happiness for the doubtful advantage of becoming a lady of title in the Old World—a Russian or Italian countess or grand duchess!

Time, which tries all things, will test the stability of present institutions in America, and it may be that, in the future history of the Republic, the country may be divided into East and West, instead of North and South, as the once abortive attempt suggested. The Atlantic and the Pacific are boundaries too distant to be governed from Washington, unless under a limited population. But when the States are duly represented by their full complement of people, and wealth, industry, and capital develop the almost boundless resources of the country to the west of the Rocky Mountains, it may be found expedient, if not necessary, to form two co-ordinate Governments, whose mutual interests may preserve the Union intact, and by the principle of reciprocity maintain a cordial understanding between all parties in the Great Republic.

G. W. WELDON.

ART. V.—CHRISTIANITY PARCEL OF THE LAW.

THE result of the summing-up of Lord Chief Justice Coleridge, in the recent trials of "The Queen *v.* Bradlaugh" and "The Queen *v.* Ramsay and Foote," has been described as "nothing less than an epoch in legal history;" and this is true in more ways than one. It is, indeed, impossible to hide the gravity of the new construction which Lord Coleridge has given to the Common Law of England, and equally impossible to foresee or to measure the mischievous effects which can hardly fail to follow, so long as this view of the law remains unquestioned.

It is not too much to say that the *dicta* of Lord Coleridge relating to the legal *status* of Christianity are absolutely novel, and derive their force wholly from the fact that they are the judicial utterances of a Lord Chief Justice of England. In view of the vital importance of the questions at issue, it may be well to briefly recapitulate the facts and to carefully limit the discussion to the principles at stake. Questions of this moment are very easily obscured by extraneous matter being imported into them, and it would be far from difficult to give the *dicta* of Lord Coleridge a wider meaning than can properly be attributed to them.

It will be remembered that the defendants in these prosecutions were indicted for publishing certain "blasphemous libels"

in an obscure print, which it is satisfactory to know is admitted to have been carried on at a loss by its proprietors. The upshot of the trials was that Mr. Bradlaugh was acquitted, the evidence as to his own personal liability for the publication failing to convince the jury; while, in the second trial, the jury disagreed, and further proceedings were abandoned. As a matter of fact, indeed, these prosecutions would have been absolutely barren of result but for the summing-up of the Lord Chief Justice, in which the whole law of England as to blasphemy was reviewed. It will be necessary, in order to understand the views of Lord Coleridge upon this question, to refer at some length to his own words, which were reported very fully in the *Times* of April 16th and April 26th.

The law of blasphemy is neither so intricate nor so opposed to the principles of common sense as some would have us believe. Its scope and tenour have for centuries been very fully understood. It may be divided into two parts—(1) blasphemy as a common law offence, and (2) blasphemy as a statutable offence; and, at the same time, it is desirable to consider whether, or how far, the statutes relating to offences against religion affect the common law. In the present case, however, we are more especially concerned with blasphemy at common law, since it was under the common law that the defendants in these prosecutions were indicted; and it is the truth of the common law principle that "Christianity is part and parcel of the law of the land," which has been doubted. It has long been a recognised legal rule that the first grand offence included under the generic name of slander and libel, is "speaking or writing blasphemously against God, or reproachfully concerning religion, with an intent to subvert man's faith in God, or to impair his reverence of Him." The dual nature of this offence has, too, been ably expressed in the following words: "Blasphemies against God and religion may be regarded, spiritually, as acts of imbecile and impious hostility against the Almighty, or, temporally, as they affect the peace and good order of civil society." The culpability of blasphemy as an offence against the law of the land rests upon the rule that "such impieties tend to weaken and undermine the foundation on which all human laws must rest;" and therefore, by necessary inference, it is included in the same category with all acts of "public mischief." It does not in any sense depend upon any notion that it was necessary for human laws to be framed to avenge the insulted majesty of God. But it was because religion and morality are the foundations of Government, that it was held to be an offence punishable in the temporal courts to attempt to bring them into disbelief or disrepute. The denial of the truth of Chris-

tianity has hitherto been regarded as an offence at common law, because Christianity was part and parcel of the law. It was, too, an offence at common law to ridicule Scripture, because, in the words of the 34 Hen. VI., c. 40, "*Scripture est common ley surquel touts manieres de leis sont fondues.*" The obligation of the law of the land to the law of God, as revealed to man in Holy Scripture, and the paramount necessity of preserving the recognition of that obligation in the interests of civil society, has down to our own times been evidenced by a long line of judges, whose reputations as learned and upright men can never be surpassed, and whose *dicta* upon many other principles of law have never been called in question.

