

THE Freethinker

Edited by G. W. FOOTE.

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PRICE TWOPENCE

Perhaps the most solemn conceptions that have caused the most fighting and suffering, the conceptions "God" and "sin," will one day seem to us of no more importance than a child's plaything or a child's pain seems to an old man.—NIETZSCHE.

Clearing the Course.

It never does to be too sure, and I am glad I only thought my article on "Loss and Gain" was the last I should have to write on the "blasphemy" prosecution. Circumstances call for another article from my pen. I am really sorry, but I cannot help it—as my readers will see.

A letter reached me this (Tuesday) morning from Mr. Boulter. He thanks me for my "personal kindness and official interest during the proceedings." And in order to prevent any misunderstanding, in connection with another matter, he says in conclusion: "I want to assure you I appreciate your kindness, knowing a little what it must have cost a busy man like yourself." That is all right, and as it should be; for I have given a great deal of time and attention to this case. And now for the other matter.

Mr. Boulter is sorry I did not agree with his "decision in compromising on the language." Well, I neither agreed nor disagreed. It was his business, not mine; although, like everyone else, I am entitled to my opinion about it, which I have expressed as far as I care to. Mr. Boulter adds, however, that he was "advised by letters and telegram by several leading members of another section of the party" to take the step he did "in the best interest of Freethought." He thought I should "not be surprised to hear" this. I am not. Mr. Boulter knew where to come for advice and help in his defence; the advice on which he acted when he stood before a judge able to send him to prison came, just as naturally, from quite another quarter.

It is very unpleasant to have to say this, but I am answering a challenge. Mr. Boulter's advisers have put forward Mr. Joseph McCabe as their public spokesman. He writes an article on "The Law and the Blasphemer" in the March number of the *Literary Guide*. It is not in itself an important article. I should have taken no notice of it if the writer had not assumed, or been granted, a representative position. It does not appear to me that Mr. Joseph McCabe is exactly the person to whom Freethinkers would look for guidance in a dangerous emergency. But as he speaks, or professes to speak, for the whole body of "Rationalists," I will give him an answer.

Mr. McCabe's article would have been easier to answer if it had been less diffuse and distracted. His good and his evil genius struggle with each other through nearly five columns. The result is that he frequently contradicts himself. He deprecates and justifies the prosecution. He says there is "complete liberty in England to attack Christian beliefs," yet he says it "would be a fine and worthy achievement to have all the laws that hamper Freethought erased from the Statute-Book." Thus he goes on blowing hot and cold to the end of the chapter.

The point of Mr. McCabe's argument is that "blasphemy" prosecutions should not be defended. Mr. Boulter should have been left to stand or fall by himself under the Blasphemy Laws. So should every other "blasphemer" be left. It would be different if there were a real "prosecution for opinions"—"for attacking Christianity." Mr. McCabe would then "know his duty"—and we should all feel reassured. He has plenty of courage when it is wanted. There would have to be a case "clear of all extraneous issues"—that is to say, a case such as never has taken place, and never will take place, under the Blasphemy Laws. It seems pretty clear, therefore, that Mr. McCabe's remarkable courage will never be put to the test.

I call his courage remarkable because it really is so. It is unique. Many have spoken and written to me bitterly about Mr. Boulter's "climb down" in front of the prison gates. They have asked me if I ever knew a "blasphemer" who did so before. I have replied in the negative, but I have suggested that we had fallen altogether on a slighter generation. But I did not expect to hear Mr. Boulter's action *praised*. Mr. McCabe calls that "climb down" *sensible*—nay, more, he calls it *manly*. Well, now, that *is* courage; it takes my breath away.

I have said that no "prosecution for opinions" merely, no case "clear of all extraneous issues" ever did or could occur. Mr. McCabe refers to one such case, as he considers it, and I will deal with it presently. In the meanwhile, I must point out that all indictments under the Common Law of Blasphemy (the Statute has never been put in force) have been for bringing Christianity, not only into *disbelief*, but into *contempt*. This was because of the jury, and in order to secure a conviction. A prosecution *merely* for "disbelief" would too often have failed. One jurymen, at least, out of twelve would have refused a verdict of "Guilty." Consequently the "contempt" has always been pressed upon juries; and such epithets as "indecent," "licentious," "ribald," and "scurrilous" have been employed to that end. Every such epithet is an appeal to prejudice. A crime should be a *fact*, and every fact is a *noun*; but "blasphemers" have always been tried on *adjectives*. The most usual word is "indecent." Now on this point I assured the Freethought party at the outset of the Boulter case, and I am glad to have Mr. McCabe's corroboration. Referring to the worst passages in the indictment, he says: "Certainly there was no indecency whatever in them." I was right, then. Mr. Boulter's "blasphemy" might be "shocking," but it was not "dirty." That was the critical point. He was prosecuted for attacking Christianity in a way displeasing to Christians. The issue was perfectly simple. I said it was our duty to oppose the attempt to enforce the Blasphemy Laws, and the Freethought party agreed with me. The best answer to Mr. McCabe is the subscription-list. Nearly everybody who is anybody in the Freethought movement figures in it. I doubt if there are three Freethinkers in England—even three Rationalists—who would put their names to Mr. McCabe's article.

It is difficult to understand how Mr. McCabe can perceive that "decency" is a vague word, without seeing that "scurrilous" is of the same character. He argues, if I understand him, that Mr. Boulter deserved prosecution and imprisonment for "assail-

ing Christianity in scurrilous terms." Now I defy him to give a *definite meaning* to the word "scurrilous," or *any meaning* which will not reduce the whole matter to a question of taste. "Coarse" and "vulgar" are open to the same objection. I admit that these words are definite enough when the question is whether we shall admit a man to our friendship or acquaintance, but it is very different in the case of a criminal prosecution. Men are not liable to imprisonment for vulgarity on any other subject than religion—and that very fact shows the animus of the law. Even if it were admitted that bad taste should be subject to penalty, the question would arise, Whose taste is to be the standard? Mr. McCabe appears to think (I should be sorry to misjudge him) that his own taste is an adequate criterion. I do not think so. There are such things as wit and humor, and those who possess them will always laugh at the standard of taste of those who do not.

Mr. McCabe must pardon me, if he can, for saying that he does not see one essential point in the whole of his article. He actually assumes, for instance, that all who assisted in Mr. Bolter's defence approved of all he said. He lifts his eyebrows at our trying to "force the police to cease prosecuting scurrilous criticisms of Christianity." He *may* lift them. We *do* mean that the police should cease prosecuting *any* criticisms of Christianity. Mr. McCabe may live to regret having argued to the contrary. We are not in love with "scurrility," but we are still less in love with the Blasphemy Laws. There are other laws against bad language and disorderly meetings. Let the police act under those laws if necessary, but let them not meddle with religious criticism. They ought not to do so, and Mr. McCabe ought to be ashamed to suggest that they should. It is painful to see a Rationalist more reactionary than many ordinary newspapers that have been quoted in our columns.

I now come to the "case clear of all extraneous issues." We are told that George Jacob Holyoake was the last man in England who was prosecuted for his opinions. This was in 1842.

"Holyoake was the last to suffer for Atheism, or disbelief in Christianity, in this country. The charge, of course, was blasphemy. But the prosecution pleaded that disbelief in God and the Bible was ground enough. The Cheltenham magistrates certainly convicted on that ground, and Mr. Justice Erskine merely observed that there was 'levity' in the chief phrase that was urged against Holyoake."

