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 Judaiz- ing 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 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 transferred from the seventh to the first day of the week does not 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 dominicain compe- tentius transtulit ” (cf. Decalogue).

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 daminico),* 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 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; but this exemption was specially preserved in England by a constitution of Archbishop Meopham. The canon law followed the lines of Roman law. The decrees of ecclesiastical councils on the subject have been numerous. Much of the law is con­tained in the Decretals of Gregory, bk. ii. tit. 9 *(De ferns'),* 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 unlawful 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 Æthelstan forbade marketing, of Æthelred folkmoots 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 in 1354 (28 Edw. III. c. 14 rep.), forbidding the sale of wool at the staple on Sunday. The mass of legislation from that date downwards may be conveniently, if not scientifically, divided into five classes—ecclesiastical, constitutional, judicial, social and commercial. The terms “ Sunday ” and “ Lord’s day ” are used in the statutes, but the term “ Sabbath ” occurs only in ordinances of the Long Parliament. “ Sabbath-breaking ” is sometimes used to describe a violation of the Sunday obser­vance acts, but is objected to by Blackstone as 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 to be mentioned are still law unless the contrary is stated.

*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 of 1388 (12 Ric. II. c. 6) and 1409 (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. At the Reformation it was thought 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 as well as by statutes of Edward VI. and Elizabeth. The second Act of Uniformity of 1551 (5 & 6 Edw. IV. c. 1.) 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. The same principle was re-enacted by the Act of Uniformity of 1558 (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. Protestant dis­senters, Jews and Roman Catholics were in 1846 (9 & 10, Vict. c. 59) exempted from the act, and the pecuniary penalties were abrogated as to all persons; but the acts as to Sundays and holy days are still binding on members of the Church of England *[Marshall* v. *Graham,* 1907, 2 K.B. 112].

An act of 1551 (5 & 6.Edw. Vf. 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. Canon 13 of the canons of 1603 provides 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, by 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.” These ordinances lapsed at the Restoration. The Act of Uniformity of 1661 (13 & 14 Car. II. c. 4) enf0rced 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 previously enjoined by canon 14 of 1603. By the Church Building Act 1818, the bishop may direct a third service, morning or evening, where necessary, in any church built under the act (s. 65). By the Church Building Act 1838, he may order the performance of two full services, each if he so direct to include a sermon (s. 8). The Burial Laws Amendment Act 1880, which authorizes burials in churchyards of the Church of England without the use of the funeral