

## JUDICIAL OATHS.—AN EPISCOPAL CONSCIENCE.

LORD DENMAN, on Friday, introduced a bill into the House of Lords for removing a great anomaly in our courts of justice. The law, it is well known, imposes a certain form of oath on all christians, with the exception of three denominations specially excepted, whose solemn affirmation is taken in lieu of an oath. But there are many persons not exactly prepared to declare that they are Quakers, Moravians, or Separatists, who nevertheless entertain conscientious objections to the taking of an oath. To impose an oath on such a person, his lordship justly said, "was as unjust and as great a profanation as to impose the oath of a christian on one who did not hold the christian faith." The want of legal evidence, also frequently defeated the ends of justice, especially where essential witnesses had been members of the Society of Friends, and still retained their former opinions on the subject of oaths. His lordship's bill went to restore the common law of the land, and make any one a competent witness who offered to speak the truth in the form binding on his conscience.

This bill was objected to by the Duke of Wellington and the Bishop of London, on the ground that it was not safe to admit the full principle and thus practically do away with the necessity of oaths altogether; and by the Duke of Richmond, on the ground that it would not merely repeal judicial oaths, but do away with the necessity of all other oaths, such as those which now keep Jews and others out of the legislature. As no peer objected to relieving the particular classes alluded to by the Lord Chief Justice, he withdrew his bill for the purpose of amending it so as to limit its provisions to their relief.

In the course of the debate the Bishop of Exeter made a very curious speech, which we rather wonder has escaped the notice of our contemporaries. His lordship did neither more or less than lay down his rule of conscience, which, it must be admitted, cannot be otherwise than a curious and valuable article; for Dr. Philpotts's conscience has been so extremely flexible one, that a rule which will accommodate it must be a gem of priceless value to every double-dyed apostate. His lordship said—we quote literally from the report in the *Morning Chronicle*—

"The declaration proposed by the noble and learned lord was, 'I, A. B., do solemnly and sincerely declare that I have conscientious objections to taking an oath.' Now his objection to this form was, not that relief was afforded to persons in the situation contemplated by the bill, but because the declaration in fact avoided the mention of religion at all. The ground on which he founded his declaration was that of religion alone, and the declaration which he proposed to introduce was founded entirely on that principle. The word 'conscientious' was used in the form proposed by the noble and learned lord, but according to the strict meaning of that word the real ground of objection would not be met. He would go further, and he would say that he believed that there were many persons who, if the proposed form were adopted, would object to taking any oath at all, and he was not sure whether he was not himself one of those who upon conscientious principles would object to take an oath. (Hear.) He should feel those objections even now, unless the oath was required by law, because he understood that the real ground upon which the oath was required was, that the law of the land made it necessary, and therefore it was a part of the articles of the church, to which he was bound to subscribe, that it should be taken. But if this bill should pass into a law, he would declare to the house that, entertaining the feelings which he did, he should have no hesitation in saying that he felt a conscientious objection to receiving any oath, and under its provisions he should decline again to place himself under such an obligation. (Hear, hear.)

Latimer called the devil a "busy bishop." Milton declared the mitre typical of his cloven hoof. Dean Swift, when he grew old and surly, being disappointed of a bishopric himself, leaned to a similar opinion:—

"The first bishop I'm sure I can't tell,  
Unless it was Satan, Archbishop of Hell;  
For he was a bishop, and he wore a mitre  
Surrounded with jewels of sulphur and nitre."

But neither Latimer, nor Milton, nor Swift imagined a rule of conscience which would more nicely fit Satan himself, if decorated in lawn sleeves, than this of the Bishop of Exeter. His "conscience," heaven save the mark, is the law of the land; and if the parliament, which makes the law, is moved and instigated by the devil himself, its act is his conscience, nevertheless, for when it is the law of the land it is an "article of the church!" The bishop has "conscientious objections" to taking an oath—that is, he believes with many honest men, that Jesus Christ expressly forbid it; but the gospel is no part of the articles of the church, and the law of the land is, for those articles are not based on eternal truth, but on temporal enactments; and Dr. Philpotts's "conscientious objections" are as nothing, before an act of parliament, which affords plenary absolution for disregarding them, and composes his right reverend soul.

Great will be the joy of the enemies of the church over this notable admission of its champion. Dr. Paley, when reproached with his political servility, candidly admitted that he "could not afford to keep a conscience." If he could have picked up such a conscience as this it need never have cost him a farthing. The bishop's conscience is a lady of easy virtue, and more profitable than such companions usually are. It is "*murus aheneus*," a brazen wall, and "*nulla pallescere culpâ*," it is ashamed of nothing. But why make such a fuss about "mutilating the Scriptures?" What have they to do with the "articles of the church?" St. Matthew's gospel is a last year's almanack, and the acts of the apostles are superseded by the acts of parliament. The Bishop's Bible is the Statutes at Large. He helps to fashion them himself, and the Queen's printer is his evangelist. Biblical criticism is reduced to correcting the press, and the Term Reports spare the collating of texts. Fathers and Councils yield to judgments *in banco* and decrees on the equity side of the Exchequer, where that angel of light, Lord Lyndhurst, presides. The Moses and Aaron of the new commandments are the Lord Chancellor and the Lord Chief Justice. "Short is the path and narrow is the way" no longer; and blind and besotted are the ignorant papists and sectarians to refuse to follow the appointed guides of "the church as by law established" in the broad path which leads to—salvation.

An ancient writer, to illustrate the nature of identity, adduces the instance of the ship Argo, which, though she had been so often repaired that not a stick of Jason's timber was left in her hull, was still the same ship. The ingenious Martinus Scribblers, in his memorable pursuit of abstract ideas, illustrated this of identity by Sir John Cutler's stockings, which had been so often darned that there was not an original thread left, but still they were the same stockings. A later author of great research, Mr. Joseph Miller, records the opinions of an Irish philosopher, who, though he had had three new blades and two new hafts to his knife, still maintained it was the same knife that he bought in Dublin. Dr. Philpott's creed illustrates the same curious problem. It is always the same creed, for his creed is the articles of the church; and though the parliament were to patch and darn them, as it has done before now, until each particular article was a different article from what it had been, they would still preserve their collective identity, for they would be "*the articles of the church*," and fit Dr. Philpott's conscience as easy as Sir John Cutler's old stockings, or, as the vulgar say, as easy as an old shoe.

There was a pleasant rhyme which amused our forefathers, recording a conversation between a clown and a Merry Andrew respecting the likeliest way of rising in life. The latter concluded his advice in this homely way:—

"Mind neither good nor bad, nor right nor wrong,  
But eat your pudding, fool, and hold your tongue."

To which the writer satirically adds,—

"A reverend prelate stopped his coach and six  
To laugh a little at our Andrew's tricks;  
But when he heard him give this golden rule,  
'Drive on,' he cried, 'his fellow is no fool.'"

Dr. Philpotts *does* eat his pudding, but, the mischief is, he does *not* hold his tongue; and we warrant that on Monday night, when he talked of his conscience, his right reverend brethren thought him a great fool for his pains.