I hope Mr. McCabe's biography of Holyoake will be more accurate than this; otherwise it will be a very misleading production. Holyoake was really prosecuted for saying, in reply to a question after a Socialist lecture, that "the Deity should be put on half pay." Nothing could have been more "shocking" to the feelings of true believers. From *my* point of view, it was the finest, brightest, manliest thing that Holyoake ever said; but from *their* point of view, it was simply abominable. No wonder that Mr. Justice Erskine gave him six months in Gloucester Gaol. The Cheltenham magistrates did not "convict" him at all; it was the jury, of course, who did that; and the sentence was passed by the Judge. And what did the Judge really say? Something very different from what Mr. McCabe alleges—I might almost say insinuates. I am trusting to the first pamphlet that Holyoake published (I believe), through Henry Hetherington, after his imprisonment, entitled *A Short and Easy Method with the Saints*, with the following quotation from Butler's *Hudibras* on the title-page:—

"Divinity has catch'd
The itch, on purpose to be scratch'd."

I find from this pamphlet (*which cannot be perverted*) that the Judge at Holyoake's trial in 1842 spoke as judges have always done in "blasphemy" cases. But I must pause here. I will finish this case next week, and deal with Mr. McCabe's loose talk about my own prosecution.

G. W. FOOTE.

Religious Opinion and the Law.*

"My own opinion.....is that blasphemy and blasphemous libel should cease to be offences at common law at all, that the statute of William III. should be repealed, and that it should be enacted that no one except beneficed clergymen of the Church of England should be liable to ecclesiastical censures for 'Atheism, blasphemy, heresy, schism, or any other opinion.' Such an abolition would not only secure complete liberty of opinion on these matters, but it would prevent the recurrence at irregular intervals of scandalous prosecutions, which have never, in any one instance, benefited anyone, least of all the cause they were intended to serve, and which sometimes afford a channel for the gratification of private malice under the cloak of religion."—SIR JAMES FITZJAMES STEPHEN.

THE occurrence, after a lapse of twenty-five years, of a trial for "blasphemous libel," has naturally evoked considerable notice both in the religious and secular press. Many were, no doubt, under the impression that such prosecutions were now legally impossible, while the great extent to which attacks on religion are circulated would certainly confirm them in such a belief. So widespread is the output of heresy, both oral and written, that Burke's difficulty in framing an indictment against a nation would be paralleled by an attempt on the part of the authorities to proceed against all offenders in this matter. And the remarks of both the prosecuting counsel, and of Mr. Justice Phillimore, prove that the authorities have no desire to essay this herculean task. Yet, and in spite of this assurance by both judge and counsel, there are several important issues raised by this case, all of sufficient public importance to deserve the most careful consideration. And so that these issues may be fairly faced, it will be well to put on one side—at least for the time—the particular expressions used by the defendant in this case. No one can defend coarseness or vulgarity of speech, whether in relation to religion or to any other subject. It is undesirable, even reprehensible, although one may well doubt whether a jury sharing in the opinions attacked, is likely to express an unbiased opinion as to whether the man charged with the offence has exceeded the proper limits or not. The temptation to punish an opponent must always be great, and, where religion is concerned, specially powerful.

The first consideration arising on this case is the state of the law as laid down by the late Lord Chief Justice Coleridge, and now followed by Mr. Justice Phillimore. As a layman, it would be impertinent to express a dogmatic opinion on one side where two such authorities are agreed upon the other. One can only say that, if their interpretation is accepted, it points to an extremely dangerous and undesirable state of affairs. The law permits attacks on religion so long as the form of the attack is neither coarse nor abusive, or so long as it is not calculated to "shock the feelings or outrage the belief of the public." The law does not, and cannot, say when an attack is of this character. It is a question that must be left entirely to a jury. And as any private person may lay an information, it follows that anyone, no matter how narrow his views of public liberty may be, can at any time institute a prosecution for blasphemy. Let it also be noted that the very person who would be the least likely to appre-

* The day following the conclusion of the blasphemy trial, *apropos* of an article in the *Morning Post*, I wrote to the editor asking if he was open to receive a communication dealing with certain aspects of the case not noticed in his editorial. After the lapse of some days, I received a reply in the affirmative, stipulating for the article to be a column in length. I wrote and sent on by return the communication here printed, which was duly returned in the course of two or three days. Readers will note that the article is written in a studiously temperate tone, so that no exception could be taken, save on the ground that the editor was determined that only one side of the case should be heard. It may be pointed out that when writing in the first instance, I did not say from *what* point of view I should deal with the matter, and, doubtless, the editor expected a more or less religious screed. Had the article been an endorsement of the prosecution, it would doubtless have been published. I print it here so that my readers may see what a consummate humbug the English "free press" is, and that they may judge the mental character of the average editor of an "organ of public opinion."

ciate the deadly nature of an attack on Christianity when made by a polished writer or speaker, with every word double-barbed for injury, would be the person most likely to set the law in motion. Nay, he could not, even though he had the wit and the will, attack the polished writer and speaker; he can attack only the vulgar orator or coarse pamphleteer. Such a state of the law, one may submit, is undesirable. A law which forbids attacks on Christianity one can appreciate. The absence of any such law one can also appreciate. But a law which says, "If you are educated and can use polished sarcasm, satire, or ridicule, you may preach heresy when and where you please; but if you are uneducated, and your heresy is expressed in the language of the streets, you shall undergo imprisonment," such a regulation comes perilously near to making the law ridiculous. It is penalising a man because of his lack of education. And it must be confessed to be a matter of impossibility for anyone who is serious in his endeavor to destroy Christianity to attack it in such a manner that it would not outrage the belief or shock the feelings of a considerable number of believers. And when the decision is left, not to a selected jury of men accustomed to handle public affairs, nor to a bench of two or three judges, who might be trusted to take a wide view of the subject, but to an ordinary jury, selected haphazard, the position becomes quite farcical. It resembles a scene from a Gilbertian opera rather than a sober statement of law.

What is the object of a blasphemy prosecution? Mr. Bodkin, in his opening speech as counsel for the prosecution, repudiated any desire to interfere in the slightest way with the free expression of opinion on religious subjects. The prosecution, he said, was undertaken solely with a view to enforce the decencies of controversy, to protect people against having opinions thrust on them that are (to them) offensive, and to prevent any possible breach of the peace. Now it must be observed that, with the exception of protecting people against hearing objectionable opinions, the other two objects could have been served without invoking the Blasphemy Laws at all. The police already have power to prevent the utterance of indecent language on the public highway, and also to prevent any language or conduct calculated to lead to a breach of the peace. Why did they not proceed against the defendant either for using indecent language or inciting to a breach of the peace, and without any necessary reference to religion? Obviously, there was more than this in the prosecution—the protection of the public against the hearing of opinions to which they object. Here, again, it must be observed, that to protect the public against this sort of "outrage" is not the object or purpose of any law except those relating to religion. In politics, in sociology, in literature, or in science, if a person does not wish to hear certain opinions, the reply of law and common sense is, "Don't listen." By a process of elimination, therefore, we reach the inevitable conclusion that, in spite of counsel's disclaimer, in spite, too, of the judge's ruling, it is the *matter* of the speech, and not merely the manner, that constitutes the essence of the offence. Had the coarseness and vulgarity complained of been used in connection with any other subject than religion, no action would have been taken. Had there been an incitement to a breach of the peace in connection with any other subject, the action would have been brought in a different manner. Everything points to the real motive of the prosecution being the desire to prevent attacks on religion, although it was not openly undertaken with that object. Some of the judge's remarks, however legally defensible—on that I refrain from expressing an opinion—also seem objectionable, and point to the same conclusion. Of course, if it is held that people ought not to be permitted to attack Christianity in public, that is putting the matter on another footing, and what has been said loses its force. But granting it to be

permissible to attack Christianity, the argument holds good; for it is nothing short of farcical to say that a man shall be legally entitled to attack Christianity, while leaving it to the discretion of a Christian judge and a Christian jury to decide whether it is done in such a way as to shock their feelings and outrage their beliefs or not. If such attacks are to be permitted, then all the blasphemy laws should be abolished and speakers and writers on religion should be faced with no other dangers than confront them when dealing with other subjects. "Practically," said Sir James Fitzjames Stephen, "Prosecutions for the employment of coarse and disrespectful expressions are used in order to suppress serious arguments." And I do not think that, were this eminent jurist among us to-day, he would find anything in the recent trial to induce him to change his opinion.

