

THE Freethinker

Edited by G. W. FOOTE.

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PRICE TWOPENCE

The assertion that the profession of a false religion does no harm—or though harmful is unimportant—and that one can therefore disseminate enlightenment without destroying religious deception, is quite untrue.

—TOLSTOY.

Loss and Gain.

I THINK this is the last article I shall have to write on the "blasphemy" prosecution. I have written a good deal upon it already, but it does seem right that as editor of the only weekly Freethought paper in England, also as President of the National Secular Society, and further as an ex-prisoner for "blasphemy," I should give a final look backward over the whole case and try to reckon up the loss and gain. In doing this I shall not be too formal. I want my readers to go along with me to the end, interested and alert, and what I have to say must have something of the fluctuant variety of life itself.

I.

My readers will not be surprised to learn that I sat out the whole of the "blasphemy" trial at the Central Criminal Court, including the hours between 10.30 and 3 on the Saturday, during which time Mr. Justice Phillimore was applying the rack to Mr. Harry Boulter in order to induce him to give a "sufficient" undertaking. Perhaps, therefore, they would like me to say a little about the trial itself. And first as to the jury. It did not look as promising a jury as the one before it or the one after it. Of course I don't suggest that this was anything but an accident; I only say it was very fortunate for the prosecution. Some of the jury may have been indifferentists, but on that occasion, and for that purpose, they were probably all Christians. They all took the usual oath, so there was no Jew amongst them—at least, no orthodox Jew. And, in spite of the seriousness of the situation, I could not help noticing its humor. Twelve Christians in a jury-box, one Christian on the bench, and one Christian acting as counsel for the prosecution—fourteen of them altogether—were assembled to try a solitary poor Freethinker for "blasphemy"—that is, for treating their own faith with insufficient respect. There were also three Christian witnesses, all policemen, including Chief-Inspector Jenkins, who carries on a sort of mission of his own in North London. These seventeen Christians, all helping to try one Freethinker for offending their faith, took their business very gravely. Nothing but the bitter spirit of persecution could have enabled them to keep their faces. Had they possessed a sense of humor, or given way to it so far as to see the real character of the situation, they would have laughed at the farce and told the "blasphemer" in the dock to go home to dinner with his trembling wife, or even invited him to dine with them at a neighboring restaurant. Oh that blessed sense of humor! What a different world we should be living in if it were only more common! Bigotry and persecution would die a natural death. No man who saw a joke, and enjoyed it, could ever sit with sixteen pious friends to try another man for criticising their

common faith in an "offensive" manner. Seventeen butchers might as well try a sheep for offensive vegetarianism.

II.

The police evidence was not challenged. Mr. Atherley-Jones, K.C., elicited from Chief-Inspector Jenkins that Mr. Boulter had been lecturing at Highbury Corner for nearly two years without the slightest disorder at any of his meetings, which disposed of the plea that his lectures were calculated to cause a breach of the peace. Mr. Boulter flatly denies having said some of the things attributed to him, exactly as the police allege, but his denial would have been useless in the teeth of three police witnesses, backed up by a shorthand notebook. Personally I thought that most of the evidence Mr. Boulter would have given might have been extracted from the police witnesses in cross-examination, but counsel thought otherwise, and as they were conducting the defence I had to bow to their decision. Mr. Atherley-Jones thought that everything depended on the appeal to the jury. An acquittal was extremely improbable; the utmost we could hope for was a juryman or two causing a disagreement. It is easy to be wise after the event, but there was such a lot to be said for our counsel's view beforehand. He made a powerful speech in a difficult situation, as my readers will see next week, when the verbatim report of his address to the jury appears in these columns. One proof of the power of his speech was the fidgeting of Mr. Justice Phillimore during its delivery. His lordship seemed on thorns all the time. He let himself loose upon the jury the very moment that Mr. Atherley-Jones finished. His drawing-room voice was full of satirical sneers at our counsel's expense. His lordship took the case into his own hands. Not in express words, but in tones, looks, and gestures, he invited the jury to return a verdict of "Guilty." I am told that he frequently adopts this attitude on the bench. Had he remained neutral there might have been no verdict through the jury disagreeing, and I fancy he would have regarded that as a calamity. He did his part of the business very cleverly, but he did not succeed in concealing his object, and his Christian homily from the bench to the Freethinker in the dock was in keeping with all he had said and done before.

III.

As the judge began—"Harry Boulter," after the verdict of "Guilty," my mind went back to that Monday night at the Old Bailey, twenty-five years before, when I stood up, with a full knowledge of what was coming and heard Judge North say "George William Foote." The whole scene from that long past flashed across my mind in a second. I saw the crowded, excited court; I heard, and I despised, the cold malice in the judge's voice; I half saw myself as I confronted him with a face that answered his challenge and was calmer than his own; for I was filled then, and in prison afterwards, with a high and even gay disdain of the bigots who had me in their toils—and I knew what George Fox meant, in spite of his theological language, when he said that God lifted him up above his persecutors and they were as dead men under his feet. But that flashing picture did not last as long as I have taken to describe

it. I never lost a word of what Mr. Justice Phillimore was saying. I noticed his changed tone of voice, and I saw in a moment what was going to happen. He had got his verdict of "Guilty," but he hesitated to sentence the "blasphemer." And that very fact showed what a change had taken place in twenty-five years.

IV.

Mr. Justice Phillimore "humbly hoped" that Mr. Boulter might become a Christian again, and if the prisoner would climb down the judge wouldn't shoot. But there was no such hesitancy about Mr. Justice North. He hissed out the words:—

"George William Foote, you have been found Guilty by the jury of publishing these blasphemous libels. This trial has been to me a very painful one. I regret extremely to find a person of your undoubted intelligence, a man gifted by God with such great ability, should have chosen to prostitute his talents to the service of the Devil. The sentence I now pass upon you is one of imprisonment for twelve calendar months."

No such monstrous language fell from the lips of Mr. Justice Phillimore. It was a change, a great change, and it marks a quarter of a century's progress.

V.

Now I come to a point of vast importance. I differed in our consultations from both solicitor and counsel in one respect. They held that the law of blasphemy was really what it used to be before 1883, and that if the old law had become obsolete the offence of "blasphemy" had ceased to exist. I agreed with them as a matter of logic, but not as a matter of fact. Those who remember my controversy with George Jacob Holyoake, not very long before his death, will recollect how firmly I argued that the Secular Society, Limited, which I devised (and which the Rationalists copied) was perfectly secure. My starting-point was Lord Chief Justice Coleridge's summing-up at my third trial (for I was tried no less than three times) in 1883. He laid it down as the law *then*, whatever it had been *before*, that—"If the decencies of controversy are observed, even the fundamentals of religion may be attacked without a person being guilty of blasphemous libel." That one sentence gave me the key to a legal frustration of the Blasphemy Laws from a financial point of view. I asked consulting counsel, I asked the late Dr. Hunter "Would any judge, on his own responsibility, go behind that dictum of Lord Chief Justice Coleridge?" They had to answer, however reluctantly, "No." "Very well then," I said, "that is the rock on which I propose to build." The result was the Secular Society, Limited, which has secured thousands of pounds (through wills) for the Free-thought movement, which would otherwise have been lost. And now we see Mr. Justice Phillimore accepting Lord Chief Justice Coleridge's dictum, and even going beyond it; for he released a convicted "blasphemer" on his undertaking to abstain, not from attacking Christianity, but from the use of "shocking" language in doing so. "A man is free," Mr. Justice Phillimore says, "to think and to say and to teach that which he believes about religious matters." Lord Coleridge provided the rock on which I built the Secular Society, Limited; and Mr. Justice Phillimore declares that this rock is immovable and indestructible. So far, then, the new "blasphemy" trial is a great victory for Free-thought.

VI.

But while I have held that we are perfectly safe, collectively and financially, I have also held that we are not safe individually and personally. This is one of the anomalies of a changing order of things. And it is by no means to be neglected. It furnishes an excellent reason for the repeal of the Blasphemy Laws. None of us are safe until that is effected. Even the superfine, respectable Freethinkers are not safe—unless they are innocuous enough to be useless; in which case they will always enjoy the safety which results from contemptuous indifference on the part of "the enemy." Blasphemy, in spite of the language of indictments, is now laid down to consist

in the *manner* and not in the *matter*. If you attack Christianity you must do it in a way that Christians will not resent. Now this is a law against wit in favor of pedantry; a law against the bright-minded in favor of dullards. You may attack Christianity with *argument* but not with *ridicule*. But *ridicule* is an argument. It is the *reductio ad absurdum*. It is employed by Euclid himself, who often ends a demonstration with the words "which is absurd." Moreover, it is only in regard to religion that controversy is regulated by law; and the regulation is only applied to Freethinkers. Christians may be as vulgar and offensive as they please; it is only the Freethinkers who must mind their "P's" and "Q's." For this very reason the late Mr. Justice Stephen said that every law of blasphemy rests upon "the principle of persecution." "If the law," he said, "were really impartial, and punished blasphemy only because it offends the feelings of believers, it ought also to punish such preaching as offends the feelings of unbelievers." Mr. Justice Stephen also pointed out that a law which says that you may discuss religion but may not ridicule it, takes away with one hand what it gives with the other, and tends to "confine the discussion to a small and in many ways unimportant class of persons." I know that these unimportant persons regard themselves as extremely influential; it is a way they have—but they are mistaken. I appeal to the verdict of history.

The upshot is, that Incorporated Societies, such as the Secular Society, Limited, are perfectly secure; and that the Blasphemy Laws are still a menace to individual propagandists. This has been my publicly expressed view for the last twelve years, and I invite those who differ from me, sometimes rather maliciously, to take note of the fact. I am liable to be mistaken, as other men are; but I differ from many other men in taking the trouble to think (as far as I can) all round a matter I want to deal with.

G. W. FOOTE.

God and Evil.—III.

(Concluded from p. 99.)

THERE is a story of a lawyer who, in defending his client charged with stealing a watch, said he would prove, first, that his client bought the watch in question, and paid for it; second, that if he did not pay for it he intended to, and, third, that he never had a watch in his possession during the whole of his life. Dr. Warschauer's defence of his Deity reminds one of this plea. His first apology for evil is that it is part of God's "purpose" of educating man; his second, that disaster is due to man's want of intelligence, and his third that "there is no special purpose, nothing corresponding to so-called special Providence, in these sad cases of disaster which are due to the unfailing action of natural law." So that there is a "purpose" which does not get itself realised, or which is not co-extensive with nature, but merely covers that portion which commends itself to our approval. It apparently never occurs to Dr. Warschauer that if there really is any "purpose" in nature, and this "purpose" is the outcome of a deity who is also a creator, his plan must cover everything. Nothing can exist that is outside its scope. For if the disasters in life are independent of deity, why not the benefits? When a man blunders out of the customary path, and discovers something beneficial, Dr. Warschauer says that we have here an illustration of the divine method of education. When another steps aside from the regular road and causes a collision, an explosion, or some other disaster, he says there is no "special purpose" in this, it is only an illustration of man's want of intelligence, or disobedience to natural law. Heads I win, tails you lose! An old game with the theologian, although it is here propounded as a profound philosophical discovery.

Having evaded one criticism by denying "special purpose" to one set of events, Dr. Warschauer

meets another criticism by reminding a correspondent that—

"The orderly sequences which we call laws of nature represent simply the will of God in the physical universe; they are neither independent of God, nor are they arbitrarily imposed from outside. To interfere with the natural order would be for God to alter his mind, to correct some mistake, or prevent the supervening of some unforeseen circumstance."

