

over 100 species of small birds, but when or by whom it was first applied is uncertain. Most of them are remarkable for their gaudy plumage, and, though those known to the older naturalists were for a long while referred to the genus *Certhia* (TREE-CREEPER, *q.v.*) or some other group, they are now fully recognized as forming a valid Family *Nectariniidae*, from the name *Nectarinia* invented in 1811 by Illiger. They inhabit the Ethiopian, Indian, and Australian Regions,¹ and, with some notable exceptions, the species mostly have but a limited range. They are considered to have their nearest allies in the *Meliphagidae* (*cf.* HONEY-EATER, vol. xii. p. 139) and the members of the genus *Zosterops*; but their relations to the last require further investigation. Some of them are called "Humming-birds" by Anglo-Indians and colonists, but with that group, which, as before indicated (HUMMING-BIRD, vol. xii. p. 357), belongs to the *Picoriae*, the Sun-birds, being true *Passeres*, have nothing to do. Though part of the plumage in many Sun-birds gleams with metallic lustre, they owe much of their beauty to feathers which are not lustrous, though yet almost as vivid,² and the most wonderful combination of the brightest colours—scarlet, purple, blue, green, and yellow—is often seen in one and the same bird. One group, however, is dull in hue, and but for the presence in some of its members of yellow or flame-coloured precostal tufts, which are very characteristic of the Family, might at first sight be thought not to belong here. Graceful in form and active in motion, Sun-birds flit from flower to flower, feeding chiefly on small insects which are attracted by the nectar; but this is always done while perched, and never on the wing as is the habit of Humming-birds. The extensible tongue, though practically serving the same end in both groups, is essentially different in its quasi-tubular structure, and there is also considerable difference between this organ in the *Nectariniidae* and the *Meliphagidae*.³ The nests of the Sun-birds, domed with a penthouse porch, and pensile from the end of a bough or leaf, are very neatly built. The eggs are generally three in number, of a dull white covered with confluent specks of greenish grey.

The *Nectariniidae* form the subject of a sumptuous *Monograph* by Capt. Shelley (4to, London, 1876-1880), in the coloured plates of which full justice is done to the varied beauties which these gloriously arrayed little beings display, while, almost every available source of information having been consulted and the results embodied, the text leaves little to be desired, and of course supersedes all that had before been published about them. This author divides the Family into three subfamilies:—*Neodrepaninae*, consisting of a single genus and species peculiar to Madagascar; *Nectariniinae*, containing 9 genera, one of which, *Cinnyris*, has more than half the number of species in the whole group; and *Arachnotherinae* (sometimes known as "Spider-hunters"), with 2 genera including 11 species—all large in size and plain in hue. To these he also adds the genus *Promerops*,⁴ composed of 2 species of South-African birds, of very different appearance, and the affinity of which to the rest can as yet hardly be taken as proved. According to Mr Layard, the habits of the Cape *Promerops*, its mode of nidification, and the character of its eggs are very unlike those of the ordinary *Nectariniidae*. In the

¹ One species occurs in Baluchistan, which is perhaps outside of the Indian Region, but the fact of its being found there may be a reason for including that country within the Region, just as the presence of another species in the Jordan valley induces zoographers to regard the Ghôr as an outlier of the Ethiopian Region.

² *Cf.* Gadow *Proc. Zool. Society*, 1882, pp. 409-421, pls. xxvii. xxviii.

³ *Cf.* Gadow, *Proc. Zool. Society*, 1883, pp. 62-69, pl. xvi.

⁴ According to Brisson (*Ornithologie*, ii. p. 460), this name was the invention of Réaumur. It seems to have become Anglicized.

British Museum *Catalogue of Birds* (vol. ix. pp. 1-126, and 291) Dr Gadow has more recently treated of this Family, reducing the number of both genera and species, though adding a new genus discovered since the publication of Capt. Shelley's work. (A. N.)

SUN-BITTERN, otherwise the CAURALE,⁵ the *Eurypyga helias* of ornithology, a bird that has long exercised systematists and one whose proper place can scarcely yet be said to have been determined to everybody's satisfaction.

According to Pallas, who in 1781 gave (*N. nördl. Beiträge*, ii. pp. 48-54, pl. 3) a good description and fair figure of it, calling it the "Surinamische Sonnenreyger," *Ardea helias*, the first author to notice this form was Fermin, whose account of it, under the name of "Sonnenvogel," was published at Amsterdam in 1759 (*Descr., &c., de Surinam*, ii. p. 192), but was vague and meagre. In 1772, however, it was satisfactorily figured and described in Rozier's *Observations sur la Physique*, &c. (v. pt. 1, p. 212, pl. 1), as the *Petit Paon des roseaux*—by which name it was known in Cayenne.⁶ A

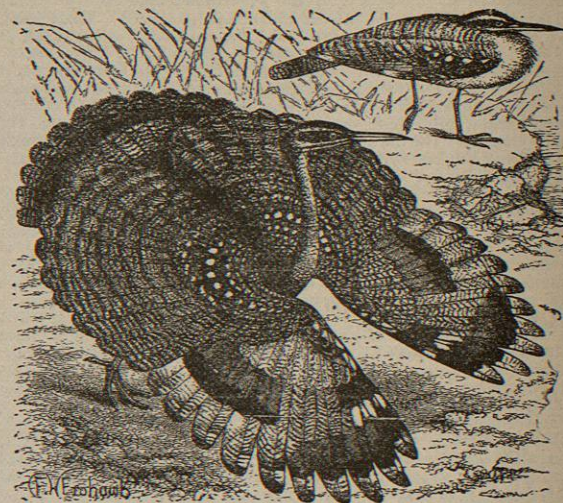


FIG. 1.—Sun-Bittern (*Eurypyga helias*).

few years later D'Aubenton figured it in his well-known series (*Pl. Enl.*, 782), and then in 1781 came Buffon (*H. N., Oiseaux*, viii. pp. 169, 170, pl. xiv.), who, calling it "Le Caurale ou petit Paon des roses," announced it as hitherto undescribed, and placed it among the Rails. In the same year appeared the above-cited paper by Pallas, who, notwithstanding his remote abode, was better informed as to its history than his great contemporary, whose ignorance, real or affected, of his fellow-countryman's priority in the field is inexplicable; and it must have been by inadvertence that, writing "roses" for "roseaux," Buffon turned the colonial name from one that had a good meaning into nonsense. In 1783 Boddaert, equally ignorant of what Pallas had done, called it *Scolopax solaris*,⁷ and in referring it to that genus he was followed by Latham (*Synopsis*, iii. p. 156), by whom it was introduced to English readers as the "Caurale Snipe." Thus within a dozen years this bird was referred to three perfectly distinct genera, and in those days genera meant much more than they do now. Not until 1811 was it recognized as forming a genus of its own. This was done by Illiger, whose appellation *Eurypyga* has been generally accepted.

