

later permitted in Israel, yet a republic had been established by a Divine authority. Of course, there were differences of opinion on the question, but no one questioned the loyalty of Dr. Lang, no charge of sedition was ever preferred against him, and no opponent ever suggested that his republican principles disqualified him from taking the oath of allegiance as a member of the Legislature. Dr. Lang lived to a ripe old age, and when in 1878 he died, there was universal regret, and his memory is preserved to-day, not merely by his writings, but by a statue in Wynyard Square, Sydney, erected by vote of Parliament. I recall this fact, gentlemen, because in these days of reiterated protestations of loyalty I have no doubt that were one to propose an elective Governor or a republic for New Zealand, he would be accused by many, and not merely by religious sectaries, of sedition and disloyalty. No amount of calumny and misrepresentation can alter facts, however, buttressed as they are by historical evidence and the support of legal and constitutional authority. But you will realise, gentlemen, the risk a citizen runs who advocates principles which expose him to a charge of this kind, and hence it is not without reason that May tells us in his *Constitutional History* that the law relating to treason and sedition has ever been the cause of much unjust and unmerited suffering. The chief safeguard—indeed, I may say, the only legal protection the citizen possesses—is in the jury system. It is your high office, not merely to punish crime, but to prevent the criminal law from developing into the most malignant persecution. Bearing these facts in mind, gentlemen, as I have said, you will resolve any doubt in favor of free speech. I submit, however, that your deliberations will not reach that stage—that, having heard his Lordship, you must have been impressed by his frankness, the simplicity of his manner, and his transparent truthfulness, and accordingly I appeal to you with confidence to return a verdict of Not Guilty.

THE TENOR OF THE SPEECH.

Mr. Meredith, in his address to the jury, stated that he did not propose to make historical references, but would confine himself to the words at issue in the case. He drew attention to the definition of sedition, which included language likely to promote discomfort or disaffection among the people, or to promote feelings of illwill or hostilities between different classes of the community. There was practically no denial of the speech as reported, except in two particulars. In one instance the Bishop said he did not say "many people" were prepared to fight and even die, etc., but that "there were men, and women, too, to fight and even die," etc. In the other instance he suggested that the report quite misrepresented his statements on the subject of the people who had been killed in Ireland. The report had been made by a skilled and practised reporter, who had the confidence of his employers, and was, admittedly, correct in all but these two points. At the time it was published there was considerable feeling aroused all over the country, and one would have thought that it would have been wiser if the Bishop had explained immediately. It was unfortunate that, in writing to Mr. Massey, the Bishop did not retract anything there was to retract, or explain anything in which he had been wrongly reported. If he had done so, there probably would have been none of these proceedings. Addressing his remarks to the speech, counsel advised the jury that the speech should be considered as a whole and not in parts.

HIS HONOR'S SUMMING-UP.

Mr. Justice Stringer said it had become his duty to endeavor to assist the jury to arrive at a just and proper conclusion. It would be understood that anything he might say was only for the purpose of assisting them, and that they were in no way bound by any opinion which he might see fit to express. If the jury remembered, the report was published in the *Herald* of Saturday. The Mayor no doubt assumed the report to be true. He lodged, and had printed, a protest that was circulated throughout the land, and a storm of protest arose. He agreed, also, with counsel for the Crown, that it was almost equally unfortunate that, notwithstanding this protest having been published before an explanation had been obtained, the Bishop should still have refrained from replying. He did so under advice, and could not be held responsible. But there could be no doubt, he thought, that even after the protest had been made and comments had appeared, if the Bishop had given an explanation, and had shown, at any rate, that in the most vital parts of the speech passages had been omitted that altogether altered the sense, if it had not allayed public feeling, it would almost certainly have prevented proceed-

ings from being initiated. It was difficult, he felt, for the jury to approach the case with that judicial calm they might have observed if the question had not been ventilated so freely up to the time that proceedings were formally initiated. Sedition was a serious thing. The term was not applied to foolish utterances on various subjects, political, religious, or racial. There must be behind the words the intention to stir up strife or disaffection among the people. It was not contended in this case that anything against the Government or the King was intended. The contention of the Crown was that the words used on this occasion were calculated and intended to stir up strife among the people, and to set one class against another. That was the question which the jury had to determine. They had to be satisfied that the language used was intended to have that effect. That being so, it was necessary in the first instance to know exactly what the words were, and here there was some—though he did not think, except in some respects, any great—conflict of evidence. It was exceedingly important that they should know exactly what was said when the words were the basis of a prosecution. It was desirable that they should know all that was said, for an abstract of a speech of 20 minutes' duration into words which could be spoken in three minutes meant leaving out a great deal that was said, as well as a great deal of the context of what was reported. This was apt to be misleading in that it might not convey fully the meaning intended by the speaker.

The report of the speech, as appearing in the indictment, was then read to the jury by his Honor.

As he understood the Bishop's evidence (said his Honor) it was admitted that this was fairly accurate, with one or two modifications. The tenor of the language must first be considered. The jury, in determining whether it was seditious or not, would have to consider the whole as well as certain passages in the first part of the speech. Whatever one might think of it, if it were a question of taste, it was necessary to apply a very different criterion. It was not a question of taste in a case of this kind. The question was whether it was seditious. He must confess, though the matter was for the jury, that it did not seem to him, if this had stood alone, that any seditious intention could reasonably be attributed to it. It was spoken of things which had happened 40 or 50 years ago, and was spoken of historical events.

Later in his address his Honor said they came to what must be recognised as the crucial part of the allegation of seditious speech—the passage which referred to closer history and to those "murdered by foreign troops." It was in respect of that that there was a serious contradiction of evidence. The jury would have to make up their minds what were the words actually used. If they came to the conclusion that they were the words stated by the Bishop to have been used by him, it put a very different complexion on the passage. The reference was particularly to the allegation about "murdered by foreign troops." Of course it was admitted that there was reference to the "glorious Easter." The Bishop apparently was proud and asked his audience to join him in being proud of the men who died in this rebellion. There could be no doubt that the Easter rebellion was an insane and wicked rebellion. It was certain to fail, but it had to be suppressed, and in that process many men lost their lives. The point made, however, was that this was a glorification of rebellion, and therefore must have been said with the intention of producing disaffection among the people. In the first place, he thought that the jury had to remember that in matters relating to the so-called Irish rebellion, very different considerations had to be applied from those of rebellion in the ordinary sense of the word. There had been a great many rebellions in Ireland, and it was reasonable to suppose that Irishmen considered that those who died in fruitless rebellions were entitled to respect, because they died not for themselves, but in the endeavor to free Ireland from what was considered oppression. In this connection it appeared not unimportant to look at the programme of the concert. His Honor then referred to and quoted from the two songs "A Nation Once Again," and "God Save Ireland," sung by children at the concert, to show that a certain amount of homage was paid by the Irish people to those who had lost their lives in various rebellions at different times. In

James McKenna

I wish to notify the readers of the *Tablet* that I have commenced business on Cash Lines as General Grocer, etc. (next J. Howard, Butcher) A trial solicited.

Main St., Gore