So that, after all, *everything* that transpires is part of the original plan. Nothing is unforeseen. Nothing is independent of God. The laws of nature represent the will of God, and everything that transpires is in accordance with his will; part of the foreseen consequences of the God-made natural order. Where, then, is the injustice of making God responsible for all that occurs? Why should we not blame him for those disasters that fall indiscriminately upon good and bad, wise and foolish, the careful and the careless?

Dr. Warschauer replies that to expect interference with natural laws is not only to expect God to change his mind—which would certainly be more worthy than persisting in a settled course after its badness had been made apparent—but it would be to expect a miracle, or a constant series of miracles. But in all seriousness, what, *a priori*, objection can a Theist have to miracles? If he can believe in the miracle of special creation, it is surely betraying a fastidious appetite to reject miracles in the aftercourse of nature. Of course, miracles do not occur, and no intelligently educated person expects them to occur. But to urge the fact of their non-occurrence as a justification of God's not continuously checking the action of the forces he created, so as to prevent them causing unmerited injury, is anything but sound reasoning. The criticism is that the occurrence of disaster and unmerited suffering proves that the watchfulness, the wisdom, and the love of God are lacking. To this the reply is made that if God did interfere it would involve a miracle. Well, call it a miracle, or call it by some other name, as you will, the fact remains that on the lines of an intelligible Theism we are justified in expecting things to be better ordered than is actually the case.

Again comes the reply that if miracles did occur the result would be "universal uncertainty." Not so; if the presence and care of God were made manifest by a "providential control" of forces in such wise that the glaring injustices of nature were remedied, this would take its place as part of the normal order of events. If health and good habits only were communicable, while disease and bad habits were not, I do not know that anyone or anything would suffer thereby. Of course, as things are, the condition of the communicability of good things is the communicability of bad ones; but this is not a moral justification, only a proof of the absolute insensitiveness of nature to human welfare, and falsity of the Theistic position. Natural law, says Dr. Warschauer, represents the only basis on which life is ever possible. But this, again, is only saying that, under present conditions, every gain in life or happiness has to be heavily paid for. No one disputes this. The criticism takes the shape of the question, Why should this be so? And to answer, it is so, is sheer folly. Dr. Warschauer presents us with a Deity whom, he says, possesses love and wisdom and power in the highest degree, who created the world, whose will is seen in "natural law," and whose purpose runs right through nature. And when it is pointed out that the facts do not fit the theory, or else exhibit the character of God in an unlovely light, he replies that this is his way, and we must believe it to be good, even though our reason assures us it is the reverse! On which one can only marvel at the stupefying influence of religious beliefs on the average human intelligence.

Following, comes the inept remark that the consequences of sin are so many warnings. But a warning, to be thorough, should precede, not follow, the conduct that is punishable. God does not make it clear that certain actions will bring punishment,

he lies in wait to punish at the first opportunity. Disease and disaster come, and only then do we begin to look round and try to discover how they have been produced. And then only in a few cases can we trace them to their causes and take effective steps to prevent their recurrence. With the best intentions in the world we go wrong, and must go wrong, in order to find out what is right. The race has no other method of learning, save by experiment, and experiment, in the very nature of things, spells danger and disaster for the pioneers. And then we are told that the consequences of sin are so many warnings. Human justice warns, and human justice takes into account in meting out punishment, the ignorance of the transgressor. "Divine justice" waits until the action is committed before the punishment is announced, and then the consequences are the same whether the "law" be transgressed in complete ignorance or with a full knowledge of the consequences.

God's sentences, we are told, are not inflicted "by way of avenging his offended majesty, but as a stern argument whose meaning the transgressor cannot mistake; while, at the same time, his punishment may act upon others as a deterrent from the like courses." The first portion of this statement is untrue, and the latter is only true in a very limited sense. Let us take, as an instance, the sufferings that attend childhood—measles, croup, chicken-pox, scarlet-fever, and other ills. Will anyone say these are in the nature of a "stern argument" whose meaning cannot be mistaken? Does a child know why it suffers, or does it gain any substantial benefit from its suffering? Clearly it does not; from Dr. Warschauer's point of view, its sufferings are wholly gratuitous. Moreover, with certain diseases, as chicken-pox, against which, because it does not kill, there is no protection in the shape of increased immunity, children are afflicted, generation after generation, apparently in sheer wantonness, and without the least possible benefit to anyone concerned.

Or take adults instead of children. Even here it is so far from true that the message cannot be mistaken, that in the majority of cases people do actually wonder how on earth they contracted a disease, and are quite in the dark as to *why* they have it. While I write there comes to hand a report that in certain houses in Paris, year after year, there is an abnormally high percentage of cases of consumption. The houses are simply death-traps for all who have lived therein. Now, what was the meaning of this "message"? or can anyone say that its meaning could not be mistaken? Did the tenants, year after year, take these houses knowing that they would, in a large number of cases, contract consumption? Whether they did or did not, how can anyone in their senses say that the message was effective? It is not even quite true that the "message" deters others. Have the consequences of evil-living prevented others leading evil lives. People have robbed and cheated and lied, and, far from it acting as a deterrent, others have imitated them under the impression that here was a short cut to prosperity. Why, the great topic of men of Dr. Warschauer's profession is that evil, instead of repelling, operates as a fatal attraction to others. The seductiveness of vice and the repellent austerity of virtue—superficial though these features may be—have been the constant theme of moralist and preacher.

These are obvious truths, and yet Dr. Warschauer, like other Theists, is blind to their existence. Probably, only while he is pleading the Theistic case. In other matters I should expect to find him as alive to facts as others are. But it is one of the fatal influences of religious beliefs that it acts like a drug upon the mind, saps it of its effectiveness, and leads believers to reason in a manner that they would be the first to smile at if used by others, and on a different subject. That Dr. Warschauer will face the criticism I have offered, I have not the remotest hope. He will probably continue, as hitherto, repeating all the old philosophical and scientific absurdities to people

who already believe in the position he is upholding. Such people may find him useful in removing their "difficulties," for the reason that they are in the nature of questions submitted by pupils in the confidence that they will be enabled to marvel at the dexterity of their teacher's answers. Others know what a shallow game of make-belief the whole thing is. There is little real genuineness in the questions, and there is no real life in the answers. For when all is said and done, it remains true that the belief in God is nothing but a survival from the intellectual life of the primitive savage, reminding us, like the rudimentary organs of our physical structure, of the low condition in which the race began. A primitive delusion resting upon ignorance and perpetuated by folly and fraud sums up the whole story of the God-idea. And when that is said, all is said. Everything else is by way of illustration and comment.

C. COHEN.

A Pernicious Misconception.

CHRISTIAN teachers are continually making extravagant assertions which are incapable of justification on any ground whatever. In the pulpit, particularly, many of them seem to throw conscience to the wind, and revel in wild, irresponsible utterances, which are the very opposite of true. It is their profession, of course, to eulogise the Christian religion, to expatiate on its absolute perfections, to exalt it above all other religions, and to persuade people to accept it as the only infallible remedy for all our human maladies. That is their supreme business in life, and their devotion to it is often so complete as to obscure and pervert their moral vision. Here is a well-known saying attributed to Jesus: "A man's life consisteth not in the abundance of the things which he possesseth." Well, that saying, according to the Rev. Canon Hensley Henson, presents us with the Christian ideal of life. "Self-respect and contentment, the pledges of individual morality and social security," the Canon says, "are bound up in the acceptance of that truth." One is glad to discover that the reverend gentleman does not claim originality for the sayings ascribed to Jesus. He even admits that "the superiority of the moral over the material, the great truth that man's self is truly spiritual, that his genuine life is independent of his possessions, is the postulate of all religious teachers, nay, of all self-respecting men." So far so good; but here comes something that is distinctly not good, but positively bad, being wholly false. Speaking of the saying just quoted, Canon Henson says:—

"Secularism is its precise and categorical contradiction. In the circumstances of human life, this truth is not able to hold its ground in men's minds apart from religion; and religion means for us, for all to whom the message of Christ has once effectively come, Christianity."

We have no hesitation whatever in challenging Canon Henson to make good that astounding assertion. We defy him to submit a single quotation from the teaching of accredited Secularists in which possessions are held to be of greater value than character. If he cannot prove his charge, will he be honest enough to withdraw it in as public a manner as he preferred it? Secularism is *not* the glorification of riches and the depreciation of virtue, but the direct reverse.

The preacher is equally mistaken in the statement that character cannot hold its ground apart from religion, by which he means Christianity. In discussing this point two facts must be kept in mind. The first is, that Christianity has not been "morally effective." Surely, the Canon is not reckless enough to affirm in cold blood that it ever has been or is now "morally effective" in Christendom. Can he conscientiously say that, from a moral point of view, London, Paris, Berlin, or New York is much superior to ancient Rome in its best pre-Christian days? He may triumphantly fling Juvenal's *Satires* and Martial's

Epigrams at us, and cry, "See there!" Well, with equal triumph we point to the works of Tacitus, Suetonius, and the younger Pliny, and say to the Canon, "Look on *this* picture as well as on *that*, and come to an unbiased judgment." When we reflect that a modern Juvenal could attack the crime, vice, and folly of to-day's London in language quite as bitter and violent as that employed by the ancient Juvenal when he lashed the Romans, we cannot possibly escape the conclusion that Christianity has not been "morally effective."

The other fact to be pondered is that some of the best characters of which the world can boast have been produced "apart from religion." John Stuart Mill is a notable case in point. That he was an eminently beautiful and noble personality is beyond controversy; but all who are familiar with his history are aware that religion had absolutely no share in the formation of his character. As a matter of fact, religion was rigidly excluded from his entire education. What is there "in the circumstances of human life" that renders it impossible to form the very best character "apart from religion"? Why should Secularists idolise wealth and despise virtue? Or what is there to prevent their living thoroughly good lives? Canon Henson omits to tell us because he cannot. He contents himself with naked dogmatism.

The Gospels represent Jesus as a positive hater of possessions. He sternly insisted upon poverty as a condition of entrance into the kingdom of heaven. He laid his curse on riches, and solemnly declared that the rich could not be his disciples. "Blessed are ye poor," he said, "for yours is the kingdom of God"; "it is easier for a camel to go through a needle's eye than for a rich man to enter into the kingdom of God." On this subject Canon Henson is not in agreement with his Lord. "I am far from thinking," he says, "that Christianity is opposed to a reasonable concern for secular well-being." To him, then, Christianity is something essentially different from the teaching of Christ. "I am quite sure," he continues, "that Christianity, *rightly understood* [the italics are ours], blesses and inspires every effort which vindicates self-respect and sweeps from society customs and conditions which depress and degrade human nature." This may be good sense, but it is not Christianity as taught in the New Testament. In the Holy Book, Christians are called upon to become crucified to the world, and actually to hate it as a swiftly-passing show. Their citizenship is in heaven, and there their minds and hearts should be also. Said Paul to the Colossians:—

"If then ye were raised together with Christ, seek the things that are above, where Christ is seated on the right hand of God. Set your mind on the things that are above, not on the things that are upon the earth."

Paul's otherworldism was equal to his Master's. But Canon Henson's Christianity permits the amassing of wealth, and despises the poor while singing the praises of poverty. Jesus said to his disciples: "Let your treasures and your hearts be in heaven alone." Canon Henson modifies the injunction thus: "You may lay up your treasures on earth, only see to it that your hearts are in heaven." Christianity according to Jesus and Paul is intelligible, if not believable, but Christianity according to Canon Henson is absurd as well as impossible. The reverend gentleman not only misrepresents Secularism, but also issues a false edition of Christianity.