The Sun-Bittern is about as big as a small Curlew, but with much shorter legs and a rather slender, slightly decurved bill, blunt at the tip. The wings are moderate, broad, and rounded, the tail rather long and broad. The head is black with a white stripe over and another under each eye, the chin and throat being also white. The rest of the plumage is not to be described in a limited space otherwise than generally, being variegated with black, brown, chestnut, bay, buff, grey, and white—so mottled, speckled, and belted

⁵ A name, says Buffon, intended to mean *Rôle à queue*, that is, a tailed Rail.

⁶ This figure and description were repeated in the later issue of this work in 1777 (i. pp. 679-681, pl. 1).

⁷ Possibly he saw in the bird's variegated plumage a resemblance to the Painted Snipes, *Rhynchæna*. His specific name shows that he must have known how the Dutch in Surinam called it.

either in wave-like or zigzag forms as somewhat to resemble certain moths. The bay colour forms two conspicuous patches on each wing, and also an antepenultimate bar on the tail, behind which is a subterminal band of black. The irides are red; the bill is greenish olive; and the legs are pale yellow. As in the case of most South-American birds, very little is recorded of its habits in freedom, except that it frequents the muddy and wooded banks of rivers, feeding on small fishes and insects. In captivity it soon becomes tame, and has several times made its nest and reared its young (which, when hatched, are clothed with mottled down; *Proc. Zool. Society*, 1866, p. 76, pl. ix. fig. 1) in the Zoological Gardens (London), where examples are generally to be seen and their plaintive piping heard. It ordinarily walks with slow and precise steps, keeping its body in a horizontal position, but at times, when excited, it will go through a series of fantastic performances, spreading its broad wings and tail so as to display their beautiful markings. This species inhabits Guiana and the interior of Brazil; but in Colombia and Central America occurs a larger and somewhat differently coloured form which is known as *E. major*.

For a long while it seemed as if *Eurypyga* had no near ally, but, on the colonization of New Caledonia by the French, an extremely curious bird was found inhabiting most parts of that island, to which it is peculiar. This the natives called the Kagu, and it is



FIG. 2.—Kagu (*Rhinochetus jubatus*).

the *Rhinochetus jubatus* of ornithology. Its original describers, MM. Jules Verreaux and Des Murs, regarded it first as a Heron and then as a Crane (*Rev. et Mag. de Zoologie*, 1860, pp. 439-441, pl. 21; 1862, pp. 142-144); but, on Mr George Bennett sending two live examples to the Zoological Gardens, Mr Bartlett quickly detected in them an affinity to *Eurypyga* (*Proc. Zool. Society*, 1862, pp. 218, 219, pl. xxx.), and in due time anatomical investigation showed him to be right. The Kagu, however, would not strike the ordinary observer as having much outward resemblance to the Sun-Bittern, of which it has neither the figure nor posture. It is rather a long-legged bird, about as large as an ordinary Fowl, walking quickly and then standing almost motionless, with bright red bill and legs, large eyes, a full pendent crest, and is generally of a light slate-colour, paler beneath, and obscurely barred on its longer wing-coverts and tail with a darker shade. It is only when it spreads its wings that these are seen to be marked and spotted with white, rust-colour, and black, somewhat after the pattern of those of the Sun-Bittern. Like that bird too, the Kagu will, in moments of excitement, give up its ordinary placid behaviour and execute a variety of violent gesticulations, some of them even of a more extraordinary kind, for it will dance round, holding the tip of its tail or of one of its wings in a way that no other bird is known to do. Its habits in its own country were described at some length in 1863 by M. Jouan (*Mém. Soc. Sc. Nat. Cherbourg*, ix. pp. 97 and 235), and in 1870 by M. Marie (*Actes Soc. Linn. Bordeaux*, xxvii. pp. 323-326), the last of whom predicts the speedy extinction of this interesting form, a fate foreboded also by the statement of Messrs Layard (*Ibis*, 1882, pp. 534, 535) that it has nearly disappeared from the neighbourhood of the more settled and inhabited parts.

The internal and external structure of both these remarkable forms has been treated in much detail by Prof. Parker in the *Zoological Proceedings* (1864, pp. 70-72) and *Transactions* (vi. pp. 501-521, pls. 91, 92; x. pp. 307-310, pl. 54, figs. 7-9), as also by Dr Murie in the latter work (vii. pp. 465-492, pls. 56, 57), and the result of their

researches shows that they, though separable as distinct Families, *Eurypygidae* and *Rhinochetidae*, belong to Prof. Huxley's *Geranomorphæ*, of which they must be deemed the relics of very ancient and generalized types. Their inter-relations to the *Rallidae* (RAIL, vol. xx. p. 222), *Psophiidae* (TRUMPETER, *q.v.*), and other groups there is not space here to consider, any more than there is to speculate on the bearings of their geographical position. It is only to be remarked that the eggs of both *Eurypyga* and *Rhinochetus* have a very strong Ralline appearance—stronger even than the figures published (*Proc. Zool. Society*, 1868, pl. xii.) would indicate. (A. N.)

SUNDA ISLANDS, the collective name of the whole series of islands in the East Indian Archipelago which extend from the peninsula of Malacca to New Guinea. They are divided into the Great Sunda Islands—*i.e.*, Sumatra, Java, Borneo, Celebes, Banca, and Billiton, with their adjacencies—and the Little Sunda Islands, of which the more important are Bali, Lombok, Sumbawa, Flores, Sandalwood Island, Adanara, Solor, Savu, Pantar, &c.