C. COHEN.

The Forgiveness of Sins.

A FEW weeks ago, a sermon by the Rev. Dr. Newton Marshall, of Hampstead, on the Atonement in its relation to evolution, was under criticism in these columns. Since then, Dr. Marshall has delivered several other discourses on the Atonement, the latest of which is now before us. This treats of the Atonement in its relation to the Forgiveness of Sins. It is, in many ways, an exceedingly clever address. Dr. Marshall, though a progressive theologian, is yet in many respects extremely orthodox. His book, *Theology and Truth*, was recently declared by Principal Forsyth to be the best reply to the New Theology. His progressiveness simply amounts to an endeavor to rationalise orthodoxy, which, of course, it is impossible to do without destroying it. Orthodoxy is incapable of being expressed in terms of modern thought. But let us examine Dr. Marshall's attempt to reconcile the orthodox doctrine of the Atonement with the stern facts of life. By the Atonement he understands "a miraculous intervention for the production of a new type of manhood." According to the present sermon, this "miraculous intervention" occurred on Calvary, when Jesus, by his sufferings, culminating in death, initiated the new type of humanity, or became the instrument of its production. By dying for us Jesus opened the door into the new manhood. But entrance into this new humanity is possible for us only through the forgiveness of sins, and of this also, Jesus, by dying, became the instrument.

Now, what does forgiveness mean? "It means healing, as when one plucks the disease up by the roots. It does not mean winking at sin—it means killing it." Then Jesus died that sin might be destroyed, annihilated. He became the instrument of the complete eradication of sin. On this statement we make two observations. The first is, that the death of Christ was a total failure, for there is practically as much sin in the world to-day as there was two thousand years ago. The other remark is, that according to Dr. Marshall's own implied admission, the death of Christ was a total waste of Divine energy. "God always has been the forgiver of sins. God did not change his mind at the sight of the cross. He had not refused to forgive before and consented after the crucifixion. Jesus did not persuade the Father to be lenient. On the contrary, God always is the forgiver of sins." If that is true, what need of the Atonement was there? And again, if God always is the forgiver of sin, and if to forgive sin means to kill it, why has there always been sin in the world? Is not the preacher recklessly playing with words and culpably trifling with facts?

The truth, however, is that by forgiveness Dr. Marshall does not really mean the *killing* of sin, but the *ignoring* of it, or the treating of the author of it as if it were not. His standing authority is Paul, who declares that "God was in Christ reconciling the world unto himself, not reckoning unto them their

trespasses." It is by thus ignoring our sins that God cures us from them and "reforms our characters despite our evil habits." Listen:—

"Perhaps the most vivid illustration of this meaning is to be got from the story of the woman taken in adultery. Here is a sinner, her nature polluted, her character blasted. Here is Jesus. He would have her pure, He would change her character. How does He do it? Not by lectures, reproaches, or threats. He says, 'Neither do I condemn thee; go thy way, from henceforth sin no more.' What did that mean to the poor harlot? It meant that she was from that moment brought under a new educative influence, a discipline, a remoulding power."

The story used as an illustration is, in itself, exceedingly beautiful and embodies a high sense of ethical justice. It gives prominence to the detestable hypocrisy of the woman's accusers, and to the truth that sympathy is the most effective instrument of moral reformation; but Dr. Marshall reads into it infinitely more than it contains. He pours into it his own evangelicalism, of which there is no trace whatever in the text. If the story is historical, which is very doubtful, it affords no ground for thinking that the woman was a changed character after her contact with Jesus. There is nothing to show that Jesus perceived that she was "on the road to becoming a new creature." Dr. Marshall is simply romancing when he attributes to his Lord the thought, "She is capable of giving up her sin under the influence of my grace." In any case, what Jesus refused to do was to condemn the poor harlot to be stoned to death, according to the law of Moses, when her accusers were, probably, equally guilty with herself.

But even supposing that forgiveness signifies the treating of an actual wrong-doer as a potential right-doer, what on earth has the *death* of Jesus to do with it? If he ever addressed the woman at all it was before his death, and his death did not affect the truth of what he told her in the least. How can the Atonement be the instrument of such treatment of sin? Dr. Marshall does not even pretend to tell us. Whilst on this head he is utterly silent about the Atonement.

We now come to the consequences of sin, asking, How does forgiveness affect them? Dr. Marshall admits that, *so far as we can see*, it leaves them untouched. "But I do believe," he adds, "with all my soul, that God's power is sufficient, and his love broad enough, for him to take all the sting out of disaster and shame and loss, and to make the life of the one who trusts in him, in a real sense, free from the consequences of sin." It is quite immaterial what any preacher believes about God's power and love, or about the efficacy of the sacrifice of Christ, the only important question being, what are the facts? Can Dr. Marshall produce one single instance of a man's becoming a Christian arresting any of the consequences of his evil deeds? Here is a man who stole his employer's money and was sent to prison. In consequence, he not only lost his character, but brought disgrace and suffering upon his whole family. Suppose that while in gaol he turns to God for pardon and thinks he obtains it, will that pardon disperse the cloud of dishonor that overshadows his children? The consequences of his crime "are beyond his control now," and apparently beyond God's too. How, then, does the preacher justify his belief that God's forgiveness does free a man from the consequences of his sins? By begging the whole question. He maintains that "there are some things often called consequences of sin which are not such at all." Which things? The burden of disgrace and sufferings on the children's hearts through the father's theft, or the drunkard's irresistible craving for alcohol? Are not these real consequences of the respective sins? No, answers the preacher, boldly; "the consequences of sin are spiritual." Adopting the words suggested by Dr. Marshall himself, we exclaim, "That is surely nonsense." Every sin is primarily against God, and many sins specified by theology are against him alone, while no sins are

against society except secondarily. Now the consequence of sin against God is exclusion from heaven and commitment to hell. Thieves, adulterers, and murderers are guilty in the sight of God, and the appointed consequence of their misdeeds is to lie for ever under the Divine wrath. But if they believe in Christ and put their trust in his Atonement, God will open heaven's door for them and lock up hell's. That is to say, he will hide, cover up, ignore their evil deeds, and treat them as if they had never done any wrong.

"That is surely nonsense"; but there is more nonsense still to follow. Here is a man who for years has been systematically wronging his fellow-beings and sowing seeds of misery and pain in the soil of the community. He has done harm on the largest scale within his power. Suddenly he repents and cries for mercy, and just as suddenly he is assured of God's forgiveness, and becomes the happiest man on earth. He leaps and shouts and sings for very joy. God's righteousness has passed over his fathomless iniquities, while they are still "there, free in the world, so to speak, to run amuck and murder others." Is this just? In itself, no, answers the preacher; but the crucifixion has made it so. This is what Dr. Marshall says: "This would be out of harmony with our sense of justice but for the fact that this Christ is Christ crucified." That is to say, the death of the cross makes wrong right, and turns Nature upside down. Let this immoral teaching be set in boldest relief:—

"This would be out of harmony with our sense of justice but for the fact that this Christ is Christ crucified. God has a right to forgive men completely, because he himself gathers the results of their wickedness to himself. He suffers all these evil consequences which flow from our sin to lodge in his breast and shatter his heart."