Now, Secularism differs fundamentally from Christianity in that it makes the present world its all in all. In no version of the Christian religion is human welfare on earth regarded as the supreme concern. Even in the most rational version of it the supernatural overshadows and dominates everything. Social reforms are very good in their way; but, apart from religion, "the human life we have been sweeping and garnishing is an empty thing, and lies open to the invasions of every foe." "Our desire to raise society and to remove whatever does violence to human self-respect" is praiseworthy;

but "if in our zeal for specific reforms we stimulate recklessly the materialistic appetites of men, and throw aside the stern and lofty teaching of religion, we are courting the worst of defeats." We hold, on the contrary, that "human welfare in this world is the proper end of all thought and action." This is Secularism, *rightly understood*. Canon Henson's great bugbear is Materialism; but does he not know that Materialism is the most equivocal term in our language? What does he mean by "the materialistic appetites of men"? Are they the appetites of the body as distinguished from those of the mind? If so, does he imagine that Secularists do not believe in both, and seek to stimulate and direct them on thoroughly rational principles? It is a fundamental misconception to represent Secularism as a system that does not contemplate human nature in its entirety, and in all its interests. We are enthusiastic advocates of the doctrine that man's interests are threefold, namely, physical, mental, and moral, to all of which it is our duty to attend with scientific minuteness and care. A "man's life consisteth not in the abundance of things which he possesseth," but in the treasures of thought and imagination and social intercourse and love to which he is heir. Some of the greatest benefactors of the race went through life in grinding poverty, and some of the best and happiest people among us to-day have but few possessions. But in all this there is no religion, in Canon Henson's sense, nor need of any. The art of right living may be acquired without the intervention of any theology whatever.

Canon Henson endorses the sentiment that "it is no mere chance that has made the Christian nations the leaders of civilisation." True, perhaps; but it was the merest chance that made the leaders of civilisation Christians. Is it not an incontrovertible fact that the Greeks and Romans were the leaders of civilisation long before Christianity reached them? Is it not equally undeniable that the civilisation of Rome under the Antonines was superior to the civilisation of the Middle Ages under Christian emperors? Christianity did not make the nations it won leaders of civilisation: *they were such already*. Neither were they made better leaders of civilisation in consequence of adopting it. Canon Henson is not so blind a partisan, surely, as not to admit that some of the darkest and most humiliating chapters in the history of the Roman Empire were enacted under the banner of the Cross. And even to-day, is European civilisation a thing in which the reverend gentleman can glory? What real difference has Christ made?

The value of religion, which is Canon Henson's theme, exists alone in his own imagination. The history of the Church is an invincible witness to the moral worthlessness of Christianity. Mr. Campbell has, at last, publicly acknowledged the truth of this statement, though a little more than a year ago he was of a different opinion. The moral failure of Christianity ought to convince all that morality is entirely independent of religion, and would thrive much better in its absence. Indeed, it is safe to declare that its artificial connection with, and dependence upon, supernatural religion has seriously hindered its growth and development. By waiting so patiently on God mankind have woefully neglected their own resources. Now at last they are finding out that a man's life is his own, to make or to mar, and that the value of each life is determined by the contribution it makes to the moral improvement of the race.

J. T. LLOYD.

Some Press Opinions.

Most people will have been surprised to learn that criminal proceedings for blasphemy are still possible. Blasphemy is essentially an offence in connection with religion, and the law of blasphemy a means by which the State defends one particular form of religion, Christianity, if not indeed one particular form of Christianity, Anglicanism. The law of

blasphemy is in an unsettled state. Mr. Justice Stephen held that "a denial of the truth of Christianity in general or of the existence of God, whether the terms of such publication are decent or otherwise, is blasphemy," and that certainly is the older view and the one which was maintained by the Courts as recently as 1867. Lord Coleridge, in the Foote case—the last one, we believe, before that tried yesterday in London—laid it down that the manner, not the matter, is blasphemous, and that "if the decencies of controversy are observed even the fundamentals of religion may be attacked without a person being guilty of blasphemous libel." Mr. Justice Phillimore, whose allocution to the prisoner was, surely, out of place in a law court, yesterday apparently extended Lord Coleridge's dictum that it is blasphemous "in an indecent and malicious spirit to assail and asperse the truth of Christianity or of the Scriptures in a manner calculated and intended to shock the feelings and outrage the beliefs of mankind." Such a dictum makes the freedom of discussion of religious topics depend upon the sensitiveness and the strength of religious conviction of a jury, and there are many juries, as there have been many judges, who would punish any decided expression of Atheism or even heterodoxy. Surely a law which, even on the most liberal interpretation, employs the power of the State to confer upon one class of men, merely because they hold a certain religious belief, the right to send to gaol their fellows who do not hold it, and who say so publicly, is out of harmony with modern notions of liberty, and might well have been allowed to lapse. The decencies are sufficiently protected by the law of obscene libel. To appeal to the law of blasphemy is to emphasise the fact that the offence is not in the indecency or in the obscenity, if any is alleged, but in the unorthodoxy, and to convert the State into an engine for the support of a religious doctrine. Those who advised and those who supported the prosecution of Boulter, if not the jury who convicted him, have done an ill-service to liberty and enlightenment as well as to religion.—*Manchester Guardian*.

The conviction of Boulter for blasphemy was inevitable as long as the obsolete law which deals with the subject remains on the Statute Book. It seems to us, however, a great pity that the Home Secretary should ever have allowed the prosecution to be commenced under such an Act. There is little doubt that the prisoner will accept the chance of liberty which Mr. Justice Phillimore has offered him, and, having enjoyed his advertisement, will pose for ever after as a martyr in the cause of religious freedom. And the worst of it is that he will have a perfect right to do so, owing to the form of the conviction. If he had been prosecuted for an offence against public decency, he might or might not have been convicted, but he would have forfeited the sympathy which, as things stand, he will undoubtedly obtain from a considerable number of freedom-loving citizens.—*The New Age*.

Last Thursday, before Mr. Justice Phillimore, a prisoner was found guilty of having spoken blasphemous and profane words to the people at Highbury Corner, Islington, on three occasions in December last. The judge postponed sentence and released the prisoner on bail, promising that if by Saturday he gave an undertaking in writing not to make such speeches in future he would release him on his own recognisances. Accordingly, on Saturday the defendant gave a written expression of regret and an undertaking that he would not in future use any language calculated to shock the feelings and outrage the beliefs of the public. In releasing the prisoner the judge gave notice that future offenders will not be treated with this leniency. We trust that this does not mean that these prosecutions are to be promoted in the future. No doubt the public have a claim to be protected against addresses in the streets which shock the sense of reverence and decency. At the same time, we are among those who strongly urge the importance of open-air campaigns in the service of religion and morality. If, as Christians, we claim to occupy the public thoroughfares in the interests of our religion, we must not be too ready to complain if others occupy them in order to attack it. The use of such weapons as the Blasphemy Act is certainly two-edged, and may be made to endanger liberty. Proceedings taken under it tend to advertise, rather than to suppress, profanity. We trust, therefore, that the judge's remarks will not encourage any extensive campaign of this kind.—*Methodist Times*.

We have no sympathy whatever with the attempt to revive the obsolete blasphemy laws which resulted in the conviction of the man Boulter before Mr. Justice Phillimore last Thursday. Christianity does not need to be protected in this fashion by the secular arm; and our notion of the freedom of speech makes us shrink from the plan of prose-

cutting a man for uttering views even so obnoxious as those expressed by ignorant fanatics of the stamp of Boulter. After all, nobody was obliged to stop and listen to his ravings; while those who wished to do so had a right to follow their own bent, however much we may marvel at their taste. But the worst of such a prosecution is that it gives to an obscure ranter exactly the kind of notoriety, and to his lucubrations that wide advertisement, for which he probably yearns. To turn a person of this calibre into a pinchbeck "martyr" is a piece of downright folly—"giving occasion to the enemies of the Lord to blaspheme"—and we hope we may have heard the very last of these exploits of a zeal which oversteps the boundaries of discretion.—*Christian Commonwealth.*

Not for the defence of the man charged as an individual, but for the sake of the principle of free speech, which prosecutions for blasphemy always challenge, Spiritualists should not close their eyes to this case. Our literature and our lecturers have challenged orthodox theology as critically as any advocates of Freethought. We have protested against the Christian dogmas, and our philosophy is opposed to such things. We are heretics, tolerated, it is true, but heretics to the Church as by law established. We must watch these stealthy efforts to muzzle others, as some day we may also have to guard ourselves. So the least Spiritualists can do is to hold a watching brief in this case. But one result of the matter is that the National Secular Society has come to the front to assist in defending the case. Mr. G. W. Foote, acting on behalf of the N. S. S., has bestirred himself with marked advantage to the conduct of the affair. We congratulate Mr. Foote and the National Secular Society on coming forward in the matter.—*Two Worlds.*

Having given Mr. Justice Phillimore a satisfactory undertaking that he would not repeat the offence of which he had been convicted, Mr. Boulter was bound over in £50 to come up for judgment when called upon. Thus ends the latest prosecution for blasphemy, a prosecution that should never have been undertaken. In so far as Mr. Boulter's language was vulgar and offensive, it could have been dealt with without invoking the aid of legislation about blasphemy, which should be repealed without delay. It is absurd that anyone who, at this time of day, questions the truth of Christianity should be liable to prosecution in a country which has had Jewish judges on the Bench. For we must not lose sight of the fact that it is the matter, and not the manner, of such questioning which really constitutes blasphemy. Indeed, the common-sense and kindly action of Mr. Justice Phillimore is—from one point of view—to be deprecated. The public will go to sleep again, believing, despite Mr. Justice Phillimore's observation that there is no such thing as an "obsolete" law to the Judge who has to administer it, that the Blasphemy Laws are practically obsolete. And so they will remain on the Statute Book; whereas a savage sentence would have inaugurated a vigorous action for their repeal.—*Reynolds' Newspaper.*

The blasphemy case has puzzled me exceedingly. Mr. Boulter seems to have been indicted for blasphemy, and tried for some other offence. What that offence was I cannot tell, as the evidence has not been published.

Now, even a nominal revival of the absurd and unjust law against blasphemy is not to be passed over lightly; for that law is a menace to free speech and moral enlightenment; but it would, I think, be possible to take this particular case too seriously. Judging from the terms of the promise exacted from Mr. Boulter, it is not his "unbelief," nor his criticism of "belief," that is aimed at, but the terms in which he expressed his opinions and uttered his criticisms. As a free thinker and a free speaker, I cannot approve of a method of propaganda so offensive as to injure the cause of free thought and free speech. An atheist or agnostic should, above all men, be courteous and tolerant.

As an opponent of the so-called Christian religion, I have found too many reverend gentlemen neither courteous nor tolerant, but I do hope that we, on our side, may always set them a better example than they set us.—*R. Blatchford.*

The result of the blasphemy prosecution at the Old Bailey was as unsatisfactory as the censorship of religious or anti-religious propaganda by a policeman must always be. But we object to it mainly because it was the employment of a steam-hammer to crack a nut. Some of the language used by the defendant Boulter was held by Mr. Justice Phillimore—who spoke, he said, as a "Christian man"—not to come within the modern definition of the Law of Blasphemy. But there were other words used by the defendant which certainly ought not to have been addressed to a chance crowd of children and adults in a public park. There was an easy remedy for this in the

ordinary law, but some Inquisitor-General at Scotland Yard decided to put in force the rusty and antiquated machinery of the Blasphemy Laws. The defendant, it was alleged in the indictment:—

"Being an evilly-disposed person, disregarding the laws and religion of this realm, was guilty of conduct calculated to scandalise and vilify the Christian religion."