We have now to consider to what extent the value of these judicial utterances has been impaired by the new rule of interpretation of the common law. Definitions are necessarily always unsatisfactory, and the growing tendency to formulate them and to give them legal sanction is greatly to be deprecated, but at the same time we feel constrained to add here some of the leading definitions of blasphemy. Mr. Justice Stephen, in his "Digest of the Criminal Law," gives the following alternative rules as to the present state of the law with regard to the offence of blasphemy:

"Every publication is said to be blasphemous which contains (1) matter "relating to God, Jesus Christ, the Bible, or the Book of Common Prayer, "intended to wound the feelings of mankind, or to excite contempt and "hatred against the Church by law established, or to promote immorality. "Publications intended in good faith to propagate opinions on religious "subjects which the person who publishes them regards as true, are not "blasphemous (within the meaning of this definition) merely because "their publication is likely to wound the feelings of those who believe "such opinions to be false, or because their general adoption might tend "by lawful means to alterations in the constitution of the Church by "law established.

"(2) A denial of the truth of Christianity in general, or of the "existence of God, whether the terms of such publication be decent "or otherwise. Any contemptuous reviling or ludicrous matter relating "to God, Jesus Christ, or the Bible, or the formularies of the Church "of England as by law established, whatever may be the occasion of "the publication thereof, and whether the matter published is, or is "not, intended in good faith as an argument against any doctrine or "opinion."

These embrace all the offences which can come under blasphemy at common law or by statute, and it will probably not be disputed that their correctness has now been questioned for the first time. Lord Coleridge, however, denies that a direct attack on Christianity in general would necessarily be blasphemous, because Christianity is no longer part of the law of the land.

The passage in "Starkie's Law of Libel" relating to this offence, which was referred to in terms of approval by the Lord Chief Justice during the recent trials, runs as follows:

"It is the mischievous abuse of this state of intellectual liberty which calls for penal censure. The law visits not the honest errors but the malice of mankind. A wilful intention to pervert, insult, and mislead others, by means of licentious and contumelious abuse applied to sacred subjects, or by wilful misrepresentations, or artful sophistry calculated to mislead the ignorant and unwary, is the criterion and test of guilt. A malicious and mischievous intention, or what is equivalent to such an intention in law, as well as morals—a state of apathy and indifference to the interests of society—is the broad boundary between right and wrong. If it can be collected from the circumstances of the publication, from a display of offensive levity, from contumelious and abusive expressions applied to sacred persons or subjects, that the design of the author was to occasion that mischief to which the matter which he publishes immediately tends, to destroy or even to weaken man's sense of religious or moral obligations, to insult those who believe by casting contumelious abuse and ridicule upon their doctrines or to bring the established religion and form of worship into disgrace and contempt, the offence against society is complete." (Folkard's "Starkie," pp. 599, 600.)

Lord Coleridge, when summing up the case to the jury in "The Queen *v.* Bradlaugh," said that he entirely concurred in this statement of the law, and added that there were, he knew,

those who took a stricter and more severe view of the law on the subject, and who thought that any attack upon the great truths of Christianity—any discussion hostile to the inspiration or purity of the Hebrew Scriptures—however respectfully conducted, was against law and would be the fit subject of prosecution. But he did not assent to that view of the law, which was founded, as it seemed to him, on misunderstanding of expressions in the judgments of great judges in former times, who had said that Christianity was in a sense part of the law, and the law assumed the truth in some sense or other, and the inspiration, in some sense or other, of the Hebrew Scriptures, and anything which assailed the truth of Christianity, or the purity or inspiration of the Scriptures, was a breach of the law. He failed to see that the consequence followed from the premises. Because if to attack anything that was part of the law was punishable as a misdemeanour, no reform—no improvement in the law could be advocated without a breach of the law. Monarchy is part of the law; primogeniture is part of the law; and on the principle supposed the most respectful and argumentative discussion of the first principles of government, or of the law of inheritance, would be an indictable offence. The consequence, said the learned judge, is so extremely untenable as to show that the premises must be insufficient to support it, and I prefer the law as laid down by Mr. Starkie.

