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Blahut vs. The State.

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BLAHUT VS. THE STATE.

1. SABBATH-BREAKING: *Keeping open saloon on Sunday.*

Appellant was a nominal partner in a saloon, and he and another bartender attended by turns on Sundays to furnish liquor to customers entering at the back door; the front door being kept closed. Held guilty of the offense of Sabbath-breaking by keeping open a dram-shop on Sunday.

APPEAL from *Garland* Circuit Court.

Hon. J. M. SMITH, Circuit Judge.

*Henderson*, Attorney General, for appellee.

EAKIN, J. Appellant, William Blahut, was indicted, together with J. Blahut, for Sabbath-breaking by keeping open a dram-shop on Sunday. They severed. William Blahut was tried by a jury, convicted, fined, denied a new trial, and then appealed, on the ground that the evidence did not support the verdict.

It tended to show that appellant was a nominal partner in a saloon, and one of the bar-tenders. For a year before the indictment it had been the habit to close the front door of the saloon on Sunday, and leave unfastened a back door, through which persons might, and did, come to buy drinks.

Appellant and another bar-tender attended by turns on Sunday to furnish the liquor.

This, if true, constituted the offense of keeping open a dram-shop. The jury were proper judges of the weight of the evidence.

Affirm.

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