The serious side of this is that the language of this indictment might include every rationalist writer and thinker of our generation.

The late Sir James Stephen took the view that under this barbarous and antiquated statute every bookseller who sells, every man who lends to a friend, a copy of Renan's *Vie de Jesus*, or the essays of Huxley, might be sentenced to a long term of imprisonment. Such an atrocity only needs to be stated in order to arouse loathing and hostility, and it is true that earnest Christian judges like the late Lord Coleridge, and—yesterday—Mr. Justice Phillimore have helped to rehabilitate the Blasphemy Laws by taking a milder view of their meaning. In their view it is only the manner, not the matter, which constitutes the crime of blasphemy. A man, Sir Walter Phillimore said, may believe and say and teach what he pleases about religion, but he must not utter gross and insulting attacks on religion in public places.

But the suppression of this conduct could have been attained by the ordinary law at a police-court, without bringing out the rusty old rack and thumbscrews to strike terror into the beholder, and we regret that a less melodramatic course was not taken with Mr. Boulter. The verdict of the jury has closed the case, and all that remains is the sentence. In one respect we may congratulate ourselves that we have advanced in tolerance since 1883. Instead of the savage sentence of twelve months' imprisonment which that testy bigot, the late Mr. Justice North, passed upon Mr. G. W. Foote in that year, we find Mr. Justice Phillimore releasing the defendant Boulter on bail in order to see whether he will give a satisfactory undertaking not to repeat his offence. Matters of religious opinion should in free countries be outside the sphere of the police agent, and, in our view, the Commissioner of Police has secured the minimum of public advantage with the maximum of notoriety and public harm by the adoption of this ill-advised anachronism.—*The Star (London).*

Mr. Justice Phillimore was scarcely the ideal judge to try a prisoner accused of blasphemy, even if he was only a sartorial cutter. It is a well-known fact that from time immemorial the shoemaker is infinitely greater as a politician and theological critic than his comrade the tailor. If the defendant had been the wielder of an awl instead of the manipulator of a pair of shears, the learned judge might have listened to a popular dissection of dogma which would not be in accordance with the 39 Articles as by law defined to include the lawful doctrines of our State religion. It seems an anachronism to talk about blasphemy as a twentieth century crime. It belongs to the days when in this country man really believed in doctrines which could be enforced by the stake, the gibbet, slitting the ears or nose, or in more recent days the pillory or standing in the church porch in a white sheet asking pardon for ecclesiastical offences.—*West Middlesex Times.*

It is, I think, unfortunate that a Judge of Sir Walter Phillimore's well-known opinions and proclivities, should have presided at the trial of a person for blasphemy. This Judge is a man of pronounced views on many matters, and he lacks one of the most essential qualifications in a Judge, the keeping of his private opinions well in the background when sitting on the Bench. Anything, for example, in more questionable judicial taste than the Judge's address to Boulter after he had been found guilty I cannot conceive. Boulter is a Freethinker or an Atheist, Mr. Justice Phillimore is a Christian. The latter takes advantage of his position as the judge to address the prisoner on his religious beliefs, or want of it. He tells him he is suffering from an unfortunate misconception as to the truth, and that he, the Judge, hopes the day may come when the prisoner may see his misconception, and the scales may fall from his eyes. Reverse the procedure, and imagine the prisoner addressing the Judge in such terms. And yet such a proceeding would have been no more inappropriate than were Mr. Justice Phillimore's remarks to the prisoner.....This is the first blasphemy prosecution since 1883, the previous one prior to that year having been in 1857. I sincerely hope Boulter's may be the last case in this country. The blasphemy laws are obsolete. I say this, despite the dictum of Mr. Justice Phillimore, who presided at the trial of Boulter, that he does not understand what is meant by a law being obsolete. Is this another instance of judicial innocence? If Mr. Justice Phillimore does not know what an obsolete law is, let me tell him that there are dozens of Acts of Parliament—many

of them levelled against ministers of the Roman Catholic Church—that, though unrepealed, are obsolete, obsolete in the sense that no sane man would think of putting the law into motion, and in regard to which it is doubtful whether any magistrate or judge sufficiently foolish could be found to do what Mr. Justice Phillimore says it is the duty of such, to "execute it." The common sense of the community often as effectively, if not as formally, repeals a legal enactment as the legislature. That is why, despite the Judge's dictum, the blasphemy laws are obsolete.—*Whitehall Review*.

Acid Drops.

The *Christian Commonwealth* now (at half-past twelve) expresses disapproval of the "blasphemy" prosecution. Its protest would have been more useful, and more creditable, if it had been uttered before, instead of after, the trial.

The organ of the New Theology is naturally wild with Mr. Atherley-Jones, K.C., who, in his speech for the defence in the Boulter case, alluded not too respectfully to the Rev. R. J. Campbell. Mr. Boulter had ridiculed, in Highbury-corner English, and in his own taste, the doctrine of the Virgin Birth. Mr. Jones could not deny it. But he asked why Mr. Boulter was the only person proceeded against. "Was a man," he said, "not a hundred miles from that place, in a temple made with hands, to tell his audience that the story of the Divine birth was a myth, and to go unpunished and unquestioned?" Our contemporary calls this a "singularly disingenuous quibble"—because Mr. Campbell argued for his honest belief, while Mr. Boulter was only making gross and scurrilous attacks on what people held dear. But this is missing the whole point of Mr. Jones's argument. He held that blasphemy must lie in the matter, not in the manner; and he argued that this was really proved by the language of the indictment, which charged Mr. Boulter with bringing the Holy Scriptures and the Christian Religion into *disbelief* as well as into *ridicule* and *contempt*. And, indeed, could anything be more ridiculous than to call it perfectly respectable to say that a religious doctrine is *false*, yet perfectly criminal to say it is *ridiculous*?

One of the sentences alleged against Mr. Boulter in his indictment was a quotation from Mr. Campbell's *New Theology*. The *Christian Commonwealth* may understand now—it cares to understand—why Mr. Atherley-Jones had a moral as well as a legal right to allude to the oracle of the City Temple.

We congratulate the C. C., however, on its criticism of the Evangelical Mission which is being organised to "rouse the slumbering masses of the metropolis" next year. "The interest of the announcement," it says, "lies in the frank if somewhat belated avowal of the failure of the much-trumpeted Torrey-Alexander Mission, with its machine-made enthusiasm, its narrow bigotry, and its transports of vulgarity."

The *Christian World* has gone backward. It used to be against the Blasphemy Laws. It now appears to favor them. It refers to the Boulter case in terms of apparent satisfaction. Once upon a time, our contemporary had principles; now, it is merely in business.

The *Methodist Times* devotes a leaderette to the "blasphemy" case. It is a wobbly leaderette, but it shows a general tendency in the right direction. Our contemporary points out that Christians are going in extensively for street preaching, and "must not be too ready to complain" if others use the same streets "in order to attack" Christianity. We beg to point out another consideration. Christians get into open-air discussions with Freethinkers, and how comfortable they will feel if a freethinking opponent says: "You see I am at a disadvantage; I cannot speak as plainly and forcibly as my Christian friend does; if I do his friends will prosecute me, and perhaps put me in prison, under the Blasphemy Laws. He fights with both hands free; I have one tied behind my back." This will be pleasant for the Christian speaker, especially in the presence of an audience that wants to see a fair fight.

Mr. Justice Phillimore told Harry Boulter that he had committed "a serious crime" in ridiculing Christianity. The very next case his lordship took was that of Von Vethheim, who got twenty years' penal servitude (a life sentence) for threatening a millionaire Jew. Any person with brains, who will use them, may easily see the moral of

these two cases. Jews, like other people, are respectable as far as they have position and money. So are Freethinkers. And judges take £5,000 a year as "humble" followers of the preacher of "Blessed be ye poor" and actually preach Christian sermons from the bench. "A mad world, my masters!"

The *London Star*, and one or two other papers, have referred to the "sentence of twelve months' hard labor" passed upon Mr. Foote by Mr. Justice North in 1883. This is a mistake. "Blasphemy" is not a felony; it is only a misdemeanor, and cannot be punished with hard labor. Not that hard labor is very galling—for the hard labor men, in short-term prisons, have all the best of it, being out of their wearisome cells a great deal, and also better fed than the misdemeanants. And, as a matter of fact, there is no such thing as *hard* labor in any of these prisons.

Mr. Robert Blatchford's paragraph on the result of the "blasphemy" prosecution is reproduced among the "Press Opinions" on another page of this week's *Freethinker*. We are sorry to see him affecting not to know what Mr. Boulter was prosecuted for. We are also sorry to see that he does not feel the gravity of the situation, in which Mr. Boulter and his special style of oratory are merely accidents. The Blasphemy Laws have been proved to be *not* obsolete, and nobody knows *whom* they may be used against in the near future, which promises to be decidedly reactionary. As for the homily on good taste with which Mr. Blatchford concludes, we have two things to say: first, that Freethinkers ought not to talk too much about "good taste" when Christians are making "ill taste" criminal; second, that one of the passages in Mr. Boulter's indictment, which the police evidently thought likely to do him a vast deal of harm, was actually a quotation from *God and My Neighbor*. The passage was cited by Mr. Bodkin in his opening speech against Mr. Boulter.

The Bishop of Madras, in the *Calcutta Statesman*, claims that mission work in India, during the past fifty years, has achieved "wonderful success among the lower classes and aboriginal tribes," but confesses its "failure to make converts among the higher castes and educated classes." There are a good few *rice* Christians in India. That is all.

Sir Ernest Satow, formerly British Minister at Peking, sent a letter to a mass meeting of Chinese Missions recently held at Scarborough. In his communication, Sir Ernest Satow said that he hoped missionaries would show due respect to the ancient civilisation of China, and to the Chinese code of morals, which was based on reverence for the family and devotion to the memory of ancestors. He also advised the maintenance of a friendly feeling towards Roman Catholic missionaries, and advised missionaries not to interfere in protecting their converts in civil disputes against non-Christians or against the action of the mandarins.

Now this advice comes as an official proof of the truth of what has been said, over and over again in these columns, as to the part played by missionaries in China in stirring up trouble. In England, to outrage the beliefs and shock the feelings of Christians is said by a judge on the bench to be a "serious crime." In China, fanatical Christian missionaries force their way into Chinese temples and preach their doctrines to the people. They insult, as Christians insult, the feelings and moral sense of the Chinese; worse still, they set the law of the country at defiance, and defy Chinese magistrates to carry out the Chinese law on Chinese subjects, and then demand from the people at home military protection and the funds to keep their mischievous trade going in the "sacred name of Christianity." The fact of Sir Ernest Satow hoping that they will not continue to do the things he warns them against is proof that they *have* done them. We have not much hope of the missionaries profiting by the advice. What we expect they will do will be to turn the warning into an endorsement of missionary methods in the Chinese Empire.

Most of the religious papers have been deeply concerned concerning the provisions of the Baxendale legacy. A legacy of £20,000 was left by a Mr. Baxendale—a member of the Plymouth Brethren—to his son, on condition that the latter left the "Bible Brotherhood," to which he now belongs, and rejoined his father's sect. Most of the religious papers denounce the condition as an unjust one, but none of them draw the real and only moral from the case. This is the terribly distorting effect on the moral sense of intense religious convictions. Such a case could hardly arise even in politics. Religion alone has the power of warping human nature to the extent indicated by such a condition as that

in Mr. Baxendale's will. The small, petty, and legally punishable vices of life Christianity may guard against—although even this is doubtful. But the larger, deeper, and legally unpunishable vices it not only does not prevent—it encourages their operation and perpetuation.