SUNDA STRAIT is the channel separating Sumatra from Java, and uniting the Indian Ocean with the Java Sea. It is 15 miles broad between the southmost point of Sumatra and the town of Anjer in Java. Right in the middle is the low-lying well-wooded island of Dwars in den Weg, otherwise Middle Island or Sungian. In 1883 Sunda Strait was the scene of the most terrific results of the eruption of Krakatoa, a volcano on the west side of the strait. The greater part of the island of Krakatoa was destroyed and two new islands, Steers Island and Calmeyer Island, were thrown up.

SUNDARBANS. See GANGES, vol. x. p. 68.

SUNDAY, or THE LORD'S DAY (*ἡ τοῦ ἡλίου ἡμέρα, dies Solis; ἡ κυριακή ἡμέρα, dies dominica, dies dominicus*¹). According to all the four evangelists, the resurrection of our Lord took place on the first day of the week after His crucifixion (*ἡ μία [τῶν] σαββάτων*: Matt. xxviii. 1, Mark xvi. 2, Luke xxiv. 1, John xx. 1; *πρώτη σαββάτου*: Mark xvi. 9), and the Fourth Gospel describes a second appearance to His disciples as having occurred eight days afterwards (John xx. 26). Apart from this central fact of the Christian faith, the Pentecostal outpouring of the Spirit, seven weeks later, described in Acts ii., cannot have failed to give an additional sacredness to the day in the eyes of the earliest converts.² Whether the primitive church in Jerusalem had any special mode of observing it in its daily meetings held in the temple (Acts ii. 46) we cannot tell; but as there is no doubt that in these gatherings the recurrence of the Sabbath was marked by appropriate Jewish observances, so it is not improbable that the worship on the first day of the week had also some distinguishing feature. Afterwards, at all events, when Christianity had been carried to other places where from the nature of the case daily meetings for worship were impossible, the first day of the week was everywhere set apart for this purpose. Thus Acts xx. 7 shows that the disciples in Troas met weekly on the first day of the week for exhortation and the breaking of bread; 1 Cor. xvi. 2 implies at least some observance of the day; and the solemn commemorative character it had very early acquired is strikingly indicated by an incidental expression of the writer of the Apocalypse (i. 10), who for the first time gives it that name ("the Lord's day") by which it is almost invariably referred to by all writers of the century immediately succeeding apostolic

¹ The Teutonic and Scandinavian nations adopt the former designation (*Sunday, Sonntag, Sondag*, &c.), the Latin nations the latter (*Dimanche, Domenica, Domingo*, &c.).

² From an expression in the Epistle of Barnabas (c. 15), it would almost seem as if the ascension also was believed by some to have taken place on a Sunday.

times.¹ Among the indications of the nature and univocity of its observance during this period may be mentioned the precept in the (recently discovered) *Teaching of the Apostles* (c. 14): "And on the Lord's day of the Lord (*κατὰ κυριακὴν κυρίου*) come together and break bread and give thanks after confessing your transgressions, that your sacrifice may be pure." Ignatius (*Ad Magn.*, c. 9) speaks of those whom he addresses as "no longer Sabatizing, but living in the observance of the Lord's day (*κατὰ κυριακὴν ὄντες*), on which also our life sprang up again."² Eusebius (*H.E.*, iv. 23) has preserved a letter of Dionysius of Corinth (175 A.D.) to Soter, bishop of Rome, in which he says: "To-day we have passed the Lord's holy day, in which we have read your epistle"; and the same historian (*H.E.*, iv. 26) mentions that Melito of Sardis (170 A.D.) had written a treatise on the Lord's day. Pliny's letter to Trajan in which he speaks of the meetings of the Christians "on a stated day" need only be alluded to. The first writer who mentions the name of Sunday as applicable to the Lord's day is Justin Martyr; this designation of the first day of the week, which is of heathen origin (see SABBATH, vol. xxi. p. 126), had come into general use in the Roman world shortly before Justin wrote. The passage is too well known to need quotation (*Apol.* i., 67) in which he describes how "on the day called Sunday" town and country Christians alike gathered together in one place for instruction and prayer and charitable offerings and the distribution of bread and wine; they thus meet together on that day, he says, because it is the first day in which God made the world, and because Jesus Christ on the same day rose from the dead.

As long as the Jewish Christian element continued to have any prominence or influence in the church, a tendency more or less strong to observe Sabbath as well as Sunday would of course persist. Eusebius (*H.E.*, iii. 27) mentions that the Ebionites continued to keep both days, and there is abundant evidence from Tertullian onwards that so far as public worship and abstention from fasting are concerned the practice was widely spread among the Gentile churches. Thus we learn from Socrates (*H.E.*, vi. c. 8) that in his time public worship was held in the churches of Constantinople on both days; the *Apostolic Canons* (can. 66 [65]) sternly prohibit fasting on Sunday or Saturday (except Holy Saturday); and the injunction of the *Apostolic Constitutions* (v. 20; cp. ii. 59, vii. 23) is to "hold your solemn assemblies and rejoice every Sabbath day (excepting one), and every Lord's day." In the primitive church the social conditions were such as hardly to admit of the question being raised, in Gentile circles at any rate, as to the manner in which either the Lord's day or the Sabbath ought further to be kept after the duty of congregational worship (usually early in the morning or late in the evening) had been discharged; but the whole matter was placed on an entirely new footing when the civil power, by the constitution of Constantine mentioned below, began to legislate as to the Sunday rest. The fourth commandment, holding as it does a conspicuous place in the decalogue, the precepts of which could not for the most part be regarded as of merely transitory obligation, had never of course escaped the attention of the fathers of the church; but, remembering the liberty given in the Pauline writings

¹ In the Epistle of Barnabas already referred to (c. 15) it is called "the eighth day": "We keep the eighth day with joyfulness, the day also in which Jesus rose again from the dead." Comp. Justin Martyr, *Dial.* c. Tryph., c. 138.

² The longer recension runs: "But let every one of you keep the Sabbath after a spiritual manner. . . . And after the observance of the Sabbath let every friend of Christ keep the Lord's day as a festival, the resurrection day, the queen and chief of all the days." The writer finds a reference to the Lord's day in the titles to *Pss.* vi. and xii., which are "set to the eighth."