Again, in "The Queen *v.* Ramsay and Foote," Lord Coleridge

reviewed the law upon this point at still greater length. In his own words:—

"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 trials, for reasons I will explain presently, I think that these expressions can no longer be taken to be a true statement of the law 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 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, that great and illustrious lawyer, Jessel, 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 on an aspersion of 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, until it is authoritatively declared to 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."

We have now reached the real points at issue. All the *dicta* of the old judges have been disposed of by the Lord Chief Justice in a couple of sentences. It seems to be assumed that these were merely extra judicial expressions of opinion made in accordance with the spirit of the times in which those who spoke them lived; and, as the Lord Chief Justice expresses it, to accept them as binding now is "to forget that the law grows." We are accustomed to hear a good deal about modern

progress, but it will probably be news to most people to hear that "the progression of human opinion" is already so far advanced that we must regard as obsolete a rule of law founded, not on the mere opinion of a single judge, but on, and coëval with, the very same principles on which the constitution rests. The history of our own country has, indeed, for so long a time been so closely connected with Christianity, that we have been beguiled into a fancied security, and a belief that this fundamental truth was impregnable, and that the obligation which our laws owe to the teachings of Christ would only cease to be acknowledged when Christianity itself ceased to exist in the land. It has, however, been reserved for a Lord Chief Justice of England to cast doubts upon the legal *status* of Christianity, and to pronounce from the bench, with all the force and dignity with which the honourable traditions of centuries have surrounded his high office, that it is no longer actionable to asperse the truth of Christianity because Christianity is no longer part of the law of the land. It is very possible that Lord Coleridge himself was innocent of enunciating a rule of law which should do more than proclaim the advent of an epoch of "liberty of thought;" but it must be obvious to the most careless observer that the inevitable result of this novel *dictum* is to throw doubts upon Christianity possessing any national character, and to place it virtually on a par with all those other creeds which are tolerated in this kingdom. If the religion established by law has no longer any sanction from the laws, and no longer casts any lustre on the laws, we have, indeed, progressed far on that downward path which can only end in our national abasement. But are these things so? If Christianity was ever in any sense part and parcel of the law of the land, when did it cease to possess legal validity? We may, thank God, search the Statute Book in vain to find any record of the national apostasy. We may ransack the whole mass of English jurisprudence, and underlying the excrescences with which generations of judges and legislators have surrounded them, we can find the immortal principles of law still as pure and unchangeable as when they emanated from their only possible source—the great Lawgiver. If we study the story of the growth of the English constitution, in spite of the admission of Jews, infidels, and heretics to civil rights, we find that the basis of the throne is still founded on Christianity, and that King, Lords, and Commons are the visible embodiment of a Christian commonwealth. If we read the annals of the history of liberty of conscience we find nothing to prove that the established religion of the country is otherwise than Christian. Toleration is not establishment; and all the sects outside the pale of the Church of England exist merely on

sufferance, and have acquired no such sanction that their existence and their privileges can be logically said to involve a vital change in the function and the sphere of the laws of the land.