According to that teaching, God acquits the guilty criminal and fills him with overflowing happiness at the cost of spreading the consequences of his wrongdoing over a wider area. While he rejoices, and is exceeding glad, his victims suffer as keenly as ever, and the only comfort offered them is that God suffers with them. Such is the gospel of forgiveness as preached in the twentieth century, and we have no hesitation whatever in pronouncing it an unnatural, immoral, and wicked gospel. And it is as inconsistent as it is unjust. With one breath we are told that "God always has been the forgiver of sins"; with the next that Christ "fell in death that we might be forgiven," which means that, otherwise, we could not be forgiven. At one moment we are assured that forgiveness means, not winking at sin, but killing it; at another that it signifies not to reckon it, to pass over it, to ignore it; and surely to ride over a thing known to be there, without taking notice of it, is equivalent to winking at it.

Face to face with such anomalies of theological teaching, are we not justified in asserting that the Divine forgiveness is as unsubstantial as the baseless fabric of a dream? And may we not venture on the further proposition that the preaching of it has done much to pervert the moral sense of Christendom. It is not so long ago that fairly intelligent Christians used to say that no matter what they were, or what they did, they had their "title clear to mansions in the skies." The creed that makes such an utterance possible is rotten to the core, and should be speedily destroyed, root and branch. All that human beings require is complete adaptation to their environment, and this can be realised only by intelligent and continuous personal exertion. For pardon of wrongs Nature has no room.

J. T. LLOYD.

How the Church Protected the People.—III.

(Concluded from p. 102.)

THE theory of the Middle Ages is well represented by two pictures. The first is the famous mosaic

constructed by Pope Leo III. at Rome about A.D. 800. It represents Christ sitting: on his right kneels Pope Sylvester, on his left the Emperor Constantine; to the one he gives the keys of heaven and hell, to the other a banner surmounted by a cross. Another group represents Peter seated, before whom kneel Pope Leo III. and Charles the Emperor. Peter gives to Leo the pallium of an archbishop, to Charles the banner of the Christian army.

The other picture is a fresco at Florence, probably executed between A.D. 1340 and 1350. Full in front, seated side by side, are the Pope and the Emperor: next to the Pope, in a descending line, a cardinal, bishops, and doctors. Next to the Emperor the King of France and a line of nobles and knights. At their feet is a flock of sheep (the faithful) attacked by ravening wolves (heretics and schismatics), whom a pack of spotted dogs (the Dominicans) combat and chase away. From this a path winds round and up to a great gate, where the Apostle sits on guard to admit true believers to Paradise. Above all, and just over his two lieutenants, Pope and Emperor, is the Savior enthroned amid saints and angels.*

The Pope, as God's representative in spiritual things, is to lead men to eternal life. The Emperor, as God's representative in temporal things, was at home, to see that his subjects were obedient to the priesthood: abroad, to execute the decrees of the Church against heretics and sinners, and to propagate the faith among the heathen—by the sword, if necessary. "Hildebrand," says Mr. Bryce, "the typical representative of the popedom, requires the obedience of the Emperor (Henry IV.) on the ground of his own personal responsibility for the souls of their common subjects."† Pope Gregory VII., writing to William the Conqueror, makes precisely the same claim. He says: "If I, therefore, am to answer for thee on the dreadful day of judgment.....thou oughtest.....to obey me, that so thou mayest possess the land of the living."‡

Again, Pope Innocent IV. replies to the Emperor Frederic II.: "The Emperor doubts and denies that all things and all men are subject to the See of Rome. As if we who are to judge angels are not to give sentence on all earthly things."§ And finishes by telling him that, as he received his crown from the hands of the Pope on his coronation, therefore he is bound to render him "allegiance and subjection."

But, fortunately for civilisation and progress, the complete agreement between the Papal and Imperial powers, which this theory requires, was attained at very few points in their history. Mr. Bryce thinks that only upon three occasions did Pope and Emperor rule in perfect accord. The reason is not far to seek, for, as Mr. Bryce remarks, "Even when its throne stood firmest, and its purposes were most pure, one motive had always biased its decisions—a partiality for the most submissive." And the more submissive the rulers were to the See of Rome the more the Popes encroached on their rights and prerogatives, and the more outrageous became their claims.

It was this titanic struggle between the Papal and Imperial powers which, in great measure, caused such unparalleled misery, bloodshed, and desolation in those "Dark Ages," as they have been rightly called.

Even the Emperor Frederic I., the mighty Barbarossa, whose reign is the most brilliant in the annals of the Empire, was compelled to hold the stirrup for Pope Hadrian the Fourth, because the Pope declined to proceed with his coronation until he had performed this servile act. There was no other way, for Frederic knew, and the Pope knew, that, unless he was crowned by the Pope, his people would decline to recognise him as Emperor. Hadrian afterwards explicitly claimed the obedience of the Em-

peror on the ground that he had received his crown from the Pope.

Let us give another illustration of the fatherly care of the Pope for the interests of the people. On the death of the Emperor Henry VI., 1197, there were two claimants to the Imperial throne—the late Emperor's brother Philip, and Otho, who was backed by the influence and gold of the King of England. The peace and prosperity of the Empire depended upon the selection of a strong ruler. This, says Milman,

"was necessary to spare the realm from years of civil war, during which armed adventurers grew up, from their impregnable castles warring against each other, defying all government, wasting the land with fire and sword, preventing culture, inhibiting commerce, retarding civilisation. But a powerful Emperor had always been found formidable to the Church, at least to the temporal rule of the Papacy."*

It suited the policy of the Pope to have the Empire in a state of weakness and anarchy. The Pope declined to recognise the claims of either Philip or Otho, who thereupon determined to enforce their claims by the sword. For ten dreary years, says Milman, Germany was abandoned to all the horrors of civil war.

"It was a war not of decisive battles, but of marauding, desolation, havoc, plunder, wasting of harvests, ravaging opened and defenceless countries, war waged by prelate against prelate, by prince against prince, wild Bohemians and bandit soldiers of every race were roving through every province. Throughout the land there was no law: the high roads were impassable on account of robbers.....The ferocities of war grew into brutalities; the clergy and sacred persons were the victims and perpetrators.....The Abbot of St. Gall seized six of the principal burghers of Arbon, and cut off their feet, in revenge for one of his servants, who had suffered the like mutilation for lopping wood in their forests."†

The Pope—if he had cared a fig about the sufferings of the people—might have ended the conflict at any time during these awful ten years. He could have prevented it altogether by offering to inaugurate one of the contending parties to the throne.

Or consider that tremendous drama acted between the Emperor Frederic II. and Gregory IX., when the Empire and the Papacy met in their last mortal and implacable strife. In this contest there was not even any specific point in dispute, such as the right of investiture, but it was avowedly a struggle for supremacy. There was not the slightest suggestion that Frederic oppressed his subjects. In fact, says Milman:—

"The Sicilian legislation of Frederic shows that order and happiness were the ultimate aim of his rule: the assertion of the absolute supremacy of law; premature advance towards representative government; the regard to the welfare of all classes; the wise commercial regulations; the cultivation of letters, arts, natural philosophy, science; all these, if despotically enforced, were enforced by a wise and beneficent despotism."‡

It is true that Frederic was a voluptuary; but, as the same historian remarks—

"there was in his day no indissoluble alliance between Christian morals and Christian religion. This holy influence was no less wanting to the religion of many other kings, who lived and died in the arms of the Church. Frederic, if he had not been Emperor and King of Sicily, and so formidable to the Papal power, might have dallied away his life in unrebuked voluptuousness."§

But the greatest triumph of the Papacy over the Empire was that of Hildebrand (Pope Gregory VII.) over Henry IV., who at Canossa (A.D. 1077) stood waiting in the snow for three days, clad in a shirt, until the Pope granted him admission. "Throughout the contest of many centuries," observes Milman, "the sacerdotal supremacy was constantly raising the suspicion, too well grounded, that power, not the

* For a full description of these pictures see Bryce. *The Holy Roman Empire*.

