

Justice Stephen contends that the decision itself does not turn upon the "decencies of controversy" but upon the fact that "the root of christianity" was assailed.

The cases connected with "Paine's Age of Reason," Wilkes (1764), Williams, (1797), Eaton (1812), and Carlisle (1819), are not dealt with by either of the judges and may be passed over.

*Rex v. Waddington*, 1 B. & C. 26 (1822). The words of the libel were that "Jesus Christ was an imposter, a murderer (in principle), and a fanatic. Lord Tenterden said that he had "no doubt it was a libel to publish the words that our Saviour was an imposter, a murderer (in principle), and a fanatic." Mr. Justice Bayley says: "There cannot be any doubt that a work which does not merely deny the godhead of Jesus Christ, but which states Him to have been an impostor and a murderer (in principle), is at common law a blasphemous libel." Mr. Justice Best gives judgment to the same effect and concludes, "It is not necessary for me to say whether it be libellous to argue from the Scriptures against the divinity of Christ. That is not what the defendant professes to do."

*Reg. v. Gathercole & Lewin* C. C. 254 (1838). The defendant was a clergyman and was tried for a scandalous attack upon the Roman Catholic religion, and upon the conduct of the Lady Superior and nuns of the nunnery at Scorton, charging them in the grossest terms with immorality and other criminal offences. The jury found the defendant guilty, but Baron Alderson held that though he was rightfully convicted on the charge of libelling the Lady Abbess and nuns, he must be acquitted on the charge of libelling the Roman Catholic religion, for, says the learned judge, "a person may, without being prosecuted for it, attack judaism, mahomedanism, or even any sect of christian religion (save the established religion of the country), the only reason why the latter is in a different situation from the others is because it is the form established by law and is, therefore, part of the constitution of the country."