Mr. Henry Baxendale told a Memorial Hall meeting that if he ever handled that £20,000 he would use it for the purpose of fighting "Atheism, Socialism, and Campbellism." What a mixture! What we wish is that he could get hold of the £20,000 and spend it in fighting Atheism. It would be a good thing for Atheism.

After protesting for some years that he desires "Simple Bible Teaching" in the schools on account of its literary, ethical, and historical value, Dr. Clifford, in defending himself against the Bishop of Salisbury, now says that "Simple Bible Teaching" "cannot well be anything but Christian teaching." So the cat is out of the bag at last. But what an incurable Christian the man is, to be sure!

At Coventry, recently, a couple of professional gymnasts gave a wrestling exhibition in aid of the funds of St. Michael's Mission. Time was kept by a clergyman belonging to the mission, who appeared on the stage in full professional war-paint. Some people in the town have protested against the exhibition, but the clergyman pleads justification on the ground that the man to whom "God had given tremendous strength and skill voluntarily offered to make a contribution to the service of God." We wonder whether he would have taken the same view of the proceedings if everything in the shape of "gate money" had been absent?

Mr. Josiah Nix, the Methodist evangelist, has "wonderful" meetings wherever he goes, with numerous conversions. We understand that the reports in the religious press, from which this news is gathered, are all written by Mr. Nix himself. So we have excellent authority on which to form a judgment.

At Llanelly, a palmist has been summoned for practising fortune-telling. It appears that he prophesied disaster to a local colliery, with the result that the men employed there refused to work. No wonder Christian revivals flourish in the Principality!

The Rev. T. E. Ruth says that he can think of nothing so bad as an irreligious democracy would be. Well, we know this gentleman, with many others in his profession, would find an irreligious democracy very uncomfortable—at first. But we bid him take heart; it is only the discomfort that people are apt to feel when they turn over a new leaf and start on a better course. It would wear off in time, and he would probably look back on his former life, as many Free-thinkers do on their religious past, and wonder how on earth he ever looked on Christianity as the best kind of thing for a man.

Rich men, says Canon Hensley Henson, cannot afford to forget that "a man's life consisteth not in the abundance of the things which he possesseth." Well, they don't. On the contrary, it is one of the things they are always preaching—to the poor. And to show they are in dead earnest they pay thousands of men like Canon Henson to drive the lesson home.

"Church" marriages are steadily declining. Last year 631 per 1,000 marriages were celebrated according to Established Church rites; 181 per 1,000 in accordance with those of other religious denominations; and 188 per 1,000 in the registry offices. The last class, the class of secular marriages, is constantly increasing.

Church attendance is going to the dogs even in Bonnie Dundee. How to get the people back to kirk is a burning question with the men of God. Some say this and some say that. But all seem fairly agreed on the evil of Sunday concerts, Sunday excursions, and Sunday amusements. Ay, there's the rub! "Frae God's ain priests the people's hearts they steal awa'."

Municipal action should always be watched by Free-thinkers. The Parks Committee of the Manchester Corporation is granting leave for religious services in certain parks on Sundays during the summer months. This is very nice for the religious folk—but where do the Free-thinkers look in? We suggest that the Manchester Secularists should apply for the right to use the parks as well as the Christians. If they were denied, a fight for fair play would have to be

carried on. If their request were granted, they could arrange for outdoor lectures, and might count on assistance from headquarters in London.

Mr. Victor Grayson, M.P., is a Socialist and *not* an Atheist. He seems, indeed, to be exceptionally pious. Speaking at an East Ham meeting with Robert Blatchford in the chair (Blatchford!), he said: "I can understand sometimes why God sent the Flood. When I look at these social problems, when I see all the horrors of our present system, I feel that if I were God I would send a fire to burn the whole thing up, and let us have a fresh start." Fortunately the honorable gentleman is *not* God. We don't see that the fire cure is any better than the cold water cure. As for making a fresh start, it is evident that the one made after the Flood was no improvement, and what reason is there for supposing Mr. Grayson's fresh start would be any better? Possibly he is an improvement on Noah, but is it worth boasting of after four thousand five hundred years' progress?

"An Appeal to Nonconformists" is the heading of a handbill which has reached us bearing no printer's name nor any address. It accuses Messrs. Alabaster and Passmore, the printers of Spurgeon's sermons, of "sweating" their women workers, discharging them for joining a Trade Union for the purpose of obtaining a "living wage," and locking out male compositors for protesting against being displaced by "cheap female labor." Is there any truth in these charges? Can anybody tell us?

The world moves, and Churches move with it. Wesleyans see that they must get up a new Hymn Book for their Sunday-schools. Many of the old hymns are too bad nowadays even for "kids." "There's a Friend for Little Children" and "There is a Happy Land, Far, Far Away," appear to be both under notice to leave. Which is really sad. We remember singing that "Happy Land" hymn so often in the days of our childhood. We thought it a delightful place two or three days' journey from where we piped our little treble. But present-day children are wider awake. They think over the rest of the words. "There is a happy land"—Where?—"Far, far away." That's the trouble. There's no getting near it.

"Dear, dying Lamb, thy Precious Blood shall never lose its Power." This beautiful hymn, which we remember so well, is under *tabu* already. The secretary of the Wesleyan Sunday School Union says, "some of our congregations will not sing it." They are sick of the "blood." But half a century ago it was a most delectable fluid. "There is a fountain filled with blood" (*filled with it!*) used to be one of the most popular hymns in the collection; and as it went to an easy, rattling tune it was sung with great gusto. Yet the Christians are ashamed of it now. The spirit of the age is upon them—in spite of themselves—and in spite of their religion.

Mr. Justice Grantham gives a new reason for going to church. Summing up in a manslaughter case at Gloucester, he expressed surprise that the beautiful cathedral services were not better attended, and suggested to working people that "if they spent an hour or two at a religious service they would enjoy an hour or two afterwards at the public-house much more." This reminds us of Keats putting cayenne pepper on his tongue to heighten the relish of cool claret.

Mr. Henderson having challenged Mr. Robert Blatchford to write a better book than the Bible, which was "the very foundation of England's greatness as a nation," that gentleman advises the Labor leader to "read the Bible more, and talk about it less," and tells him that "his speech is not above the very low intellectual standard of the superintendent of a little Bethel Sunday school." Mr. Blatchford had better mind. Mr. Henderson's friends may "pinch" him for "blasphemy" yet. They are equal to anything in "free discussion"—as they understand it.

We are sorry to say that the first result of Mr. Wishart's debate with the Rev. George Wise, and perhaps of the "blasphemy" prosecution in London, is that the Liverpool police have stopped the N. S. S. Branch meetings at the Milton Hall, Daulby-street, by putting pressure upon the proprietor, who is fearful of losing his licence if he does not conform to the wish of the authorities. The hall was closed against the Branch suddenly on Sunday evening. Mr. Wishart and the Committee held an indignation meeting in Islington-square. They asked for the use of the Alexandra Hall for that purpose, after Mr. McCab's lecture, but it was absolutely and uncivilly refused by Mr. Ward's Society—whose turn may come presently.

Mr. Foote's Engagements.

Sunday, February 23, The Town Hall, Birmingham; at 3, "The World to Come," with some reference to Sir Oliver Lodge; at 7, "The Doom of the Gods."

To Correspondents.

C. COHEN'S LECTURE ENGAGEMENTS.—February 23, Woolwich. March 8, Glasgow.

J. T. LLOYD'S LECTURE ENGAGEMENTS.—February 23, Glasgow. March 8, West Ham; 15, Manchester.

D. GERBER.—We know nothing about it.

THOMAS DIXON.—A man may do his own duty; he cannot always depend on other people doing theirs, or on the result. You think our own action is "the only bright spot in the matter," but you may see others after reading our this week's article.

W. D. COCKBURN.—See paragraph. We must have a little continuous leisure to write on Determinism. Perhaps we shall get it now. But crises have a way of arising.

A. MARTIN.—You say it is a pity the authorities did not fly at higher game. Perhaps they thought it was not so easy to bring down. Glad the Edinburgh Freethinkers honor the N. S. S. and its President for seeing, and standing by, the principle involved. Thanks for their personal good wishes.

W. J. CHIVERS.—You have overlooked the chronology. The *Freethinker* goes to press on Tuesday night, and does not deal with what happens four days afterwards.

GEORGE JACOB.—Quite right. "God" always says "ditto" to Man.

F. J. VOISEY.—Glad you entirely agree with us. Of course there was no other course really possible; the final problem was one for the "prisoner" to deal with himself. The "most offensive words" were all included in Mr. Bodkin's opening speech reported in our last issue. You will see them repeated this week in the judge's charge to the jury. We print these "worst passages" as part of a fair report of the trial, and don't see the necessity of printing all the rest of the indictment; our object being to report the "blasphemy" case and not Mr. Boulter's speeches.

J. H. H.—Thanks for the information, though we knew it all before, except the matter of the association with G. B. S.

R. J. HENDERSON.—Glad you read us rightly. Glad, too, that you understand those who find the *Freethinker* "too aggressive." It is, as you say, the "aggressive" men who live in history; Voltaire, Paine, Ingersoll, Bradlaugh, etc. When the guns begin to play we all know where to look for the "non-aggressive" people,—a thousand miles off the fighting. But they gather at the spot—afterwards, and explain how much better the battle might have been fought if they had been present.

T. HOPKINS.—We always have a method in our madness. All we do is carefully thought out, though we cannot always give our reasons in public. The point you raise was fully considered. You will take our word for that.

DR. E. B. FOOTE (New York) writes: "I see that war is on again in England, and I admire the prompt way in which the National Secular Society has entered the contest for free speech. The E. B. Foote family can never rest content to stay out of such a fray, or stand by as a mere looker on. But the seat of war is so far away that I can only aid with funds, and this I do at once."

ALFRED GERMANY.—Don't repine; do what you can for the cause, and let it suffice, as it should do. Your surmise is accurate. Mr. Boulter voluntarily gave the Court an undertaking, and the matter now rests entirely with himself; should he fail to keep it, and get into trouble in consequence, it will be no one's business but his own.

G. H. EXALL.—We are obliged.

J. CARTWRIGHT.—Will deal with it next week. Thanks.

W. P. BALL.—Your cuttings are always welcome.

X. Y. Z.—We shall make an extract from your interesting letter, probably next week, without hinting at your identity.

W. P. ADAMSON.—Your interesting letter on the Discovery of Chloroform shall appear in an early number.

C. H. HOWSON.—Always pleased to hear our principal contributors, Mr. Cohen and Mr. Lloyd, praised. They deserve it. Your comments on the "blasphemy" case are just.

J. WOODALL.—Shall be duly acknowledged in the next list—very shortly. The Honorarium Fund had to stand aside for a more urgent necessity. Several subscriptions are awaiting acknowledgment, but we cannot deal with the matter for another fortnight.

J. ARNOLD SHARPLEY.—Pleased to hear that Mr. Wishart gave such a good account of himself in the debate with Mr. George Wise. Of course the Socialism part of the debate was "off our beat," and the Atheism was so mixed up with the Socialism that we couldn't see our way to separate them. That the Orange lads interrupted Mr. Wishart disgracefully, and that the pious chairman openly took sides, was surely not surprising. "For 'tis their nature to," as the hymn says.

J. H.—Forwarded as desired. Freethinkers will have to feel their way carefully in Ireland, and we are rather too far off to advise. Glad that the *Freethinker* has opened your eyes, and that it is all over now with your Catholicism.