† *Ibid.*, p. 389.

‡ *Ibid.*, p. 160.

§ Milman, vol. iv., p. 247.

* Milman, vol. v., p. 202.

† *Ibid.*, vol. v., pp. 228-9.

‡ *Ibid.*, vol. vi., p. 266.

§ *Ibid.*, vol. vi., p. 267.

beneficial use of power, was its final object." And "posterity demands whether his imperial views, like those of the older Caesar, were not grounded on the total prostration of the real liberty of mankind."*

Rome itself once the proud mistress of the world, was in a condition, says Mr. Bryce, "the most pitiable in which a community can find itself, one of struggle without purpose or progress." The citizens were divided into three orders: the military, including the aristocracy; the clergy, a host of monks, priests, and nuns; and the people, a poverty-stricken rabble without trade or industry. The first class was divided into factions headed by the great families. The Pope was head of the other two, and "The internal history of Rome from the sixth to the twelfth century is an obscure and tedious record of the contests of these factions with each other, and of the aristocracy as a whole with the slowly growing power of the Church."†

Bearing all this in mind, says the same historian, "it becomes easier to understand the architectural barrenness which at first excites the visitor's surprise." For—

"the constant practice of domestic war made defence the first object of a house, beauty and convenience the second. The nobility, therefore, either adapted ancient edifices to their purpose or built out of their materials those huge square towers of brick, a few of which still frown over the narrow streets in the older parts of Rome. We may judge of their number from the statement that the senator Brancalione destroyed one hundred and forty of them" (p. 290).

The vast palaces, visited for the sake of their picture galleries, were erected during the sixteenth and seventeenth centuries—some even later.

These uncouth square towers, then, are the only relics left of Christian rule in Rome during the Middle Ages; and these dens were built "with materials taken from the ancient temples, theatres, law-courts, baths and villas, stripping them of their gorgeous casings of marble, pulling down their walls for the sake of the blocks of travertine, setting up their own hovels on the top or in the midst of these majestic piles" (p. 298).

And all the while the Church canted of the blessings of peace and the evils of war. "But," says Milman, "these beautiful and parental sentiments were jealously reserved for the faithful sons of the Church. Where the interests of the Church were involved, war, even civil war, lost all its horrors."‡

Hildebrand, the greatest of the Popes, says the same historian, was absolutely convinced that "in raising the Papal power to the utmost, he was advancing the glory of God: perhaps, if he stooped to think on such subjects, the welfare of mankind" (vol. iv., p. 44). The Popes were too intent upon crushing contumacious rulers, or organising crusades against Pagans and heretics, to trouble about the rights or welfare of the people, even if they ever thought upon the subject. We have shown in detail that the strife with John and Henry II. was entirely concerned with the rights and privileges of the Church; and when once these had been established, the rulers might treat their subjects as tyrannically as they pleased, without the slightest fear of interference from the Popes; and the same facts are true of the struggle between the Papacy and the Empire.

Those who assert that the Church protected the people from their rulers during the Middle Ages do not understand the mediæval spirit. What we call "social salvation" was unknown—undreamed of. The only salvation thought or cared about was spiritual salvation—hence the night of the Dark Ages.

W. MANN.

The sacred books of all the world are worthless dross and common stones compared with Shakespeare's glittering gold and gleaming gems.—*Ingersoll*.

* Milman, vol. iv., p. 140.

† *The Holy Roman Empire*, p. 275.

‡ *Latin Christianity*, vol. iv., p. 283.

Acid Drops.

The Christian Deity is becoming quite sensible. "Do you suppose," the Rev. R. J. Campbell asks, "that God cares what you believe about the death of Christ?" We are glad to hear that He is taking that view now. By-and-bye He may cease to care what you believe about the *birth* of Christ. He will then tell his worshipers not to prosecute Highbury Corner "blasphemers" for making satirical reflections on that awkward "mystery."

A "suffragette" complains of the women prisoners in her cause being treated as ordinary criminals; the sorest point of all, apparently, being their wearing prison clothes. The lady points out that "men political prisoners" are treated as first-class misdemeanants, and she instances Mr. W. T. Stead and Earl Russell. We were not aware that these gentlemen were *political* prisoners—but let that pass. We quite agree with the lady in substance. Persons convicted of offences which are not in the ordinary sense of the word criminal should not be treated as if they were ordinary criminals. Their detention may be necessary, but why should they be subjected to indignity? This principle is recognised throughout Europe, and it should be recognised in England. It should apply, of course, to "religious" prisoners as well as to "political" prisoners. The idea of imprisoning a man like a felon for criticising religion, however roughly or unskillfully he does it, is repulsive to every decently constituted mind. Yet that is how Mr. Foote was treated when he was locked up for twelve months for "bringing the Holy Scripture and the Christian Religion into disbelief and contempt."

We have been favored with a cutting from the *Daily Telegraph* of February 11, containing a bit of news which had escaped our attention. The following is from that morning's parliamentary report:—

"THE BLASPHEMY PROSECUTION.

Mr. J. Robertson asked Mr. Gladstone whether the prosecution for blasphemy, recently instituted, was decided on because of apprehensions of breach of the peace; and, if so, on what those apprehensions were founded; whether he had considered the expediency of guarding against alleged breach of the peace by other legal procedure; and whether it was proposed henceforth to institute prosecutions in cases in which, at political and other meetings, language was used which might conceivably promote breach of the peace?

Mr. Gladstone's reply is as follows: "Proceedings were taken because it was necessary to protect the public against grossly indecent and ribald language used in a public street—language of such a character as to shock and outrage the feelings of those passing in the street, and, if persisted in, to render a breach of the peace inevitable. Many similar offences can be dealt with under the Police Acts, but in this case the police were advised that the only procedure under the Blasphemy Act was available, and, when the case came for trial, the jury convicted without leaving the box. As regards the last part of the question, I cannot answer a hypothetical question; but I may say that, under identical, or analogous circumstances, the same action would again be taken. The case has no connection with or bearing on speeches at political meetings."

We presume the Mr. J. Robertson is Mr. J. M. Robertson. His question was a pertinent one. And in answering it Mr. Gladstone was bound to give himself (and the police) away. We have already stated that Mr. Harry Boulter had been lecturing at Highbury Corner for nearly two years, and had actually enjoyed a police permit to take up collections during most of the time. Now it was given in evidence by the police witnesses for the prosecution that not the slightest disorder had even occurred at any of his meetings. Whatever else, therefore, might be the demerits of his peculiar oratory, it certainly did not lead to any breach of the peace; and two years seems a pretty fair test of the tendency of a man's propaganda. That was Mr. Gladstone's first blunder. His second blunder is still worse. He confesses that the police were advised that they could only proceed against Mr. Boulter (we presume he means *with success*) under the Blasphemy Laws. Does not this show that the "grossly indecent language" which he charges against Mr. Boulter—but which was never charged against him in his indictment—was not enough in itself to secure a conviction under the ordinary law; in short, that it was not "grossly indecent language" at all? The "indecent" had to be eked out with "blasphemy,"—which, in turn, proves that the conviction had to be secured by appealing to the spirit of religious prejudice and a law of religious persecution. This is further admitted in Mr. Gladstone's final statement. It is only speeches on religion, displaying ill taste, which are to render a man liable to imprisonment; and such speeches only when they are delivered by Freethinkers. And if this be not bigotry, worsened by hypocrisy, we should like to know what is.