"in respect of a feast day or a new moon or a Sabbath" (Col. ii. 16; cf. Rom. xiv. 5, Gal. iv. 10, 11), they usually explained the "Sabbath day" of the commandment as meaning the new era that had been introduced by the advent of Christ, and interpreted the rest enjoined as meaning cessation from sin.³ But, when a series of imperial decrees had enjoined with increasing stringency an abstinence from labour on Sunday, it was inevitable that the Christian conscience should be roused on the subject of the Sabbath rest also, and in many minds the tendency would be such as finds expression in the *Apostolic Constitutions* (viii. 33): "Let the slaves work five days; but on the Sabbath day and the Lord's day let them have leisure to go to church for instruction in piety." There is evidence of the same tendency in the opposite canon (29) of the council of Laodicea (363), which forbids Christians from Judaizing and resting on the Sabbath day, and actually enjoins them to work on that day, preferring the Lord's day and so far as possible resting as Christians. About this time accordingly we find traces of a disposition in Christian thinkers to try to distinguish between a temporary and a permanent element in the Sabbath day precept; thus Chrysostom (10th homily on Genesis) discerns the fundamental principle of that precept to be that we should dedicate one whole day in the circle of the week and set it apart for exercise in spiritual things. The view that the Christian Lord's day or Sunday is but the Christian Sabbath deliberately transferred from the seventh to the first day of the week does not indeed find categorical expression till a much later period, Alcuin being apparently the first to allege of the Jewish Sabbath that "ejus observationem mos Christianus ad diem dominicam competentius transtulit" (compare DECALOGUE, vol. vii. p. 17). But the subjoined sketch will incidentally show how soon and to how large an extent this idea has influenced the course of civil legislation on the subject.

Law relating to Sunday.

The earliest recognition of the observance of Sunday as a legal duty is a constitution of Constantine in 321 A.D., enacting that all courts of justice, inhabitants of towns, and workshops were to be at rest on Sunday (*venerabili die Solis*), with an exception in favour of those engaged in agricultural labour. This was the first of a long series of imperial constitutions, most of which are incorporated in the Code of Justinian, bk. iii. tit. 12 (*De Feriis*). The constitutions comprised in this title of the code begin with that of Constantine, and further provide that emancipation and manumission were the only legal proceedings permissible on the Lord's day (*die dominico*), though contracts and compromises might be made between the parties where no intervention of the court was necessary. Pleasure was forbidden as well as business. No spectacle was to be exhibited in a theatre or circus. If the emperor's birthday fell on a Sunday, its celebration was to be postponed. The seven days before and after Easter were to be kept as Sundays. In Cod. i. 4, 9, appears the humane regulation that prisoners were to be brought up for examination and interrogation on Sunday. On the other hand, Cod. iii. 12, 10, distinctly directs the torture of robbers and pirates, even on Easter Sunday, the divine pardon (says the law) being hoped for where the safety of society was thus assured. After the time of Justinian the observance of Sunday appears to have become stricter. In the West Charlemagne forbade labour of any kind. A century later in the Eastern empire No. liv. of the Leonine constitutions abolished the exemption of agricultural labour contained in the constitution of Constantine. It is worthy of notice that this exemption was specially preserved in England by a constitution of Archbishop Meopham. The canon law followed on the lines of Roman law. The decrees of ecclesiastical councils on the subject have been very numerous. Much of the law is contained in the Decretals of Gregory, bk. ii. tit. 9 (*De Feriis*), c. 1 of which (translated) runs thus: "We decree that all Sundays be observed from vespers to vespers (*a vespera ad vesperam*), and that all unlaw-

³ See Ignat., *Ad Magn.*, *ut supra*, and Ep. of Barnabas (c. 15): "Your present Sabbaths are not acceptable unto me, but that is which I have made when, giving rest to all things, I shall make a beginning of the eighth day." So practically Tertullian (*Resp. ad Jud.*, c. 4) and Clement of Alexandria. According to Augustine also (*De Sp. et Lit.*, 14), the observance of the Sabbath is to be taken in a spiritual sense.

ful work be abstained from, so that in them trading or legal proceedings be not carried on, or any one condemned to death or punishment, or any oaths be administered, except for peace or other necessary reason." Works of necessity (especially in the case of perishable materials or where time was important, as in fishing) were allowed, on condition that a due proportion of the gain made by work so done was given to the church and the poor. The consent of parties was insufficient to give jurisdiction to a court of law to proceed on Sunday, though it was sufficient in the case of a day sanctified by the ecclesiastical authority for a temporary purpose, e.g., a thanksgiving for vintage or harvest.

In England legislation on the subject began early and continues down to the most modern times. As early as the 7th century the laws of Ina, king of the West Saxons, provided that, if a "theowman" worked on Sunday by his lord's command, he was to be free and the lord to be fined 30s.; if a freeman worked without his lord's command, the penalty was forfeiture of freedom or a fine of 60s., and twice as much in the case of a priest. The laws of Ethelstan forbade marketing, of Ethelred folkmoths and hunting, on the Sunday. In almost all the pre-Conquest compilations there are admonitions to keep the day holy. The first allusion to Sunday in statute law proper is the Act of 28 Edw. III. c. 14 (now repealed), forbidding the sale of wool at the staple on Sunday. The mass of legislation from that date downwards may be divided, if not with strict accuracy, at least for purposes of convenience, into five classes, —ecclesiastical, constitutional, judicial, social, and commercial. The following sketch of the legislation can scarcely presume to be exhaustive, but it will probably be found not to omit any statute of importance. It should be noticed that the terms "Sunday" and "Lord's day" are used in statutes. The term "Sabbath" occurs only in ordinances of the Long Parliament. "Sabbath-breaking" is sometimes used as a popular expression for a violation of the Acts for Sunday observance, but it is objected to by Blackstone as being legally incorrect. Good Friday and Christmas Day are as a rule in the same legal position as Sunday. In English law Sunday is reckoned from midnight to midnight, not as in canon law *a vespera ad vesperam*. The Acts mentioned below are still law unless repeal of any of them is specially mentioned.