Blasphemy is an offence which stands alone. The consideration of the reasoning upon which it has been declared a crime must be exclusively directed to the history of the offence itself; and it is merely ingenious to attempt to overload the subject by the enumeration of antiquated offences which have long become obsolete. Sophistries of this kind are, however, terribly apt to furnish material for retort. Thus the whole category of ecclesiastical crimes has been referred to in the same breath with blasphemy. Again, witchcraft has been instanced as a parallel offence; thus there is a passage in the Lord Chief Justice's summing up in "The Queen *v.* Ramsay and Foote" which is liable to be misunderstood, since it suggests that "Lord Hale condemned persons to be burnt as witches, because of the passage in the Bible." The only possible inference from this reasoning is, that witchcraft was held to be punishable with death from the fact that that penalty receives Biblical sanction. It is scarcely necessary to say that witchcraft was never an offence at common law, but was within the exclusive jurisdiction of the ecclesiastical courts, until in 1553 certain kinds of witchcraft were made felony by the 33 Hen. VIII., c. 8. Witchcraft had, indeed, nothing in common with blasphemy, and is wholly unknown to the common law; and we have fortunately no obligation to defend the wisdom of certain old statutes in order to justify the existence of a strict penalty against blasphemy. In the same way various ecclesiastical crimes, which were cruelly punished, and were due to the superstition and religious fanaticism of the age, can readily be distinguished from blasphemy at common law. The whole history of religious persecution is entirely beside the question; and even the offences of heresy and blasphemy, as they came before the cognizance of the old ecclesiastical courts, were distinct from those indictable at common law. It is, for instance, contended by Mr. Justice Stephen, in his "History of the Criminal Law,"[1] that the writ *de hæretico comburendo* did not lie at common law, and that the decision in Sawtre's case was merely an attempt to give the Continental Canon Law validity as part of the laws of England. It seems, indeed, to be pretty clear that heresy was only an ecclesiastical offence, except in those cases in which it was so maintained as to tend to the disturbance of the public peace, when it was punishable by fine or imprisonment in the temporal courts. It is true, however, that

[1] Vol. ii. pp. 463, 464.

the courts claimed for the King very extensive power in ecclesiastical matters, as his by the ancient prerogative and law of England; and there is no doubt that much was done under colour of this power which possesses no shadow of legality. The long list of statutes relating to heresy and apostasy do not in any way show that the common law ever had any jurisdiction in these matters; but enough has been said to indicate the distinction which must be drawn between ecclesiastical and common law offences.

"The fourth species of offences more immediately against God and religion," says Blackstone, "is that of blasphemy against the Almighty, by denying His being or providence; or by contumelious reproaches of our Saviour Christ. Whither also may be referred all profane scoffing at the Holy Scripture, or exposing it to contempt or ridicule. These are offences punishable at common law by fine and imprisonment, or other infamous corporal punishment, for Christianity is part of the laws of England."[1]

Blackstone's authority for this is Taylor's case,[2] in which the defendant was indicted at common law for applying certain opprobrious epithets to Jesus Christ, and for saying that "religion was a cheat, and that he feared neither God nor the devil." He was convicted, and Sir Matthew Hale, admittedly one of the most distinguished judges that ever sat on the bench, said:

> "That such kind of wicked blasphemous words were not only an "offence to God and religion, but a crime against the laws, state, and "government, and therefore punishable in this Court. For to say religion "is a cheat is to dissolve all those obligations whereby the civil societies "are preserved; and that Christianity is a parcel of the laws of England, "and therefore to reproach the Christian religion is to speak in subversion "of the law."

Lord Coleridge, in commenting upon this case, said that Lord Hale merely directed that the words in question were blasphemous and punishable as crime, but that "he did not say that a grave argument against the truth of revelation was so punishable, but 'such kind of wicked, blasphemous words.'" It may, however, be appropriately pointed out that Lord Hale gave the reasons for his decision, and that these are certainly an integral part of it. It is immaterial that Lord Hale should have limited his observation to the single case before him, if he enunciated principles of universal application. The next important case is that of Woolston, who was prosecuted in 1728 for "publishing five libels wherein the miracles of Jesus Christ were turned into ridicule, and His life and conversation vilified

[1] Bl. Com. Bk. iv., ch. iv.

[2] "Ventris," p. 293.

and exposed." The Court declared that "they would not suffer it to be debated whether to write against Christianity in general was not an offence of temporal cognisance," and further, that "the attacking Christianity in that way was attempting to destroy the very foundation of it; and though there were professions in the book to the effect that the design of it was to establish Christianity upon a true foundation, by considering these narratives as emblematical and prophetical, yet these professions could not be credited."

This case has been relied upon by Lord Coleridge, since the Court expressly stated that they did not intend to include "disputes between learned men on particular controverted points" under blasphemy. But although the stress laid by the Court upon the words "Christianity *in general*," as expressed in the indictment, certainly indicates that there was no wish to close the door to learned controversy, the case is, as Mr. Justice Stephen points out, remarkable on account of the emphatic way in which it makes the matter and not the manner the gist of the offence. In a word, Woolston's case clearly lays down the law that any writing against Christianity in general is a temporal offence.