It is a curious thing that "blasphemy" prosecutions should occur under Liberal governments. Mr. Foote was imprisoned under a Liberal government in 1883. Mr. Harry Boulter is prosecuted under a Liberal government in 1908. And he was only not imprisoned because a High Church judge, who is also a Tory, gave him a (not too dignified) loophole of escape. And now, as in 1883, a Liberal Home Secretary gets up in the House of Commons and mouths the old stock words about "grossly indecent language."

Sir William Vernon Harcourt was Home Secretary at the time of Mr. Foote's imprisonment, and from his place of privilege in the House of Commons he declared that Mr. Foote was in prison for obscenity. There was not a suggestion of such a thing in the whole course of the two trials at the Old Bailey, any more than there was in the Indictment. Mr. Foote challenged Sir William Vernon Harcourt to liberate him on the charge of "blasphemy" and prosecute him on the charge of "obscenity." But the infamous libeller was too great a coward to accept the challenge. He passed for a statesman, but he was only an adventurer; he passed for a bold man, but he was only a bully.

Mr. Foote's vindication soon came, however, if not in such a dramatic fashion. After two trials at the Old Bailey in February, 1883, he was tried a third time (under another indictment) in the Court of Queen's Bench. In his address to the jury he complained of the words "indecent" and "licentious" which had been used against him by the religious and lickspittle press. Such words had double meanings. They might mean "unbecoming" or they might mean "obscene," and when they were once afloat they were sure to be taken in their worst meaning against a "blasphemer." Lord Chief Justice Coleridge, who was a gentleman—one of nature's gentlemen, with the mark of it in presence, voice, and manner—honorably seconded Mr. Foote's protest against this villainous misrepresentation. In his address to the jury, he said:—

"Mr. Foote is anxious to have it impressed on you that he is not a licentious writer, and that this word does not fairly apply to his publications. You will have the documents before you, and you must judge for yourselves. I should say that he is right. He may be blasphemous, but he certainly is not licentious, in the ordinary sense of the word; and you do not find him pandering to the bad passions of mankind."

For that one declaration Mr. Foote owed Lord Chief Justice Coleridge a deathless debt of gratitude. It was a splendid answer, from the highest judge in the land, to a prisoner's slanderers. Mr. Foote's "blasphemy" was clean "blasphemy." And that was all he cared about.

Those "inseparables," Torrey and Alexander, have separated. The Christy Minstrel part of their old entertainment now attracts the public to another show. Mr. Alexander has joined forces with Mr. Wilbur Chapman, another Yankee revivalist, and is running with him the "Chapman-Alexander Simultaneous Mission." There is some talk of the combination visiting London. It is operating just now in Philadelphia, where "the movement is managed by a committee of 150 ministers and laymen, under the chairmanship of Mr. John H. Converse, the well-known millionaire." There must be a millionaire in it. He keeps up the Christian character of the enterprise.

The *Christian Commonwealth* rejoices over its past year's success—and its "rapidly increasing multitude of readers." This is quite legitimate. But our contemporary goes on to say: "The battle is not ours, but God's. To Him the glory!" Yes, but to whom the profits?

Dr. Henry Maudesley, the well-known Freethinker, specialist in mental disorders, has just offered the London County Council a sum of £30,000 towards the cost of a hospital for the treatment of mental diseases.

A religious weekly points out that quite a number of well-known ministers are at present disabled through influenza. This item of news is not given as proof of the power of prayer.

The *Christian World* reports that Mr. McKenna has "given an assurance that the Education Bill shall be presented to the House of Commons before the Free Church Council Meetings at Southport" on March 2. The picture of the Government accommodating its measures to meet the convenience of the Free Church Council is both amusing and humiliating. It is amusing because of the airs assumed by Nonconformists in general, and the way in which the sectarian comes to the front in spite of the many attempts to cloak the real issue by an appeal to "citizenship,"

"common rights," etc. And it is wholly humiliating to see the Government, with its enormous majority, obeying the commands of a body of the Free Churches. A Government with any real sense of self-respect would certainly have declined to give any such "assurance." And a Government that lacks the strength to shake itself free from the control of paltry sectarian influence may safely be trusted to break down when there is anything courageous or really statesman-like to be done.

Quite a number of tearful biographical notices have appeared in the religious press concerning the death of Lord Overtoun. His name is chiefly familiar to us as a strong supporter of evangelistic missionary work, and in connection with the exposure made some years ago by Mr. Keir Hardie of the way in which he treated the workmen employed by him. In the light of this last item the biographies referred to read rather curiously. They all praise his deeply religious nature, and his lavish gifts of money in support of various missions. His gifts to one mission alone are said to have amounted to £50,000. He was extremely active in promoting Bible classes, and it was reported that he paid John McNeil a large sum yearly to continue his work as an itinerant evangelist. But we have not observed any reference in these biographies to any great concern shown for the general welfare of the workpeople under his charge, nor to any great good done in any other direction than the one indicated. Under the circumstances the omission is significant; and the space given to him in the religious press may be easily estimated at its true worth.

Mr. Arthur Henderson, the new chairman of the Parliamentary Labor Party, is convinced that the only way to secure genuine improvement in social conditions is to "apply the principles of the Carpenter of Nazareth to the everyday life of the common people." This advice *might* be good, if only one were quite clear as to its meaning. Does Mr. Henderson mean to apply all the teachings of Jesus, or only a selection? If the latter, on what basis would the selection be made? Does Mr. Henderson really believe that there is blessing in poverty, any comfort in mourning, any goodness in turning one cheek when the other is struck, or any benefit to be derived from a dependence upon God, or from dependence upon the power of prayer? If so, why does not Mr. Henderson apply these principles during his speeches in the House of Commons, or while facing a conference of Labor delegates? To merely reserve them for the pulpit is to give people the feeling that there is little genuine belief at the back of them. Any way, "Labor" will be in a permanently bad way so long as it allows itself to be deluded by such nonsensical language.

Mr. Philip Snowden, who also does a deal of talking in the same strain as Mr. Henderson, says that people do not leave the Churches because they are not religious. Well, why on earth do they leave? Mr. Snowden says it is because they are "too religious to seek comfort in the pews." Presumably, also, people give up believing in religion because they are too religious to believe in it. Of course, people do leave Church or Chapel for all manner of reasons; but by far the larger and more powerful reason is that they no longer have faith in the religious doctrines taught. If Mr. Snowden does not know this, his opinions on other subjects are not likely to impress people by their weight. Personally, we have our doubts whether these Labor leaders are quite so silly as some of their speeches would lead one to believe.

At Cheadle, Staffs, they have been having one of the usual missions, with some of the usual wonderful results. Among these, an unbeliever has been converted (no name given) who straightway burnt all the "infidel books" he possessed. The orthodoxy of the practice is unimpeachable—but weak. Once upon a time they would have burnt the writers. And how some of them must long for the good old times!

If a visitor from another planet had been in the House of Commons on February 14, he would surely have wondered if we were a nation of lunatics. He would have found the Government of a great empire discussing with the utmost solemnity an Ecclesiastical Disorders Bill, and grave, if not reverend, senators waxing eloquently indignant, over the kind of millinery worn by some 20,000 parsons, the kind of lights they used during their incantations, etc. If he had returned home directly—and the occasion would have given a sensible person little inducement to stay—he must have reported that in the opinion of Parliament the welfare of the nation was largely a question of candles, millinery, and genuflexions. That the Parliament of a country calling itself civilised should spend its time in discussing such topics is enough to make one despair of human nature. A group of

savages going through their rites under command of a witch-doctor carries its own excuse. They are savages; the others are Christians. But in relation to these things the only difference is the name.