Ecclesiastical.—Before the Reformation there appears to be little or no statutory recognition of Sunday, except as a day on which trade was interdicted or national sports directed to be held. Thus the repealed Acts 12 Ric. II. c. 6 and 11 Hen. IV. c. 4 enjoined the practice of archery on Sunday. The church itself by provincial constitutions and other means declared the sanctity of the day, and was strong enough to visit with its own censures those who failed to observe Sunday. With the Reformation, however, it became necessary to enforce the observance of Sunday by the state in face of the question mooted at the time as to the divine or merely human institution of the day as a holy day. Sunday observance was directed by injunctions of both Edward VI. and Elizabeth, as well as by Acts of Parliament in their reigns. 5 and 6 Edw. VI. c. 1 (the second Act of Uniformity) enacted that all inhabitants of the realm were to endeavour themselves to resort to their parish church or chapel accustomed, or upon reasonable let thereof to some usual place where common prayer is used every Sunday, upon pain of punishment by the censures of the church. This is still law except as to Dissenters (see 9 and 10 Vict. c. 59). The same principle was re-enacted in the Act of Uniformity of Elizabeth (1 Eliz. c. 2), with the addition of a temporal punishment, viz., a fine of twelve pence for each offence. This section of the Act is, however, no longer law, and it appears that the only penalty now incurred by non-attendance at church is the shadowy one of ecclesiastical censure. 5 and 6 Edw. VI. c. 3 directed the keeping of all Sundays as holy days, with an exception in favour of husbandmen, labourers, fishermen, and other persons in harvest or other time of necessity. At the end of the reign of Elizabeth canon 13 of the canons of 1603 (which are certainly binding upon the clergy, and probably upon the laity as far as they are not contrary to the law, statutes, and customs of the realm, or the royal prerogative) provided that "all manner of persons within the Church of England shall celebrate and keep the Lord's day, commonly called Sunday, according to God's holy will and pleasure and the orders of the Church of England prescribed in that behalf, that is, in hearing the word of God read and taught, in private and public prayers, in acknowledging their offences to God and amendment of the same, in reconciling themselves charitably to their neighbours where displeasure hath been, in oftentimes receiving the communion of the body and blood of Christ, in visiting the poor and sick, using all godly and sober conversation." The Long Parliament, as might be expected, occupied itself with the Sunday question. An ordinance of 1644, c. 51, directed the Lord's day to be celebrated as holy, as being the Christian Sabbath. Ordinances of 1650, c. 9, and 1656, c. 15, contained various minute descriptions of crimes against the sanctity of the Lord's day, including travelling and "vainly and profanely walking." The Act of Uniformity of Charles II. (13 and 14 Car. II. c. 4) enforced the reading on every Lord's day of the morning and evening prayer according to the form in the Book of Common Prayer,—a duty which had been pre-

viously enjoined by canon 14. By the first of the Church Building Acts (58 Geo. III. c. 45, s. 65) the bishop may direct a third service, morning or evening, where necessary, in any church built under the Act. By 1 and 2 Vict. c. 106, s. 80, he may order the performance of two full services, each if he so direct to include a sermon. The Burial Laws Amendment Act, 1880, forbids any burial under the Act taking place on Sunday.

Constitutional.—Parliament has occasionally sat on Sunday in cases of great emergency, as on the demise of the crown. In one or two cases in recent years divisions in the House of Commons have taken place early on Sunday morning. The Ballot Act, 1872, enacts that in reckoning time for election proceedings Sundays are to be excluded. A similar provision is contained in the Municipal Corporations Act, 1882, as to proceedings under that Act.

Judicial.—As a general rule Sunday for the purpose of judicial proceedings is a *dies non*. Legal process cannot be served or executed on Sunday, except in cases of treason, felony, or breach of the peace (29 Car. II. c. 7, s. 6). Proceedings which do not need the intervention of the court are good, e.g., service of a citation or notice to quit or claim to vote. By 11 and 12 Vict. c. 42, s. 4, a justice may issue a warrant of apprehension or a search warrant on Sunday. The Rules of the Supreme Court, 1883, provide that the offices of the Supreme Court shall be closed on Sundays, that Sunday is not to be reckoned in the computation of any limited time less than six days allowed for doing any act or taking any proceeding, and that, where the time for doing any act or taking any proceeding expires on Sunday, such act or proceeding is good if done or taken on the next day. By the County Court Rules, 1886, the only county court process which can be executed on Sunday is a warrant of arrest in an Admiralty action.

Social.—Under this head may be grouped the enactments having for their object the regulation of Sunday travelling and amusements. The earliest example of non-ecclesiastical interference with recreation appears to be the *Book of Sports* issued by James I. in 1618. Royal authority was given to all but recusants to exercise themselves after evening service in dancing, archery, leaping, vaulting, May-games, Whitsun-ales, morris-dances, and setting up of Maypoles; but bear and bull baiting, interludes, and bowling by the manner sort were prohibited. In 1625 the first Act of the reign of Charles I. (1 Car. I. c. 1), following the lines of the *Book of Sports*, inhibited meetings, assemblies, or concourse of people out of their own parishes on the Lord's day for any sports and pastimes whatsoever, and any bear-baiting, bull-baiting, interludes, common plays, or other unlawful exercises and pastimes used by any person or persons within their own parishes, under a penalty of 3s. 4d. for every offence. The Act, it will be noticed, impliedly allows sports other than the excepted ones as long as only parishioners take part in them. An Act which has had more important consequences in recent years is 21 Geo. III. c. 49 (drawn by Dr Porteus, bishop of London). It enacts that any place opened or used for public entertainment and amusement or for public debate upon any part of the Lord's day called Sunday, to which persons are admitted by payment of money or by tickets sold for money, is to be deemed a disorderly house. The keeper is to forfeit £200 for every day on which it is opened or used as aforesaid on the Lord's day, the manager or master of the ceremonies £100, and every doorkeeper or servant £50. The advertising or publishing any advertisement of such an entertainment is made subject to a penalty of £50. It has been held that a meeting the object of which was not pecuniary gain (though there was a charge for admission), but an honest intention to introduce religious worship, though not according to any established or usual form, was not within the Act. On this principle forms of worship most directly opposed to the prevailing feeling of the country, such as Mormonism or Mohammedanism, are protected. In 1875 actions were brought in the Courts of Queen's Bench and Exchequer against the Brighton Aquarium Company, and penalties recovered under the Act. The penalties were remitted by the crown; but, as doubts were felt as to the power of the crown to remit in such a case, 38 and 39 Vict. c. 30 was passed to remove such doubts and to enable the sovereign to remit in whole or in part penalties recovered for offences against the Act of Geo. III. The rules made by justices and the bye-laws made by local authorities for the government of theatres and places of public entertainment usually provide for closing on Sunday. The Sunday opening of museums and art galleries is governed by local regulations; there is no general law on the subject, though attempts have been made in that direction. The House of Lords recently passed a resolution in favour of the principle. A public billiard table must not be used on Sunday (8 and 9 Vict. c. 109). The Game Act (1 and 2 Will. IV. c. 32, s. 3) makes it punishable with a fine of £5 to kill game or use a dog or net for sporting purposes on Sunday. Provisions for the regulation of street traffic on Sundays during divine service in the metropolis and provincial towns may be made by the local authorities under the powers of the Metropolis Management Acts, the Town Police Clauses Act, and the Public Health Act. Hackney carriages may ply for hire in London (1 and 2 Will. IV. c. 22). Where a railway company

