

his contract to let rooms for such lectures to the plaintiff. The Chief Baron went the full length of saying that Christianity is part and parcel of the law of the land, and that, therefore, to support and maintain publicly the propositions announced could not be done without blasphemy at common law. Baron Bramwell based his judgment rather on the ground that the lectures would be unlawful under 9 & 10 Will. 3, c. 32 (commonly called the Blasphemy Act). It is true, as Lord Buckmaster pointed out, that only those persons who have been educated in or have at any time made profession of the Christian religion within the realm are within the statutory penalties (sect. 1), but (as appears from the report in 16 L.T. Rep., at p. 291) the plaintiff in *Cowan v. Milbourn* had stated, in answer to the recorder, that he had been educated in the Christian religion. Baron Bramwell (here echoing Sir Samuel Romilly's words) proceeded: "It is strange that there should be so much difficulty in making it understood that a thing may be unlawful, in the sense that the law will not aid it, and yet that the law will not immediately punish it." This proposition seems to have proved a dark saying to the majority in the House of Lords, three of whom (Lords Dunedin, Sumner, and Buckmaster) evidently think *Cowan v. Milbourn* to have been wrongly decided, though Lord Parker suggested that it might possibly be supported on the footing that the lectures intended to be given would have involved vilification, ridicule, or irreverence, likely to lead to a breach of the peace.

Whatever view one may take of the result, it is impossible not to pay a tribute of respectful admiration to the Lord Chancellor's closely reasoned and vigorous dissentient opinion. Lord Finlay stands in the ancient ways. Christianity, for him, is still part of the law of the land, and that law will not help to endeavour to undermine it. For him, if the law of England is to be altered, the change must be effected, not by judicial decision, but by the act of the Legislature. According to the noble and learned Lord on the woolsack, it could never be the duty of a court of law to begin by saying what is the Spirit of the Age, and, in supposed conformity with it, to decide what the law is.—*Law Times*.