We overlooked the following comment on the "blasphemy" case in *Lloyd's News* :—

"The allegations made during a trial for 'blasphemy' raises the whole question of courtesy and kindness in public discussion. Ridicule and sarcasm are permissible, and effective weapons in debate, but mere vulgarity and abuse, or irreverence in dealing with subjects that are sacred to others, are not to be confounded with free speech, and cannot be tolerated."

This fairly takes the cake. Fancy a man being prosecuted and imprisoned for the difference between "ridicule and sarcasm" and "vulgarity and irreverence"! A jury of casuists would have to try the case.

The attempt of General Booth and the Salvation Army to pooch-pooch the reports of unemployment in Canada, so as to prevent their lucrative emigration business falling off, is seen at its proper value in the light of a report that, since New Year's Day, 100 babies have starved to death in Toronto. However, we have the pious General's word that so long as you purchase your ticket from the Salvation Army there need be no fear of inability to get work. And no one who really knows the Salvation Army has any doubt as to what reliance can be placed upon its official announcements.

General Booth addressed a party of four hundred emigrants for Canada at Euston Station, and the old gentleman was in fine form. "You will have heard," he said "a disturbing story and strange rumors about the failures of our past efforts; you can set your minds perfectly at rest on those questions." There you are. That settles it. William Booth has spoken. Criticism disappears.

The Booth family don't like criticism. This truth was put naively by the "General's" eldest daughter, Mrs. Booth-Clibborn, whose wonderful speeches at the classical town of Kirkintilloch are reported in the local *Herald*. "Wherever they had criticism," she said, "it blasted and destroyed. Judas began with criticism, and finished with betrayal." Moral: believe all you are told—especially by the Booths.

They had a rare lark the other day at Barrow-in-Furness with the dead body of a pauper. His name was Moore, and he was an Orangeman, and he was buried by a Roman Catholic priest in error. The priest, on discovering his mistake, too late, was shocked to find that he had buried a rabid heretic. But what about the Orangeman? What must have been his feelings—if he had any left? It was enough to make him get out of his coffin and make a violent protest. And the fact that he never moved seems convincing disproof of the resurrection of the dead.

Rev. R. J. Campbell is going on a lecturing tour in America in the summer. As a great deal of his preaching is diluted Ingersollism, much of what he says will be recognised over there as tolerably familiar, if a little enfeebled.

The Rev. David Smith has made a discovery. He has found out that the characteristic note of "all the unbelieving literature of our day" is its sadness. "There is sadness in its very mirth—the sadness of an empty heart, the yearning of the immortal soul after Him who is its Rest and Home." We are overcome. The picture of the poor unbeliever with tears showing through his laughter, struggling along with an empty heart and a soul crying out for Jesus, is too sad for words. Before such a discovery one feels, as Huxley said scientists felt when Darwin published his theory of Natural Selection—it is so true, and the facts are so patent, why didn't we perceive it before? All we can say is, that we didn't. We had been under the impression that, on the whole, Freethinkers got more real happiness out of life than Christians did. For the future we shall be on our guard, and whenever we hear a Freethinker laugh we shall be on the lookout for the hardly-restrained tears, and listen for the cry of the soul for "Him who is its Home and Rest." How blind we have been, to be sure!

Mrs. Rylands, the widow of the Manchester millionaire, died quite lately, and left a huge sum of money divided amongst a large number of religious bodies. One would think that every one of these would take its windfall and feel glad, if not grateful. But there seem to be heartburnings because some got more than others. The beggars, in short,

want to be choosers. And it is just like them. One glaring instance is recorded in the *Manchester Guardian*. It appears that the Rev. Stanley Rogers, preaching at Liverpool on missions to the heathen, said that he was "amazed" at some of Mrs. Rylands' bequests. Only £5,000 was left to the London Missionary Society, and £25,000 for an institutional church at Manchester. It was questionable if Manchester needed another church; many that existed already wanted filling. "All over the Eastern countries," however, "the peoples were crying for the Gospel truth and its Teacher, and it surely behoved all men who called themselves Christian believers to find a better proportion for their giving than £25,000 to a church at home and £5,000 to carry the gospel to the heathen." This is plain speaking. It is also churlish—for Mrs. Rylands wasn't bound to leave the London Missionary Society anything. We should say, for our part, that the £5,000 she did leave was simply wasted. The heathen who are "crying" for the Gospel, don't accept it when it comes along. A few converts are made amongst the destitute and outcasts, and the majority of them hold on to Christianity just as long as it is worth their while. The educated and intelligent classes, in all heathen countries, are as far off Christianity as ever. Some observers say farther. Mrs. Rylands' money would have been far better spent upon the "heathen" at home.

There is to be a great Catholic demonstration in London in September. Two cardinals and nearly two hundred bishops will figure in the procession. A lady correspondent of the *Daily News* says that this "is most serious for a Protestant country," which, in a sense, it undoubtedly is. But the editor reminds the lady that this is a free country, and that the theory of the Constitution is that "no one shall be disturbed or hindered in the expression of his religious faith." Suppose this be true, how does it make England a free country? *Believers* are not to be disturbed or hindered, but the same right is not accorded to *unbelievers*. Witness the recent "blasphemy" prosecution, and its revival of a law which the late Mr. Justice Stephen admitted to be sheer "persecution." Witness, too, the action of the Liverpool police in getting the N. S. S. Branch turned out of its meeting-place.

Of all the queer-sounding sects we have ever heard of the "Old Two-seed in the Spirit Presbyterian Baptists" is the queerest. We haven't the remotest idea of what it is all about, but it is given in the *New York Christian Advocate* as one of the numerous Christian sects that flourish in America. It sounds much like an incantation to be performed before purchasing a lottery ticket.

Many causes have been named as responsible for the decline of church-going. The Rev. W. R. Bevan, a Methodist clergyman, seems to have settled the matter. He says that, in every instance of a decayed or enervated church that had come under his notice, the root of the evil lay in "devotion to whist, and dancing and theatre-going." Now, the problem admits of easy solution. Let our Nonconformist Government close the theatres, and prohibit dancing and whist, and the churches will once more be filled.

"The Impotence of Omnipotence." This sensational subject was announced in connection with the West London Mission on Sunday. It is distinctly blasphemous—being calculated to "shock the feelings and outrage the beliefs of the public." But the "blasphemers" are Christians, so nothing will be done. "Blasphemy" is only punishable when it is committed by Freethinkers.

We have received a copy of the *Typographical Circular* confirming the statements sent to us, and referred to in our last issue, concerning the firm of Alabaster and Passmore, the printers of Spurgeon's sermons and many other religious publications. This firm, whose piety, we suppose, is unquestionable, is accused of employing "young girls at very low wages on typesetting machines." Naturally it has led to a row with the London Society of Compositors. The members of that Society ought to know by this time that piety and good citizenship don't always go together.

Messiah Piggott has another baby. This time it is a girl. The first was a boy, and was called "Glory." The girl is called "Alleluia." We shudder to think of the name of number three.

The Catholic *Herald* advertises bottles of holy water from Holywell at from sixpence to two shillings and sixpence each. We wonder on what basis the vendor's water-rate is calculated? To be just to other people, he should be supplied per meter.

Mr. Foote's Engagements.

April, Queen's Hall, London.

To Correspondents.

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

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

J. K. M.—The subject is rather too hackneyed. Glad you came through your trying hospital experience with your Atheism confirmed.