runs trains on Sunday one cheap train each way is to be provided (7 and 8 Vict. c. 85, s. 10). Most of the railway companies' own Acts also provide for the running of Sunday trains.

Commercial.—At common law a contract made on Sunday is not void, nor is Sunday trading or labour unlawful. At an early period, however, the legislature began to impose restrictions, at first by making Sunday trade impossible by closing the places of ordinary business, later by declaring certain kinds of trade and labour illegal, still later by attempting to prohibit all trade and labour. 28 Edw. III. c. 14 (referred to above) closed the wool market on Sunday. 27 Hen. VI. c. 5 (the earliest Sunday Act still in force) prohibited fairs and markets on Sunday (necessary victual only excepted), unless on the four Sundays in harvest,—an exemption since repealed by 13 and 14 Vict. c. 23. 4 Edw. IV. c. 7 (now repealed) restrained the shoemakers of London from carrying on their business on Sunday. 3 Car. I. c. 1 inflicted a penalty of 20s. on any carrier or drover travelling on the Lord's day, and a penalty of 6s. 8d. on any butcher killing or selling on that day. Both this and the previous Act of 1625 were originally passed only for a limited period, but by subsequent legislation they have become perpetual. Next in order is the most comprehensive Act on the subject, 29 Car. II. c. 7, "An Act for the better observance of the Lord's day, commonly called Sunday." After an exhortation to the observation of the Lord's day by exercises in the duties of piety and true religion, publicly and privately, the Act provides as follows:—No tradesman, artificer, workman, labourer, or other person whatsoever shall do or exercise any worldly labour, business, or work of their ordinary callings upon the Lord's day or any part thereof (works of necessity and charity only excepted); and every person being of the age of fourteen years or upwards offending in the premises shall for every such offence forfeit the sum of 5s.; and no person or persons whatsoever shall publicly cry, show forth, or expose to sale any wares, merchandises, fruit, herbs, goods, or chattels whatsoever upon the Lord's day or any part thereof upon pain that every person so offending shall forfeit the same goods so cried, or showed forth, or exposed to sale (s. 1). No drover, horse-courser, waggoner, butcher, higgler, their or any of their servants, shall travel or come into his or their lodging upon the Lord's day or any part thereof, upon pain that each and every such offender shall forfeit 20s. for every such offence; and no person or persons shall use, employ, or travel upon the Lord's day with any boat, wherry, lighter, or barge, except it be upon extraordinary occasion to be allowed by some justice of the peace, &c., upon pain that every person so offending shall forfeit and lose the sum of 5s. for every such offence. In default of distress or non-payment of forfeiture or penalty the offender may be set publicly in the stocks for two hours (s. 2). Nothing in the Act is to extend to the prohibiting of dressing of meat in families, or dressing or selling of meat in inns, cooks' shops, or victualling houses for such as cannot be otherwise provided, nor to the crying or selling of milk before nine in the morning or after four in the afternoon (s. 3). Prosecutions must be within ten days after the offence (s. 4). The hundred is not responsible for robbery of persons travelling upon the Lord's day (s. 5). Service of process on the Lord's day is void; see above (s. 6). This Act has frequently received judicial construction. The use of the word "ordinary" in section 1 has led to the establishment by a series of decisions of the principle that work done out of the course of the ordinary calling of the person doing it is not within the Act. Thus the sale of a horse on Sunday by a horse-dealer would not be enforceable by him and he would be liable to the penalty, but these results would not follow in the case of a sale by a person not a horse-dealer. Certain acts were held to fall within the exception as to works of necessity and charity, e.g., baking provisions for customers, running stage-coaches, hiring farm-labourers. The legislature also intervened to obviate some of the inconveniences caused by the Act. By 10 and 11 Will. III. c. 24 mackerel was allowed to be sold before and after service. By 11 and 12 Will. III. c. 21 forty watermen were allowed to ply on the Thames on Sunday. By 9 Anne c. 23 licensed coachmen or chairmen might be hired on Sunday. By 34 Geo. III. bakers were allowed to bake and sell bread at certain hours. These Acts are all repealed. Still law are 2 Geo. III. c. 15 s. 7, allowing fish carriages to travel on Sunday in London and Westminster; 7 and 8 Geo. IV. c. 75, repealing section 2 of the Act of Charles II. as far as regards Thames boatmen; and 6 and 7 Will. IV. c. 37, permitting bakers out of London to carry on their trade up to 1.30 P.M. The penalty of the stocks denounced by sect. 2 is practically obsolete (see Brooks). The prosecution of offences under the Act of Charles II. is now subject to 34 and 35 Vict. c. 87 (an Act which was passed for a year, but has since been annually continued by the Expiring Laws Continuance Act of each session), by which no prosecution or proceeding for penalties under that Act can be instituted except with the consent in writing of the chief officer of a police district or the consent of two justices or a stipendiary magistrate. This is surely a more reasonable means of providing against any hardship caused by the Act than the *ex post facto* power of remission of penalties incurred under 21 Geo. III. c. 49. Besides the general