F. HOEY.—Will try to find out and let you know. Don't be impatient about the promised articles on Determinism. We cannot help urgent matters claiming our attention as President, and we must have a little continuous leisure for the articles. Things of that sort can't be done in snatches of time. See acknowledgment in list.

F. G. HOLDEN.—Will appear in the next list.

MOSES EDMONDSON.—We don't issue challenges and cannot publish them for others.

G. ROLEFFS.—Thanks.

J. BROUGH.—Thanks for cuttings.

P. W. MADDEN.—Quite true, but heroes, like poets, are born, not made. Pleased to have your good wishes.

J. GALE.—Thanks.

F. F. AND S. DEANE.—Quite true, but there is no help for it. We note your promise.

H. BLACK.—We published in good time last week, as usual; the delay must have been the newsagents' fault. Glad you appreciate our action "throughout." We have said all we want to on the other point.

J. B. GRANT.—Pray don't trouble. Your manly letter is a contribution in itself.

N. S. S. BENEVOLENT FUND.—The Secretary acknowledges £1 1s. from Mr. G. Ehrmann.

H. G. FARMER.—See paragraph. Thanks.

J. AINGE (80 Argyle-street, Leicester).—Glad you are helping the cause by pushing the sale of the *Freethinker*—selling thirty copies last week.

JOSEPH BEVINS.—Sorry to hear of your illness, and hope for a speedy and complete recovery. Acknowledgment in list at an early date.

E. T. JARVIS.—Accept thanks.

THE SECULAR SOCIETY, LIMITED, office is at 2 Newcastle-street, Farringdon-street, E.C.

THE NATIONAL SECULAR SOCIETY'S office is at 2 Newcastle-street, Farringdon-street, E.C.

LETTERS for the Editor of the *Freethinker* should be addressed to 2 Newcastle-street, Farringdon-street, E.C.

LECTURE NOTICES must reach 2 Newcastle-street, Farringdon-street, E.C., by first post Tuesday, or they will not be inserted.

FRIENDS who send us newspapers would enhance the favor by marking the passages to which they wish us to call attention.

ORDERS for literature should be sent to the Freethought Publishing Company, Limited, 2 Newcastle-street, Farringdon-street, E.C., and not to the Editor.

THE *Freethinker* will be forwarded direct from the publishing office, post free, at the following rates, prepaid:—One year, 10s. 6d.; half year, 5s. 3d.; three months, 2s. 8d.

PERSONS remitting for literature by stamps are specially requested to send *halfpenny stamps*.

SCALE OF ADVERTISEMENTS: Thirty words, 1s. 6d.; every succeeding ten words, 6d. *Displayed Advertisements*:—One inch, 4s. 6d.; half column, £1 2s. 6d.; column, £2 5s. Special terms for repetitions.

Sugar Plums.

Mr. Foote lectures twice to-day (Feb. 23) in the magnificent Birmingham Town Hall. His subject in the afternoon at 3 is "The World to Come"—with some reference to Sir Oliver Lodge; and at 7, "The Doom of the Gods." Before both lectures—for half an hour in the afternoon and three-quarters of an hour in the evening—there will be orchestral selections by a very competent band.

Mr. Foote had grand meetings at Glasgow on Sunday. The afternoon audience was very large, and in the evening the hall was packed, every inch of standing room being occupied, and one chair having to serve between the lecturer and the chairman. Many questions were asked and answered after the evening lecture, and several critics were replied to. The meeting began at 6.30 and it was 9 when Mr. Foote got back to his hotel, which was within three minutes' walk of the hall. The whole day would have been entirely satisfactory if it had not been for the absence of Mr. T. Robertson, the Branch secretary, who was kept at home by indisposition. Mr. Robertson—a quiet, modest man, but a demon for work, and with a capable business head on his shoulders—is a tower of strength to Glasgow Secularism. We hope for the Society's sake, as well as for his own, that he will soon be himself again.

Mr. Lloyd follows Mr. Foote at Glasgow. He lectures twice to-day (Feb. 23) in the Secular Hall. We are delighted to hear that his Glasgow audiences go on improving, and we

hope the local "saints" will try to give him a bumper on this occasion.

Mr. Lloyd had a good meeting at the Woolwich Town Hall on Sunday night. He delivered a fine lecture, and acquitted himself excellently in the discussion. To-night (Feb. 23) the last of these Woolwich lectures will be delivered by Mr. Cohen. There ought to be a strong rally at this last meeting.

Mr. Foote's recent lecture in the Woolwich Town Hall was reported by two local papers, both Conservative. The *Labor Pioneer* took no notice, though the subject should have been of special interest to its readers. The *Gazette* records "great enthusiasm and a crowded audience" and that "the lecturer gave his replies to the point and to the satisfaction of all present" during the discussion.

The first Annual Meeting of the Secular Education League will be held at the New Reform Club, Adelphi-terrace, London, W.C., on Tuesday evening, February 25, at 8 o'clock. Mr. Halley Stewart, M.P., will occupy the chair. A report and balance-sheet will be presented, and an Executive Committee elected for the new year. Mr. Foote intends to be present, and hopes to meet a fair contingent of the Secularist members of the League in London.

A Scottish doctor in the far North writes us a letter from which we are making an extract, and as he may not have meant it to be published we withhold his name. "I take this opportunity," he says, "of saying how highly I appreciate the *Freethinker*. It is never dull. No other paper that I know of maintains such a high level of excellence week after week." This is high praise from an educated gentleman. We commend it to the attention of some of the "respectable" Freethinkers who affect to look down upon this journal, its editor, its staff, and all its ways. We say "affect" because they have no more the brains and knowledge of the men who write for the *Freethinker* than they have their courage.

Owing to the pressure upon our space caused by the "blasphemy" report we are unable to publish this week the continuation of Mr. Mann's valuable article on "How the Church Protected the People." It will appear in our next issue.

The "Blasphemy" Trial.

MR. JUSTICE PHILLIMORE'S CHARGE TO THE JURY.

MR. JUSTICE PHILLIMORE: Gentlemen of the Jury, Harry Boulter is indicted before you on a charge of blasphemous libel, and the facts are not disputed. On three Sundays, if I remember aright, in December last, standing in a public place where two or three streets meet, as I understand—I do not know the place myself; you have heard it from the witnesses, and I daresay some of the jury may know it—but in a public place where two or three streets meet, and where the street is forty-five feet wide, and where Sunday speakers and preachers are not interfered with by the police, he, standing on some erection, with a loud voice, so as to attract passers-by or be heard by them, his voice carrying across the street to some of the neighboring houses, and being heard, of course, by the group assembled round him, some 200 or more, chiefly men and lads—some of them youngish lads from fourteen to eighteen—he in the course of those speeches, of which a large portion have been transcribed and read to you, uttered certain sentences which have been more particularly picked out by the Crown, and laid before you as being in the nature of blasphemous libel; that is, in the nature of public blasphemy. The word "libel" is not the word for the purpose, because it properly speaking means a little book; but the publication, the making public of blasphemous language, has led the law to call this blasphemous libel. You or I should more naturally call it, if it is blasphemy, a blasphemous speech. I must read the passages, though you have seen them before. But I do not propose to do so for the moment.

Now the learned advocate who has spoken for the Prisoner, in his eloquent and interesting address, has rather avoided dealing with the passages. In fact, he never came to close quarters with them at all, except in respect to one expression which he said—I daresay he was right—could be found in some printed book or newspaper; but with that exception he never came to close quarters about the passages at all, and you and I must get on as best we can without his assistance in that matter. In his interesting and eloquent speech I think he a little forgot that he was addressing a

jury in a Court of Justice, and a little spoke as if he was addressing a public meeting or perhaps the House of Commons, of which he is a distinguished ornament. I confess, following with interest and care as I have no doubt you did, his speech, I thought it would have been more appropriate to the opening address of a gentleman of the House of Commons who was bringing in a Bill to repeal the existing English law as to blasphemous libel. It is not for me to say—I am not a Member of Parliament—how far that address would have convinced me or not. You and I, who, as I have observed already, are humble ministers of the law, bound by our oaths to do justice according to the law, have not got to consider whether a law is old or new, good or bad. We have got to administer it, thankful that there is an executive power who can temper the rigor of the law when in our duty we feel bound to apply it, and thankful that in this free country there is a legislature that can alter any law which is either bad, or inexpedient, or harsh and rigorous. And again the learned advocate, in order to get (he was quite right to try and do it) your verdict for his client, made use of an advocate's argument, a device of rhetoric which is not uncommon, in order to induce you not to apply the law, and he possibly overstrained it. He tried to make out the law harder on his client, more convincing against his client. He tried to make out, as it seemed to me in following him, almost as if he were counsel for the other side—one quite understands the rhetorical device—he tried to make out that the law was dead against his client, that by no possibility could you acquit him—in order, as I understand, to induce you to say "the law is so bad that we will not enforce it, and though we ought to convict him we will not."

Now, Gentlemen, I am not going to put the case before you in that way; it would not be fair to the prisoner, in my view, to put it before you in that way. I do not propose to follow the learned counsel in his history of the law of blasphemy. It was an interesting sketch, and a very wide sketch, historical, scientific, literary; all those matters were travelled over. I would only observe that, as might be expected from so very wide a sketch, there were some inaccuracies. It is curious to a lawyer to hear of the Star Chamber condemning anybody to the flames. The Star Chamber would have been astounded to learn they had such power. It was curious to hear all that he said about Darwin; but I do not propose to say more about that. It was curious to hear him say that the law of blasphemy was unknown in other countries. I do not profess to say, but I suspect you would find it in the United States of America. However, I am not going, as I say, to follow the learned counsel into those matters. It is enough for me, and I think enough for you, to consider what the law is now, and to apply it to the facts of this case, remembering always that every person is entitled not to be convicted unless his guilt is made out to the satisfaction of the jury.

Now, the controversy as to the application of the law of blasphemy in modern times is to a certain extent a lawyer's controversy between two very great men, both of them not long gone, both of whom I knew well—the late Mr. Justice Stephen (Sir James Stephen) and the late Lord Coleridge. Sir James Stephen thought that the law of blasphemy was more rigorous—harder upon people—than Lord Coleridge did, and notwithstanding Lord Coleridge's judgment or summing-up to a jury, not in this room but in the precincts of the Central Criminal Court as it then was, notwithstanding Lord Coleridge's summing-up in the larger and more favorable sense in the case of the *Queen v. Ramsey and Foote*, Sir James Stephen, though with doubt, adhered to the view that the law of blasphemous libel was severer and harder than Lord Coleridge thought. In one of his books, which is before me, where he intended to codify the Criminal Law, he finally puts as it were both views in parallel passages. That is what it comes to, at least he says he thinks that one view is the right one; but there is Lord Coleridge's, and possibly other authority, for the other view. Well, Gentlemen, I confess I do not know why Mr. Atherley-Jones, except for that rhetorical device which I have mentioned to you, quoted to you the language of that great lawyer Lord Hale or of Lord Raymond in the *Queen v. Hetherington*, or of Mr. Justice Best, or of Mr. Justice Ashurst, or of Mr. Justice Stephen. He seemed to admit, and I am inclined to think he is probably right, that if that was the law, as those learned Judges said, his client must be found guilty—that on the more rigorous view of the law his client must be found guilty. I am not going to put it to you in that way. I am proposing, whatever liability may devolve upon me for that, to adopt, in favor of the prisoner and in favor of the less rigor of the law, the doctrine which Lord Chief Justice Coleridge laid down in the last case, as far as I know, that was tried in this Court.

