

BLASPHEMY AND BLASPHEMOUS LIBELS.

intents and purposes, to have or enjoy any office, employment, ecclesiastical, civil or military ;" and it is further enacted that, "if such person shall be a second time lawfully convicted of the aforesaid crime, he shall from thenceforth be disabled to sue any action, or to be guardian of any child, or executor or administrator of any person, or capable of (*sic*) any legacy or deed of gift, or to bear any office for ever, and shall also suffer imprisonment for the space of three years." Any person whatever may, without even being under the necessity of complying with the requirements of the Vexatious Indictments Act, indict any person under the statute of William III., and it will be observed that the disabilities which are to follow upon a conviction are prescribed in such explicit terms that no court would have any power to remit them, or abate one month of the three years' imprisonment. If any great practical difficulty should arise out of an application of the Act to theological controversialists, it may possibly come to be provided, by way of compromise and to avoid the repealing of the Act, that no prosecution may be commenced under it without the sanction of the Attorney-General or other public officer, and perhaps even that the Crown may have the power to remit the disabilities. Precedents for such a course in the similarly thorny question of Lord's Day observance may be found in the Sunday Observance Prosecution Act, 1871 (34 & 35 Vict. c. 87), and the Remission of Penalties Act, 1875 (38 & 39 Vict. c. 80); the first of which Acts is a temporary Act, continued from time to time by Expiring Laws Continuance Acts.—*Law Times*.

On April 25 and 26, the case of *Regina v. Ramsay and Foote* was tried at the Royal Courts before the Lord Chief Justice of England (Lord Coleridge), and a special jury. In the course of his summing up, the Chief Justice said:—Now, you have heard with truth that these things are according to the old law, or the *dicta* of the old judges, undoubtedly blasphemous libels, because they asperse the truth of Christianity. But, as I said on the former trial, for reasons I will explain presently, I think that these expressions can no longer be taken to be a true statement of the present day. It is no longer true, in the sense in which it was so when these *dicta* were uttered, that Christianity is part of the law of the land. At the time those *dicta* were uttered, Jews and Nonconformists, and others under disabilities for religion, were regarded

as hardly having civil rights. Everything almost, short of punishment by death, was enacted against them, not indeed, always by name; and thus the exclusion of Jews from Parliament was in a sense by accident (though, no doubt, if anybody had supposed that they were not excluded a law would have been passed to exclude them), but historically and as a matter of fact, such was the state of the law. But now, so far as I know the law, a Jew might be Lord Chancellor—certainly a Jew might be Master of the Rolls—and but for the accident that he took the office before the Judicature Act came into operation, the great and illustrious lawyer, whose loss the whole profession is deploring, would have had to go circuit, and might have sat in a Criminal Court to try such a case as this; and he might have been called upon, if the law be really that "Christianity is part of the law of the land," to lay it down as the law to the jury, some of whom might have been Jews; and he might have been bound to tell them that it was an offence against the law, as blasphemy, to deny that Jesus Christ was the Messiah—a thing which he himself did deny, and which Parliament had allowed him to deny, and which it is just as much a part of the law that any one may deny as it is your right and mine, if we believe it, to assert. Therefore, to base the prosecution of an aspersion on the truth of Christianity, *per se*, on the ground that Christianity is—in the sense in which it was said by Lord Hale, or Lord Raymond, or Lord Tenterden—part of the law of the land is, in my judgment, a mistake. It is to forget that law grows; and that though the principles of law remain, yet (and it is one of the advantages of the common law), they are to be applied to the changing circumstances of the times. Some may say that this is retrogression; but I should rather say that it is the progression of human opinion. And, therefore, merely to discover that the truth of Christianity is denied, without more, and to say that thereupon a man may be indicted now for blasphemous libel, is, as I venture to think, absolutely untrue; and I, for one, will not, until it is authoritatively declared to be the law, lay it down as law; for, historically, I cannot think that I should be justified in so doing, since Parliament has enacted laws which make that old view of the law no longer applicable; and it is no disrespect to the older judges to think that what they said in one state of things is no longer applicable now that it is altered. It is clear to my mind