

more or less in the case—we refuse his conclusion and plead for liberty of opinion *ut ruat cælum*.

Being strongly possessed of this feeling we hailed with satisfaction the summing of Lord Chief Justice Coleridge in the celebrated case of *Reg. v. Foote*, feeling that although it was a strong step taken by a strong judge, yet that the general sense of the community was in its favor and that it would be accepted as a just, if not sound, exposition of the law. It has not, however, been allowed to pass. Many felt that the constitution had received its death blow and that the destruction of the empire, so often presaged to follow reforms, had at last come to pass. They, of course, let loose their little wail.

Mr. Justice Stephen, from a more dangerous standpoint and with more weighty reasons attacks the charge. He agrees that the law ought to be as the Chief Justice asserts it is—indeed that it should be still more liberal—but that an act of parliament is necessary to make it so.

For a somewhat adequate appreciation of the difficulty it will not be necessary in more than a general way to commence at a period earlier than the restoration. Suffice it to say that for several centuries after the conquest the bishops, both as regards heresy and blasphemy, had it all their own way, and that they made it hot, in this world, at all events, for unbelievers; that in the fifteenth century the bishops received statutory authority to arrest persons suspected of heresy, to try them, to condemn them and to hand them over for execution to the sheriff who burned them alive; that these statutes were replaced by others in the reign of Henry VIII, were revived during the reign of Mary, and abolished by Elizabeth; and that in 1648 the puritans shewed themselves to be as sanguinary as the catholics and declared that “those that say that bodies of men shall not rise again after they are dead are guilty of felony and to suffer death.”

After the restoration the courts and modes of procedure by which heresy and blasphemy had formerly been punished