Act of Charles II., there are various Acts dealing with special trades; of these the Licensing Acts and the Factory and Workshop Act are the most important. By the Licensing Act, 1874, premises licensed for the sale of intoxicating liquors by retail are to be open on Sunday only at certain hours, varying according as the premises are situated in the metropolitan district, a town or populous place, or elsewhere. An exception is made in favour of a person lodging in the house or a *bona fide* traveller, who may be served with refreshment during prohibited hours, unless in a house with a six-day licence. Attempts have often been made, but hitherto without success, to induce the legislature to adopt the principle of complete Sunday closing in England as a whole, or in particular counties.¹ In the session of 1886 a Bill for Sunday closing in Durham was passed by the Commons, but rejected by the Lords. The advocates of Sunday closing in Ireland and Wales have been more successful. The Sale of Liquors on Sunday (Ireland) Act, 1878, prohibits the opening of licensed premises on Sunday, except in Dublin, Cork, Limerick, Waterford, and Belfast. In these towns such premises may be opened from 2 P.M. to 7 P.M. Exemptions are also made in favour of lodgers and travellers, of packet-boats and railway stations. The Sunday Closing (Wales) Act, 1881, contains no exceptions of towns, like the Irish Act, and the only exemption is the sale of intoxicating liquors at railway stations. The Factory and Workshop Act, 1878, forbids the employment of a child, young person, or woman on Sunday in a factory or workshop. But a young person or woman of the Jewish religion may be employed on Sunday by a Jewish manufacturer, provided that the factory or workshop be not open for traffic on Sunday. There are a few other legislative provisions of less importance which may be noticed. Fishing for salmon on Sunday by any means other than a rod and line is an offence under the Salmon Fishery Act, 1861. By the same Act a free passage for the salmon through all cribs, &c., used for fishery is to be left during the whole of Sunday. Carrying on the business of a pawnbroker on Sunday is an offence within the Pawnbrokers Act, 1872. Distilling and rectifying spirits on Sunday is forbidden by the Spirits Act, 1880. The effect of Sunday upon bills of exchange is declared by the Bills of Exchange Act, 1882. A bill is not invalid by reason only of its bearing date on a Sunday (s. 13). Where the last day of grace falls on a Sunday, the bill is payable on the preceding business day (s. 14). Sunday is a "non-business day" for the purposes of the Act (s. 92). This review of Sunday legislation pretty clearly shows that its tendency at present is opposed to extending facilities to trade on Sunday, but that as to recreation the tendency is rather in the other direction.²

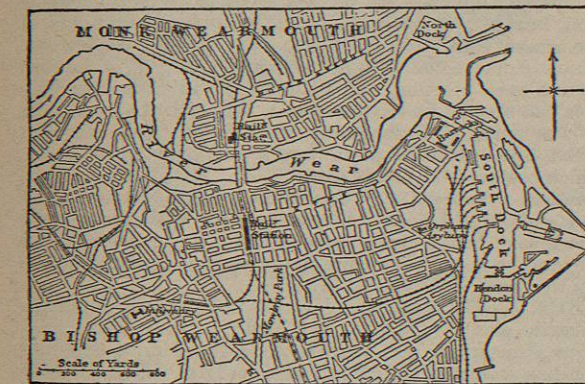
Scotland.—The two earliest Acts dealing with Sunday are somewhat out of harmony with the general legislation on the subject. 1457, c. 6, ordered the practice of archery on Sunday; 1526, c. 3, allowed markets for the sale of flesh to be held on Sunday at Edinburgh. Then came a long series of Acts forbidding the profanation of the day, especially by salmon-fishing, holding fairs and markets, and working in mills and salt-pans. 1579, c. 70, and 1661, c. 18, prohibited all work and trading on the Sabbath. The later legislation introduced an exception in favour of duties of necessity and mercy, in accordance with ch. 21 of the Confession of Faith. In more modern times the exigencies of travelling have led to a still further extension of the exception. The Sabbath Observance Acts were frequently confirmed, the last time in 1696. These Acts were held by the High Court of Justiciary in 1870 to be still subsisting, as far as they declare the keeping open shop on Sunday to be an offence by the law of Scotland (Bute's Case, 1 Couper's Reports, 495). The forms of certificate in the schedule to the Public Houses Acts Amendment Act, 1862 (superseding those in the Forbes MacKenzie Act of 1853), provide for the closing on Sunday of public houses and of premises licensed for the sale of excisable liquors, and of inns and hotels, except for the accommodation of lodger and travellers. Scots law is stricter than English in the matter of Sunday fishing. By 55 Geo. III. c. 94 the setting or hauling of a herring-net on Sunday renders the net liable to forfeiture. By the Salmon Fisheries (Scotland) Act, 1862, fishing for salmon on Sunday, even with a rod and line, is an offence. As to contracts and legal process, the law is in general accordance with that of England. Contracts are not void, apart from statute, simply because they are made on Sunday. Diligence cannot be executed, but a warrant of imprisonment or *medietatio fugas* is executable. It should be noticed that, contrary to the English custom, the term "Sabbath" was generally used in the legislation of the Scottish Parliament.

United States.—Some of the early colonial ordinances enforced the obligation of attendance at church, as in England. In most States there is legislation on the subject of Sunday, following, as a general rule, the lines of the English Act of Charles II. In

¹ The Act 1 James I. c. 9 (now repealed) appears, however, to have provided for closing ale-houses in most cases, except on usual working days.
² See, in addition to the authorities cited, Lyndewode, *Provincial Constitutions* bk. II. chap. III.; Ayliffe, *Parson*, p. 479; Gibson, *Codes*, tit. x. chap. i.; Evelyn, *History of the Sabbath*, part II.; the article "Lord's Day" (by Bishop Barry) in the *Dictionary of Christian Antiquities*; and Hesse, *Sunday*, (Bampton Lectures, 1860); also Robert Cox's works on the Sabbath.

Massachusetts travelling, except from necessity or charity, is punishable with a fine of ten dollars. Provision is sometimes made, as in the Massachusetts laws, for the benefit of persons observing Saturday as the Sabbath, on condition that they disturb no other person. The number of Sunday trains is often limited by State legislation. In some of the New England States Sunday is from sunset to sunset. In most States, however, it is reckoned, as in England, from midnight to midnight. By the constitution of the United States, art. I. s. 7, Sundays are to be excluded from the ten days allowed the president to return a Bill. A similar provision is often contained in State constitutions as to the return of a Bill by the governor. The United States legislation on the subject of Sunday is not important. It directs that naval and military studies are not to be pursued, and that the day is not to be reckoned in bankruptcy proceedings. (J. Wt.)