We now come to the case of "R. *v.* Waddington,"[1] which was tried before Lord Tenterden, and afterwards came before the Court of King's Bench, consisting of Lord Tenterden, Mr. Justice Bayley, Mr. Justice Holroyd, and Mr. Justice Best. The defendant in this case had "denied the authority of the Scriptures, and one part of the libel stated that Jesus Christ was an impostor, and a murderer in principle, and a fanatic." Before the verdict was pronounced, one of the jurymen asked the Lord Chief Justice whether a work which denied the divinity of our Saviour was a libel. The Lord Chief Justice answered that a work speaking of Jesus Christ in the language used in the publication in question was a libel; Christianity being a part of the law of the land. On the motion for a new trial, it was urged that the Lord Chief Justice had misdirected the jury, by stating that any publication in which the divinity of Jesus Christ was denied was an unlawful libel, and that since the 53 Geo. III. c. 160 was passed, the denying one of the Persons of the Trinity to be God was no offence, and, consequently, that a publication in support of such a position was not a libel. Mr. Justice Bayley laid down that the 53 Geo. III. c. 160 removes the penalties imposed by certain statutes referred to in the Act, and leaves the common law as it stood before. "There cannot be any doubt," he added, "that a work which does not merely deny the Godhead of Jesus Christ, but

[1] 1 B. & C., 26.

which states Him to be an impostor and a murderer in principle, was, at common law, and still is, a libel." Mr. Justice Holroyd concurred, and Mr. Justice Best prefaced his remarks by saying that the 53 Geo. III. c. 160 had made no alteration in the common law relating to libel, and that if previous to the passing of that statute it would have been a libel to deny in any printed work the divinity of the second Person in the Trinity, the same publication would be a libel then. The 53 Geo. III. c. 160 is an Act to relieve persons who impugn the doctrine of the Trinity from certain penalties and to repeal in part the 9 & 10 Will. III. c. 32, which, amongst other things, made it penal to deny the Trinity. Mr. Justice Best further laid down that the 9 & 10 Will. III. c. 32 itself in no way affected the common law relative to blasphemous libel. "It is not," he added, "necessary for me to say whether it be libellous to argue from the Scriptures against the divinity of Christ, since that is not what the defendant professes to do. He argues against the divinity of Christ by denying the truth of the Scriptures. A work containing such arguments published maliciously (which the jury in this case have found) is by the common law a libel; and the Legislature has never altered this law, nor can it ever do so whilst the Christian religion is considered to be the basis of that law." Referring to this case, Lord Coleridge says:

> This is the case which is often cited (surely by those who cannot have read it) as an authority to show that merely to deny or dispute the truth of Christianity is an offence against the law, because it is said Christianity is part of the law of the land. The law, therefore, when we come to consider the cases, is different now from what it has ever been supposed to be; and I doubt whether it can fairly be said that the old cases, when properly considered with reference to the facts, have been overruled, or were so absurd as it has been sometimes supposed that they were. Still, the argument I have already addressed to you remains good —that Parliament has altered the law on the subject, as it is no longer the law that none but believers in Christianity can enjoy civil privileges. Things, therefore, are no longer in the same condition as they were in when those *dicta* were uttered, which have, I think, been strained beyond their fair meaning and effect.

This must in every way be regarded as a most remarkable utterance, and it is greatly to be regretted that the matter must for the present rest where it is. Apart from the curious divergence of opinion between the present Lord Chief Justice and all other judges who have ever had to consider the law of blasphemy, upon the effect of the old cases, it is certainly a novel assertion that "Parliament has altered the law upon the subject, as it is no longer the law that none but believers in Christianity can enjoy civil privileges." It is impossible to avoid the temptation to retort that it is a little

difficult to see how the consequence follows from the premises. Lord Coleridge, moreover, makes two points which must be regarded as alternative and antagonistic—(1) that the law has been altered by necessary implication since these *dicta* were uttered; and (2) that the *dicta* themselves have hitherto invariably been misunderstood; or, as he says elsewhere, "The principle of the law is laid down in Starkie; and I think it right to say that my study of the cases has not satisfied me that the law ever was laid down differently from the way in which Starkie lays it down." It is to be regretted, in view of this fact, that Lord Coleridge did not confine himself to this line of argument, without questioning the principle which, as he himself admits, influenced the decisions of the old judges, viz., that "Christianity was part of the law of the land;" and it is, on the other hand, not a little curious that they should have arrived at the right result by the wrong reasoning.