Just before I go to it, there are one or two other matters in the historical sketch of the learned counsel which I should like to say a word or two about. Prosecutions for blasphemy have always been spasmodic as far as I know. I do not

profess to know all of them. Sometimes they have been more or less numerous, at other times stopping. At the time of the French Revolution there were no doubt a great many. Then there was a pause. There was a famous one in 1857 before Mr. Justice Coleridge, the father of the Lord Chief Justice, and a conviction, and the man was afterwards found to be mad, according to the books, and released. There was the case of Hone, which Mr. Atherley-Jones did refer to, who was three times tried for parodies on the Litany and the Athanasian Creed, and, he says, the Lord's Prayer; my book says the Catechism. It may have been that part which contains the Lord's Prayer. He was acquitted; but the text-book on the subject, Mr. Odgers's book, a very considerable work, says—I have not had an opportunity of referring to the case myself—he was on each occasion acquitted, the libels being political attacks on the Government and not written with any intent to ridicule the things parodied. So that he seems to have done what I suppose would shock a great many of us—to have parodied those documents, not for the sake of bringing them into ridicule and contempt, but for the sake of conducting a successful political campaign against the Government of the day. That was in 1811. Then there is the case of the *Queen v. Hetherington* in 1840, in the reign of the late Queen Victoria. Then there is the case in 1857 before Mr. Justice Coleridge; there is the civil case where it incidentally arose of *Cowan v. Milburn*, where it was held that a man could not be held literally to his contract to let a room for lectures where certain fundamental doctrines of faith were going to be attacked. A man was not bound to keep a contract to let a lecture hall for such a purpose. Then there was a case of 1883. There I think the learned counsel perhaps a little left you, no doubt not intentionally, under a wrong impression with regard to that. As I understand the various books—I have some acquaintance with the subject, but not of course an accurate one—Mr. Bradlaugh, Mr. Foote, and Mr. Ramsey, I think, were tried in this Court for publishing some book which was said to be blasphemous. Mr. Bradlaugh was acquitted, because he proved he was not concerned in the publication, or because the Crown failed to prove that he was. In the case of the other two, it led to Lord Coleridge giving that summing-up which I am going shortly to quote to you, and the Jury in that particular case disagreed. It so happened that Ramsey and Foote, and I think a third man named Kemp, had been tried on another occasion, I think before Mr. Justice North, and that the Jury had convicted, and that they had been sentenced and punished. The books say that that being the case the Attorney General of the day thought it unnecessary to go on with the other prosecution, in which the Jury had once disagreed, and that they were not put upon their trial again, because he entered what is called a *Nolle Prosequi*. Those, I believe, are the last cases upon the subject.

Now, you may possibly remember that one of the police officers proved that the man before you in the dock held up on one occasion something, and said, "This is what Foote got twelve months for." I suppose he was referring to that case, but I am not sure. One word more, and then I pass entirely to the law on this subject. One can quite understand counsel—it is a common thing to do—attacking the motives of the prosecution, and suggesting to the Jury that such a prosecution should not be brought, and a still more common thing is that the first man who is accused says, "Why did not you prosecute somebody else?" If somebody else had been prosecuted he would have said: "Why do you not prosecute me?" Those things are quite common—give what weight to them you think proper—but they are not really legitimate subjects for you or me. That is for the executive of the country; that is for the officers of the police of the Metropolis, still more for the Minister of the day and the Law Officers of the Crown who are responsible to Parliament. And, again, if there is a conviction, what sentence should be given is for me; and whatever sentence I may pass, if it is not desirable to enforce it, it is again for the responsible Minister to grant pardon, or remission, or mitigation. All those things are really not for us at this moment, and with your permission we will now turn ourselves to our proper business.

Taking the view least unfavorable to the prisoner—taking the law to be as laid down by Lord Coleridge—it is as follows. This is a passage which he quotes from a learned writer:—

"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 misrepresentation or wilful 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."

That is a passage which he quotes, and then at the end he says this:—

"You are to judge whether these publications are blasphemous libels. You have heard a great deal as to the expediency of these laws, and as to the expediency of enforcing them, and it has been truly said that, unless carried to an extent no longer possible in this country, they are not likely to be effectual. But all this has nothing to do with what we have to consider here. The defendant Foote has admitted that these publications were intended to be attacks on Christianity and on the Hebrew Scriptures, and he has cited a number of passages from approved writers which he says are to the same effect, and that may be so, and I think that some of them are not only similar in matter, but in style and manner; and he urged that, as these never were prosecuted, the law cannot be, as supposed, on the part of the prosecution, for it could not be that the offence consisted only in the style or taste of the publications, and that what was blasphemy in a penny paper was not so in more costly publications. Now, as to this, let me say that, as I understand, it is, and I believe always has been, the law; and at all events I now lay it down as law that, if the decencies of controversy are observed, even the fundamentals of religion may be attacked without the writer being guilty of blasphemy. But no one can fail to see the difference between the works of some of the writers who have been quoted and the language used in the publications now before us."

In that case they were written or printed, and not speeches.

"And I am obliged to say that it is a difference not only in degree, but in kind and nature. There is a grave and earnest tone, a reverent—perhaps I might even say a religious—spirit about the very attacks on Christianity itself which we find in the authors referred to, which shows that what they aimed at was not insult to the opinions of the majority of mankind nor to Christianity itself, but a real, quiet, earnest pursuit of truth. And if the truth at which they arrived is not that which you and I have been taught, or at which, perhaps, we might now arrive, so it is not because their conclusions differ from ours that they are to be deemed fit subject for criminal prosecution."

Then he quotes something more about these other writers. He sums it up:—

"So far as I can judge, some of them used strong and coarse expressions of contempt and hatred for the recognised truths of Christianity and for the Hebrew Scriptures. But this is no argument in favor of the defendant, who has to show that he himself has not violated the law; not that others are guilty, but that he is not so. It is no defence for him to bring forward cases, some of which cannot be distinguished from his own. His case is before us, and we have to deal with it according to law. If these libels—now before you—are, in your opinion, permissible attacks upon religious belief, then find the defendants not guilty. But if they are such as do not come within the most liberal view of the law, as I have laid it down to you, then your duty is to find the defendants guilty."

Earlier in the case he was dealing with *The King v. Waddington*, tried before Lord Tenterden, I suppose in the reign of George IV. or William IV., and there the words of the libel were, "that Jesus Christ was an impostor and a murderer, and a fanatic." The Lord Chief Justice laid it down as a matter of law that that was libel. When the case came to be argued again before the full Court, he said:—

"I told the Jury that any publication in which our Savior was spoken of in the language used in the publication was a libel, and I have no doubt whatever that it is a libel to publish of Him that He was an impostor and a murderer."

The next Judge said:—

"It appears to me that the direction of the Lord Chief Justice was perfectly right. There can be no doubt that a work which does not merely deny the Godhead of Jesus Christ, but which states him to have been an impostor and a murderer was, at common law, and still is, a libel."

The next Judge says:—

"I have no doubt whatever that any publication in which Jesus Christ is spoken of in the language used in this publication is a libel, and the direction was perfectly right in point of law."

Then the next Judge says:—

"It is not necessary for me to say whether it be libellous to argue from Scripture against the Divinity of Christ; that is not what the defendant has done. The Legislature has not altered the law in that respect, nor can it ever do so while the Christian religion is considered the basis of the law."

In another case, they spoke of general and indecent attacks. That is the class of direction which the Lord Chief Justice gave the jury here, and that is the class of direction which I give to you to-day. I do not put the law, as the learned advocate, for the purpose of ridiculing the law, put it to you. Whatever may have been the law, it is as now laid down by the Lord Chief Justice in that case. A man is free to think and to say and to teach that which he believes about religious matters. I draw the line at morals. A man is not free to teach licentious doctrine in morals, but in matters of religion he is free to believe or not

to believe, and to teach, even if he is teaching unbelief and not a positive belief, and he is free to choose the people whom he teaches and the place where he teaches; but when you come to consider whether he has exceeded the permitted limits, you must not forget the place where he speaks and the people to whom he speaks. A man is not free in a public place, where passers-by, who do not come willingly to him, knowing what he is going to say, but who may accidentally hear his words, and where young people—very young people—may quite naturally drift—he is not free in such a place to use gross ridicule of subjects which are sacred in the opinion of the great majority of the people of this country. He is free to put forward arguments, and if the arguments occasionally partake of the nature of ridicule, the Jury must draw the line, and will probably draw it favorably to the man accused. If he is really arguing, and arguing for an honest belief in the doctrine or no doctrine which he is teaching, he is not, as the law stands to be convicted of blasphemous libel; but if he is making, not for the sake of argument, a gross and scurrilous attack upon doctrines which the people for the most part hold dear, and making it in a public place where numbers of other passers-by may have their ears offended by hearing it; where young and immature people may come, and where it might even lead to a breach of the peace if hot, warm-hearted believers pass by; then in my opinion he would be within the law as to blasphemous libel, putting it in the construction which is most favorable to the Prisoner.

With that direction, Gentlemen, I now propose, though it is a painful thing to do, to read over to you once again, with possibly here and there some comment, the passages which have been picked out by the Prosecution as being criminal, or the most criminal, passages of the speeches. One word before I do that. Remember that he is entitled to ask you to look at the whole scope of the whole speech in construing any particular passage. So also is the Crown entitled to ask you to look at the whole scope of the whole speech in construing the particular passages. A man in speaking in particular may slip into something which he does not mean to say, and therefore it is more important to look at the whole scope and at the whole address when you are considering a particular passage.

Now I am going also to work upon the summary taken by the shorthand writer. On the first occasion he began by referring to the *Pall Mall Gazette* as having given him an advertisement. Then he says, "I am going to poison all you young men this morning. I don't believe that Jesus Christ ever lived or was. I am out to ridicule this foolish superstition. The people are sick to death of Christianity, and they come here" (this is the next passage) "for something else. I said the God of your Bible was an immoral old savage. I call the God of your Bible an immoral old savage." Then the next passage. He has just said that Christianity is all "swank."

"If I knew a man believed Christianity I would kill him. They drink their Christianity in Scotch. Here you will notice the people come out of church, and as soon as the church doors shut the pub opens. Their motto should be, 'Come unto me all who are beery and I will send you home heavily laden.'"

Now I pause for a moment. These are matters entirely for you and not for me; but I suggest these matters for your guidance. For a man to say, much as we may regret that he should say, that he disbelieved in the historical existence of our Savior, and did not believe he had ever come—foolish, really, historically as that is, as everybody will tell you—is not in my opinion blasphemy. I should not think so; I should not advise you to convict a man for that passage. The second passage is a different matter. I do not say quite the same considerations apply. "I call the God of your Bible an immoral old savage." Possibly that might be meant to mean, in the way you look at the Old Testament you make God into a savage; that might be, if you take that view, not blasphemy. Parodies of phrases, beautiful and religious as they are, such as this passage about the public-house, are again not in themselves blasphemy, still less are parodies of hymns blasphemy. But when you are considering the whole nature and scope of the man's address, you are to take all those matters into consideration. Now comes a graver passage.

"I used to eat my God when I was a Christian. The same thing did not happen to me that happened to the Virgin Mary, when the bishop put his big, fat hand on my head and I received the Holy Ghost."

Consider that passage, Gentlemen, in the light of the instructions that I have given you, and say whether you think that blasphemous libel or not. At that time, Gentlemen, he had been prohibited from collecting, and I read this passage, in his speech, which is not part of the incriminating matter and is not blasphemy at all; but I read it in order that you may consider whether it throws any light upon the man's whole conduct: "Those who want to see the propaganda go

on send subscriptions to 24 Fairbank-street." That is his house. Then the next passage is this:—

"No man knows more about God than I do. I put common sense in place of Christianity. I do not believe in Noah and his blooming ark. That is what a man would say. People some years ago spoke loud, thinking God would hear them. They thought he was only up over the telegraph wires."