SUNDERLAND, a municipal and parliamentary borough, market town, and large seaport of Durham, England, is situated at the mouth of the river Wear and on the North-Eastern Railway, 12 miles south-east of Newcastle-on-Tyne and 77 north-north-west of York. The municipal borough includes, besides the township of Sunderland proper on the south bank of the river, the adjoining township of Bishopwearmouth, which embraces about three-fifths of the total inhabitants, and the township of Monkwearmouth, on the north bank of the river. Sunderland proper consists chiefly of the High Street and other streets near the docks. It is connected with Monkwearmouth by a cast-iron bridge, designed by Rowland Burdon, and consisting of one arch with a span of 236 feet and a height above low water of 100 feet. It was opened in 1796 and widened in 1858. The only ecclesiastical building of antiquarian interest is



Plan of Sunderland.

St Peter's church, Monkwearmouth, which still retains the tower with other portions of the ancient Saxon building attached to the monastery founded by Benedict Biscop in 674. The modern public buildings embrace the custom-house (1837), the Sunderland and North Durham Liberal club in the Ionic style (1839), the corporation offices, the workmen's hall, the new general market, the Victoria hall (1871), the assembly hall, and two theatres. The charitable and benevolent institutions are numerous, including Gibson's almshouses (1725) for twelve poor persons, Bowe almshouses (1725), Trinity Church almshouses (1719, rebuilt in 1876) for eight aged poor, the marine almshouses (1820), the eye infirmary (1836), the sailors' home (1856), the orphan asylum (1853), the infirmary and dispensary (erected in 1868 and extended in 1882), and the blind institute, for which a new building has recently been erected. For the literary society and subscription library, originally founded in 1793, a new building was erected in 1877. The people's park at Bishopwearmouth, 17 acres in extent, contains a bronze statue of Sir Henry Havelock, who was born at Ford Hall in the neighbourhood. The park was lately increased by an addition of 10 acres, called

the Extension Park, in which there is a statue of Alderman Candlish, and a free library, museum, art gallery, and winter garden. Roker, on the north side of Sunderland, is a favourite bathing-place. The population of the municipal borough (area, 3306 acres) in 1871 was 98,242, and in 1881 it was 116,542 (males 57,131, females 59,411). The population of the parliamentary borough (area, 5130 acres) in the same years was 104,409 and 124,841 respectively.

Much of the prosperity of Sunderland is due to the coal and limestone in the neighbourhood of the river Wear, of which it is the port. Its export of coal began in the reign of Henry VII., the trade being principally with London and the western coasts of England, although large quantities were also shipped to Holland, France, and other parts of the Continent. The coal trade is still of great importance, and the Monkwearmouth colliery is one of the deepest coal-pits in the world,—381 fathoms. Sunderland vies with the Clyde for its iron shipbuilding. The number of iron ships built in 1885 was 31 with a tonnage of 30,520 for home and 2 with a tonnage of 1255 for foreigners; of steel ships, 9 with a tonnage of 8099 for home and 3 with a tonnage of 3635 for foreigners. Along both banks of the Wear numerous extensive works of various kinds are situated, including anchor and chain cable works, glass and bottle works, roperies, forges, iron-works, chemical works, paper-mills, breweries, and lime-kilns. The modern prosperity of the town has been largely promoted by the enterprise of George Hudson, the "railway king." The conservation of the port is vested in the Wear commissioners, to whose care the South Dock was transferred by the Wear Navigation and Sunderland Dock Act of 1859. Under their auspices great extensions and improvements have been made, and there are now three large deep-water docks, embracing a total area of 43 acres, viz., Hudson dock north (18), Hudson dock south (14), and Hendon dock (11). Monkwearmouth dock, 6 acres in extent and the property of the railway company, is chiefly used for the export of coal. New piers over half a mile in length are now (1887) being erected. The average annual value of the imports of foreign and colonial merchandise for the five years ending 1886 was a little over £700,000, and of the exports of produce of the United Kingdom a little over £600,000. The coasting trade, in regard to which specific details are wanting, is, however, more important. The total number of British and foreign vessels, sailing and steam, that entered the port of Sunderland with cargoes or in ballast from foreign countries, British possessions, and coastwise in 1876 was 9708 of 2,329,576 tons and in 1885 9451 of 2,764,174 tons. The numbers of cleared in the same years were respectively 9430 of 2,357,430 tons and 9419 of 2,824,218 tons.

The early history of the borough is associated with Monkwearmouth, which existed long before the town on the other side of the river, and had its origin in a convent which was founded by St Bega in the 7th century and converted into a monastery for Benedictines by Biscop in 674. Bede was born at Wearmouth in 673, and in his seventh year was placed under the charge of Biscop. The monastery was reconstituted as a cell of Durham in 1084. About the close of the 12th century the inhabitants of Sunderland received from Bishop Pudsey a charter of free customs and privileges similar to those of Newcastle-on-Tyne. In 1634 the town was incorporated under the title of "mayor, aldermen, and commonalty," with the privilege of holding a market and annual fairs. In the preamble of the charter it is stated to have been a borough from time immemorial under the name of New Monkwearmouth, and to have been in the enjoyment of various liberties and free customs conferred by the bishops of Durham. Under a special Act in 1851 the town council was constituted the urban sanitary authority. Extensive drainage works have been carried out, as well as important street improvements. Sunderland has returned two members to the House of Commons since 1832. A large number of Scotch families settled in the town in 1640 and gave a considerable impulse to its trade. During the Civil War the inhabitants embraced the cause of the Parliament, while the neighbouring Newcastle held out for the king for two years. The Scottish army under Leslie, earl of Leven, entered Sunderland on 4th March 1644, and the king's forces followed them; but no engagement took place beyond desultory firing.

SUNDERLAND, ROBERT SPENCER, SECOND EARL OF (1640-1702), was the eldest son of Henry, the first earl, and Lady Dorothy Sidney, eldest daughter of Robert, second earl of Leicester. He was born in 1640 and succeeded his father (who was killed at Newbury) in the title on 20th September 1643. During the years 1671-73 he acted as ambassador at Madrid, Paris, and Cologne consecutively, and in 1678 went to Paris as ambassador