Nor does the matter rest there, for many subsequent cases have proceeded on precisely the same principle. We can only enumerate some of these. In 1797, in "R. *v.* Williams,"[1] Lord Kenyon signified his adhesion to the *dictum* in Woolston's case, that the Christian religion was part of the law of the land; and in giving judgment upon the defendant, who was the publisher of Paine's "Age of Reason," Mr. Justice Ashurst said that attacks on Christianity are crimes—

"inasmuch as they tend to destroy those obligations whereby civil "society is joined together, and it is upon this ground that the Christian "religion constitutes part of the law of England; but that law without "the means of enforcing its precepts, would be but a dead letter: when-"ever those infamous works appear, they are the proper subject of prose-"cution; for if the name of our Redeemer were suffered to be traduced, "and His holy religion treated with contempt, the sole merits of an "oath, on which the due administration of justice depends, would be "destroyed, and the law stripped of one of its principal sanctions—the "dread of future punishments."

Again, in 1819, in "R. *v.* Carlile,"[2] it was decided that the statute 9 & 10 Will. III. c. 32 does not affect the common law relating to blasphemy. In "R. *v.* Hetherington,"[3] Lord Denman directed the jury that if they thought the publication tended to question or cast disgrace upon the Old Testament, it was a libel; while in "Cowan *v.* Milbourne,"[4] which was decided in 1867, Sir Fitzroy Kelly told the jury that Christianity was part of the law of the land, and that the proposition, "The character and teachings of Christ; the former defective, the

[1] 26 St. Tr., 653.
[2] 3 B. and Ald., 161.
[3] 5 Jur. 529.
[4] L. R. 2 Ex., 230.

latter misleading," could not be maintained without blasphemy. Lord Bramwell was of the same opinion.

"This last decision," says Mr. Justice Stephen, "is strong to show that the true legal doctrine upon the subject is that blasphemy consists in the character of the matter published, and not in the manner in which it is stated."

We must leave the matter here. We have endeavoured to place it fairly before the public. The vital importance of the principles at stake certainly entitles them to the careful consideration of all Christian people. Nothing could be more mischievous than the notion that "the law grows," unless strictly limited to its only true sense. The immortal principles of justice remain as unchanged and unchangeable as their Divine Author, and such are the true foundation of the common law of England. The statute law of man's construction is, it is true, fitted to the needs of the times; and what a helpless jumble of inconsistencies it is! But the Common Law of England, which is founded on the law of God, knows no such changes, and one of its immortal principles is, as judges old and new have said, that "Christianity is part and parcel of the law of England." In this connection the words of Blackstone have great significance:[1]

"The preservation of Christianity as a national religion is, abstracted "from its own intrinsic truth, of the utmost consequence to the civil "state: which a single instance will sufficiently demonstrate. The belief "of a future state of rewards and punishments, the entertaining just "ideas of the moral attributes of the Supreme Being, and a firm per- "suasion that He superintends and will finally compensate every action "in human life (all which are clearly revealed in the doctrines and forcibly "inculcated by the precepts of our Saviour Christ), these are the grand "foundation of all judicial oaths; which call God to witness the truth "of these facts, which perhaps may be only known to Him and the party "attesting: therefore all confidence in human veracity must be weakened "by apostasy and overthrown by total infidelity."

A Barrister-at-Law.

Art. VI.—JOTTINGS FROM MONASTIC ANNALS.

THERE is not much difference of opinion among Church History writers of any school as to the original value of monasteries. The hermit life attempted in the deserts of Egypt very soon had to be abandoned; and the recluses were drawn together into communities for the sake of mutual help, comfort,

[1] "Hist. Crim. Law," vol. ii., p. 474.