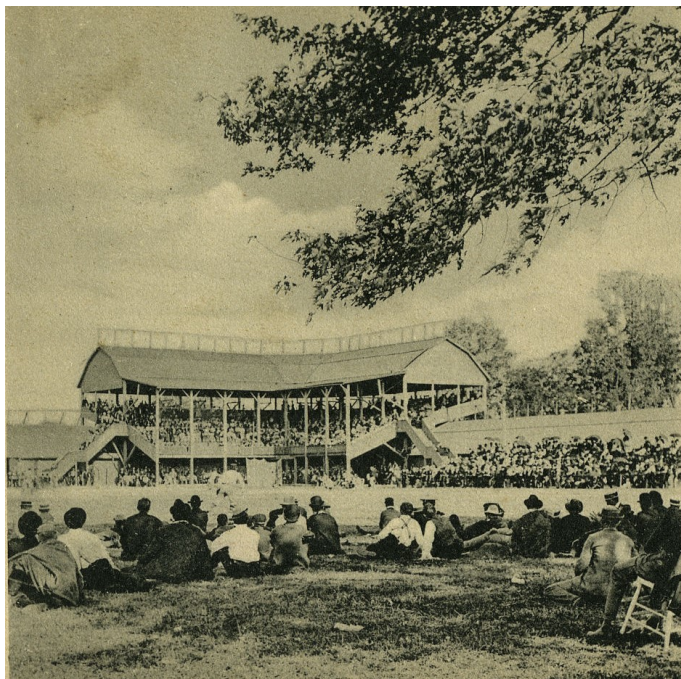
“I fix bail at \$200 each,” replied Justice Price.

John Penfold stepped forward and signed the bail bond for all 18 players and they were again at liberty, the whole affair not occupying more than 10 or 15 minutes.

“Just one moment gentlemen,” said Sheriff Cooper as the men prepared to leave the court. “I forbid further ball playing and if you commence again you will be stopped.”

The men listened and said nothing. Turning to Deputies Dornbarger and Wood, Sheriff Cooper continued, “If it should happen – and I hope it will not – that these men continue the game, I want you to arrest them.”

The teams proceeded with all speed to the grounds and resumed the game as if arrests and arraignments in a criminal court were an everyday occurrence, and at the close of the sixth inning of an unusually fine exhibition of ball playing, Deputies Dornbarger and Wood marched out in the vicinity of the diamond and repeated Sheriff Cooper’s performance.



The second arraignment was accomplished even more rapidly than the first because the justice had all the names listed and the bail bond all made out. A large crowd followed the players, filled the hall and watched with much curiosity.

“Here again?” commented Justice Price cheerfully.

“Yep,” replied one of the players with equal cheerfulness. The same bail was fixed and the same bail bondsman signed as in the earlier arraignment and thus ended the first act in the campaign to stop Sunday ball games in Celoron.

The preliminary examination was opened at the unusually early hour of 7:00 the next morning as Justice Price wished to leave on an afternoon train for Buffalo. Attorney Russell demanded a jury trial.

The members of the visiting team were discharged and the date for the trial of the home team was set. Deputy Wood drew 12 names from the jury pool and from this list the jury will be selected.

It is safe to say the defendants hope for acquittal upon the ruling of the courts that a ball game played on private grounds with the consent of the owner which does not disturb the peace, is without the statute. Attorney Russell will claim those facts exist in this instance. The jury will hear and determine.



So what happened at trial?

The next article is from the *Jamestown Evening-Journal*, July 9, 1903.

TWO HUNDRED FOR THE SHERIFF

Jury Says Ball Players Are Not Guilty and Recommends That Costs Be Placed on Sheriff

The case of the baseball players arrested for playing on Sunday was called at Celoron this morning. The court opened at 9 a. m. and the case was called about 10 o'clock. Sheriff Henry A. Cooper, the complainant, appeared against the players.

After listening to the complaint of Sheriff Cooper, the only witness called, the jury retired, returned after a very few moments, rendered a verdict of not guilty, and recommended the costs be thrown upon the complainant for payment. The costs in the case will be about \$200.

What neither Jamestown Evening-Journal article mentioned was the fact that Attorney Ralph E. Russell who represented the players in these matters was the owner of the team!



People who look forward to taking in a Sunday baseball game might be surprised to hear that such a pastime used to be illegal on the Sabbath. Although such “blue laws” varied considerably from state to state, New York’s Sabbath restrictions actually dated back to colonial times; the Statute for Suppressing Immorality, enacted in 1778 and essentially a copy of a 1685 colonial law, was the first state “Sabbath law.” The revised New York State Penal Code of 1787 outlawed all public sports played on Sundays.

However, interpretations of that section of the law gradually changed over time; some observers took it to mean that amateur Sunday baseball might be legal if played on private grounds or if it did not contravene Section 265 of the Penal Code, which prohibited games that interrupted the repose of the

community on the Sabbath. Such was the interpretation given by Judge William J. Gaynor, who rendered an opinion to the New York City Police Commissioner in July 1894 concerning the arrest and incarceration of several boys found playing baseball in a park on Sunday (they were let go). Ten years later, Gaynor, by then a State Supreme Court justice in Brooklyn, handed down a similar decision, to the effect that baseball could be played within the borough on Sundays unless there was a specific complaint showing that the peace and religious liberty of the community had been disturbed.

However, the dramatic increase in the number of amusements and pastimes besides baseball resulted in a host of legal inconsistencies. Since hunting, golf, cycling, and fishing, though forbidden under the New York Penal Code, were solitary sports, they posed no threat to the peace of the community. Similar arguments were made regarding indoor activities.

Yet in spite of many test cases and challenges to the contrary, there was no clear consensus across the state as to what was—or was not—permissible.

Advocates for Sunday baseball renewed their hope for repeal of the blue laws with the election of Al Smith as governor in November 1918. Smith, called a “shameless wet” by his opponents for his stand against Prohibition, made legalization of baseball on Sunday part of his election campaign. On April 4, 1919, it passed the Senate by a narrow majority, with the Assembly following suit. A subsequent flurry of local ordinances from around the state sanctioned Sabbath games.

Play ball! Everyday.