That may be a coarse way of putting that people thought God was up in the sky, and not everywhere. I do not know that one would especially complain of that passage. "The Bible is a filthy production." What do you say about that, Gentlemen, bearing in mind that what you have got to consider to a great extent is whether this language is language calculated to wound people who hear it or read it, and wound them more than if they were struck a blow? That is what you have to consider—if it is language bringing into contempt the sacred Persons of the Trinity, or of our Lord, or the first Person of the Trinity or the third Person of the Trinity, trying to bring the doctrines into contempt and ridicule, in a way that will be seriously hurtful to the people who hear it. Now, as I have said, whether it is ridicule or whether the matter is intended to be legitimate argument is an item you have got to consider, and before I read the passage in the second address, I want to read these words from the shorthand notes. "If you want to cry, go to that meeting [pointing to the Christian meeting]. If you want to laugh, come to this meeting." Then he said, "There are smutty things in the Bible." Then came the words, "I call God an immoral savage." That seems to me more precise than the other way. It is not the God of the Bible, but, "I call God an immoral savage." That is perhaps corrected and modified in the next passage.

"I call God from the teaching of the Bible an immoral savage. There is no criminal who is not so bad as this red-handed, black-hearted God. Campbell calls God 'simple and silly.' Your God of the Bible is an immoral savage. There is no criminal in your gaols to-day who is so heartless as your Jehovah of the Jews."

Then comes the last speech. He refers there again, not in the passage you have got, but in the shorthand notes which I am reading, to people going home straight from the church and going to the public-house. Then he says: "I am out here to make the people laugh." Then he attacks the Salvation Army. "I am one of those who work for a living, and I come here to talk because it gives me pleasure. Why are you asleep so long? I want to wake you up." Then he attacks some of the singing, and he says there is no Trinity. "The police have stopped our collection; that means no difference to me. You can buy our literature and help in that way." Then it may be said in his favor, this was after provocation. Still you have got to consider, and gravely consider, this passage which I must read:—

"Jesus Christ was never married, and it says in the Bible that he went up and down the country teaching with two prostitutes. It is in your own Bible. I do not believe that he ever lived, and therefore that he did not go with two prostitutes. Prostitutes! These girls are all Christians, and not one of them an Atheist. All this piffle about Christianity won't help us a bit."

Then he answered another opponent in this way:—

"No man would believe that a child was born of a Virgin. What would you think if it happened in your own family? You go to Mr. Plowden for an affiliation order against the Holy Ghost. God, who knows everything, started to learn something, and God who is everywhere was confined somewhere. I do not believe in striking a man on one side, and I do not believe that of turning the other side to receive another blow. There is a man now doing time for keeping up to the Bible. I would rather worship the sun, the giver of all light, than to worship a Nazarene or a Jesus. Your religion is now on the down-grade all over Europe. Your religion of the future will be an honorable religion."

I read the whole passage because it is all in the indictment. I do not read it because it is all of equal importance.

Now those are the passages. Mr. Bodkin, the Counsel for the Crown, said, when he opened this matter to you, that if this man had had a lecture-hall, and invited people into it, he might do as much as he pleased—or some such phrase as that. Blasphemy which is real blasphemy is blasphemy everywhere. There are cases where the place and the audience will make a difference, but I think what Mr. Bodkin rather meant to say is this, and I daresay he was right: the executive authority, the people who put the law in motion, will not interfere in cases, or I, Mr. Bodkin, do not think they will interfere in cases—or at any rate they have not interfered in cases—where a man takes a lecture-hall, and people who go there have fair warning what they are going to hear, where children and young people can be kept out or turned away. But it is another story when that sort of thing, if it is poison, is poison administered in the ears of all who pass by. A man who says himself, "I am going to poison all you young men,"

including young people, who cannot be prevented from straying out to a street orator, and when a word catches their ear they cannot forget it, or a word attracts them to the meeting, and they come and hear more. You must not leave those considerations out. Was it, or was it not, blasphemous for this man at this place and to this audience to use some of this language, not necessarily all, but some? If you think that the Crown has made that out, it is for you, under the direction which I give, to consider. If you think that this is not fair, reverential, and respectful argument in favor of the man's belief, but gratuitous ridicule, or mischievous invective, or dangerous sophistry, as one of the cases say, then you will find this man guilty. You need not study every passage. It is enough if you find him guilty on one. If you do not think that, then you will find him not guilty. Consider your verdict, Gentlemen.

(The Jury conferred.)

The CLERK OF THE COURT: Have you considered your verdict, Gentlemen?

The FOREMAN OF THE JURY: My Lord, the Jury return a verdict of having used blasphemous language.

The CLERK OF THE COURT: You say the Prisoner is guilty, and that is the verdict of all of you?

The FOREMAN OF THE JURY: Guilty.

Mr. ATHERLEY-JONES: My Lord, I think this is the right time I should do so, and I ask your Lordship to state a case upon the question of law involved in the point as to whether the direction of Lord Coleridge, which your Lordship appears to have followed, is the test as to whether or no the words charged against the Prisoner constitute in law blasphemous libel. Secondly my Lord, upon your Lordship's direction, as I understand it, to the Jury, questions which I submit with great respect are extraneous, namely, whether the words used were such as might shock the ears of passers-by, or tend to a breach of the peace, or were spoken in a public place, so that they might be heard by young children and so deprave their morals—whether those words or those circumstances affect the question of law as to whether or not this was blasphemous libel. My Lord, I submit in support of the first ground of my application there is certainly ground for reasonable doubt, in view of the opinion expressed by another Judge.

Mr. JUSTICE PHILLIMORE: What other Judge?

Mr. ATHERLEY-JONES: Mr. Justice Stephen—one other Judge—it is true, I think, the only Judge who had occasion to deal with or did deal with the matter.

Mr. BODKIN: You mean in the article which you read?

Mr. ATHERLEY-JONES: My learned friend is perfectly right, in pointing out that it was not said judicially; but I think that at any rate it involves a question of sufficient public importance and interest to justify me in asking and in imposing upon your Lordship, if I may use the expression, the obligation of granting the facilities for that question being decided by law in other places. I need hardly point out to your Lordship, as I am reminded by my learned junior, that if this trial had taken place a few weeks hence, it would have been competent for me, subject to the provisions of the Statute, to have appealed as of right. I am now speaking of the new Criminal Appeal Law, and although there is a certain right reserved to the Judge, still on the whole it is generally recognised—

Mr. JUSTICE PHILLIMORE: Do not let us have "generally recognised"; let us have law. The appeal is not as of right; the appeal is granted by leave of the Court of Appeal.

Mr. ATHERLEY-JONES: By leave of the Judge or Court of Appeal.

Mr. JUSTICE PHILLIMORE: You may apply to the Court as of right to grant leave.

Mr. ATHERLEY-JONES: I agree. When I say generally, I am only entitled to say that because there is no judicial decision upon it; but obviously the Act which will come into operation very shortly is supposed to be intended to afford generally the right to appeal. Therefore, my Lord, I only crave that as an argument in favor of your acceding to my request, because some very important, and I may say somewhat abstruse questions, with all due deference to your Lordship's view, may be considered by the Court of Crown Cases Reserved.

Mr. BODKIN: I do not know whether I have any right—

Mr. JUSTICE PHILLIMORE: I do not want to hear you Mr. Bodkin. Mr. Atherley-Jones, I have pointed out in my address to the Jury that if Mr. Justice Stephen's view of the law was correct, you do not deny that your client was guilty, and that the direction which I have given to the Jury is more favorable than that which Mr. Justice Stephen might possibly have authorised. I cannot possibly state a case for the Court of Crown Cases Reserved as to whether I have strained the law in favor of the Prisoner or not. That is the answer to the first question. With regard to the other point, directly one applies the criterion of Lord Coleridge it is obvious that the persons to whom and the

place where the speech is made, must be elements in the consideration of the case, and therefore on those two grounds I regret that I must decline your application. (To the Prisoner.) Harry Boulter, there is that in this case which makes me more sorry than I should be in another. You state more than once in these speeches that you have been a Christian and have been a believer.....I cannot help feeling and thinking that some unfortunate misconception, possibly some unfortunate teaching, as to what is Christianity and what are the truths of Christianity has led to your change of belief. There is that in these speeches which leads me to hope, as a Christian man, that the time may yet come when you may see that this has been misconception, and when the scales may fall from your eyes, and I humbly hope that may be the case. With regard to what is to be done now that the Jury have convicted you, I have this to say. One main object of criminal prosecution is the prevention of crime. Having regard to the fact that you spoke only, and have not disseminated your opinions by printing and publishing, I am disposed to deal with you more leniently than I otherwise should, and having regard to the fact also that prevention is the main object, I am not disposed, if I can secure your abstaining from like speeches in the future, to inflict any definite punishment upon you. Now I propose to let you out on bail as before, and postpone sentence in this matter till Saturday morning; and if by Saturday you can present to me a satisfactory undertaking and submission on your part not to continue these public speeches of this blasphemous nature, of which the Jury has now found you to be guilty, I shall be disposed to merely bind you over to come up for judgment when called upon. I should take your word, properly and carefully expressed, without more. But I think the law would require me to get the additional security that you should be bound over, in order that if—which I do not for a moment anticipate—you broke your word, the Court might deal with you. Now I do not ask you for any statement to-day, and I am not going to hear anything to-day; but if your bail is here I am going to release you on bail, or whenever your bail attends, to come on Saturday for judgment. In the meanwhile consult your counsel or your solicitor, and I think the best way in which your undertaking could be put would be in the form of an affidavit, having regard to this being a case of misdemeanor—something in writing. I am not going to draft it; but something in writing which will satisfy me that you will discontinue this class of speech will be enough for my purpose.

(The Prisoner was released on bail.)

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Notices of Lectures, etc., must reach us by first post on Tuesday and be marked "Lecture Notice," if not sent on postcard.

LONDON.

KINGSTON-ON-THAMES HUMANITARIAN SOCIETY (Fife Hall, Fife-road): 7.30, F. A. Davies, "Religion and Reform."

WEST HAM BRANCH N. S. S. (Workman's Hall, Romford-road, Stratford): 7.30, W. J. Ramsey, "Crimes of Christianity." Selections by the Band before lecture.

WOOLWICH (Town Hall): 7.30, C. Cohen, "Is Christianity a Failure?"

COUNTRY.

BIRMINGHAM BRANCH N. S. S. (Town Hall): G. W. Foote, 3, "The World to Come: With Some Reference to Sir Oliver Lodge"; 7, "The Doom of the Gods." Orchestral selections at 3.30 and 6.15.

EDINBURGH BRANCH N. S. S. (84, Leith-street): 6.30, Mr. Pryde, "Everlasting Punishments."

FAILSWORTH (Secular Sunday School, Pole-lane): 6.30, A. E. Killip, "The Growth of Secularism."

GLASGOW (Hall, 110 Brunswick-street): J. T. Lloyd, 12 noon, "Empty Dreams and Vanishing Ghosts"; 6.30, "The Safety-lamp of Life."

MANCHESTER BRANCH N. S. S. (Secular Hall, Rusholme-road): H. Percy Ward, 3, "Why Socialists Should Attack Christianity"; 6.30, "Blasphemy and Blasphemers." With limelight illustrations. Tea at 5.

SOUTH SHIELDS (above Tram Hotel, Market-place): 7.30, Business Meeting.

OUTDOOR.

EDINBURGH BRANCH N. S. S. (The Meadows): 3, a Lecture.

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