E. T. BREWSTER.—We understand your "surprise and disappointment" at the result, but perhaps you found some compensations in reading our last week's article.

L. SIMMONDS.—We are obliged to you for your consideration and trouble, but the suggested alteration of our title is hardly feasible. It gives offence, you say; yes, but it also gives pleasure; it is a flag in the battle; and compromising titles are apt to promote a compromising spirit. We could give instances.

W. ROBSON thinks we "have done finely in this, as in other cases," and says "may your health be sustained to battle on." With his letter come subscriptions from Cramlington, a Tyne-side mining place.

W. WAYMARK.—See paragraph. Thanks.

J. WORTLEY (Pretoria) desires, through us, to thank Mr. Pottage "for his respect for an old comrade"; in allusion to the funeral of our correspondent's father.

R. J. HENDERSON.—Glad to have your congratulations on what you are good enough to call our "manly attitude all through the Boulter business." We did not doubt your being among the "Vertebrates."

W. DAVIES.—Quite right; you mustn't expect wonders from everybody.

J. F. DICKEN.—Thanks.

T. HOPKINS.—The other Fund had to wait, but it cannot wait indefinitely. The Fund you suggest could hardly be started just now; there are more difficulties than you foresee. Yet we quite appreciate your advice: "Be ever prepared for war. 'I owe all my victories,' Nelson said, 'to being ready a quarter of an hour beforehand.'"

WOOLF COHEN.—We have not seen it.

C. (U. S. A.), subscribing to the Defence Fund, says: "I very much admire your action in the matter."

W. P. BALL.—Many thanks for cuttings.

ALBERT LOVELL.—Don't judge Mr. Atherley-Jones's speech until you have read it. We begin its publication in this week's *Freethinker*. Of course Mr. Justice Phillimore was a bit absurd in saying that he does not know what an "obsolete" law is; yet, after all, it is for the jury, rather than the judge, to determine that point.

G. TIDEMORE.—See paragraph.

N. S. S. GENERAL FUND.—We have received the following:—Frank Smith, £3.

JAMES CARTWRIGHT.—Mr. H. de R. Walker, M.P. for the Milton division of Leicestershire, was quite right in saying that Mr. Boulter was prosecuted under the Common Law, not under the Statute; but there never has been a prosecution under the Statute—every prosecution on record having been under the Common Law. Of course the Repeal of the Blasphemy Laws means the abolition of "blasphemy" as a crime at all. We are glad to see that the honorable gentleman would give "careful consideration" to any proposal laid before Parliament in that direction.

"ANARCHIST" writes: "I am more than pleased with the *Freethinker*. It was sent to me anonymously two and a half years ago."

W. NUTTALL.—Glad you have "gained by reading" this journal. Attendance at "divine service" seems to be compulsory in the Army, though we do not know by what law. You might be excused if your commanding officer were very tolerant, and the chaplain were too much of a gentleman to want an enforced congregation.

ELIZABETH LECHMERE.—Such letters in the newspapers must do a great deal of good. We wish all *Freethinkers* would lend a hand at such propaganda.

J. BENNETT.—Glad to have the appreciation and good wishes of the Mountain Ash Branch, of which you are now secretary. You say you are anxiously awaiting our visit to South Wales, and that Mountain Ash and Aberdare *Freethinkers* are prepared to give us "a bumping audience and a hearty welcome." Well, we will try to visit you in April—say towards the end of the month.

NORMAN MURRAY (Montreal), who pulled Torrey up so nicely in the courts, says: "Go for the fakirs and win. The British, with all their faults, dearly love a good fight."

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

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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.

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Sugar Plums.

Mr. Foote's time was so much occupied by the "blasphemy" case that his ordinary work was thrown into arrear, and it will take him some time to bring himself up to date with it. This time can only be secured by his ceasing to lecture for a little while; accordingly he has made no lecturing engagements for a few weeks, but he will be at Queen's Hall again in April.

Mr. Foote had grand meetings again in the Birmingham Town Hall on Sunday. The evening meeting, in particular, was a fine sight, that would have gladdened the heart of many a *Freethinker* in other parts of the country. And it was a thoroughly sympathetic meeting. There was a swift running fire of applause from beginning to end. When question-time came, a Christian in one of the side galleries asked a question which he evidently thought a poser; but the answer to it evoked a tempest of cheers, with which the proceedings ended. Mr. Fathers, the chairman, proposed a vote of thanks to the Lord Mayor for granting the use of the Town Hall; this was carried with enthusiasm; and another vote of thanks was given, just as enthusiastically, to the gentlemen of the band, who contributed so much to the evening's enjoyment.

These Town Hall meetings involve a good deal of expense, and the collections do not cover it. The Hall is granted free, but the cost of cleaning, lighting, caretakers, etc., come to several pounds, and the advertising has to be done on a fairly large scale. On top of all that is the cost of the lecturer's visit from London. We hope some of the "saints" will think of this, and send on a donation to the secretary, Mr. J. Partridge, 183 Vauxhall-road. Miss Baker has started the list with £1.

Mr. F. J. Gould is leaving the Leicester Secular Society, to which he has been Secretary and Organiser for nine years. His resignation takes effect at the end of April. Mr. Gould has not abandoned his old principles. He still adheres to the Secular Society's principle that "Secularism is that theory and practice of life which aim at developing man's physical, mental, and moral powers, without dependence on the doctrines of God and a spiritual world." But he leans more at present to Positivist methods, and wishes to take a more active part (as a Socialist) in the Labor Movement. Mr. Gould's modest salary will be secured to him by a small group of friends who are in harmony with his views and intentions. No doubt his loss will be felt, and at first rather heavily, by the Leicester Secular Society; but the President (Mr. Sydney Gimson) and the Committee may be trusted to act energetically and wisely in tiding over the difficulty. We understand that no steps will be taken for some time to fill the vacancy caused by Mr. Gould's resignation. We trust it is not necessary to say that the severance is effected with perfect good feeling on both sides. Mr. Gould continues to be a member of the Society, and hopes to lecture occasionally on its platform.

Mr. Sydney A. Gimson, President of the Leicester Secular Society, worthily bears a name that his father made so honorable. We are glad, therefore, to be able to quote the following passage from a letter he has just written us. "I very heartily agree," he says, "with the steps you took to secure Boulter's defence, and am most grateful to you for acting as a true representative of *Freethought*."

The West Ham Branch's last Concert and Dance was so successful that it is organising another, to take place at the Workman's Hall, Romford-road, Stratford, on Wednesday evening, March 11. The tickets, only 6d. each, can be

obtained from any member of the Committee, or from R. H. Rosetti, 87 Harrow-road, Leytonstone. Profits will go to the propaganda.

We have published our Verbatim Report of the "Blasphemy" Trial irregularly; that is to say, out of chronological order; but the irregularity was intended, and we believe has been, for our readers' advantage. This week we publish Mr. Bodkin's last speech for the prosecution, and the first half of Mr. Atherley-Jones's speech to the jury for the defence.

A Great Labor Leader is the title of Mr. Aaron Watson's biography of the Right Hon. Thomas Burt, M.P. One would think from the published price, which is fifteen shillings net, that the book was meant for millionaires. It seems very odd that the Life of a man of the people should be placed beyond the reach of all but the wealthy. A good many of our own readers would like to see this book, for Thomas Burt is an interesting and noble character in himself, and was also associated more than once with Charles Bradlaugh. Fifty years ago, Thomas Burt opened his hospitable door to Charles Bradlaugh when all other shelter was denied him after a lecture; and Thomas Burt was one of Bradlaugh's sponsors—Henry Labouchere being the other—when the great Atheist went up to the table of the House of Commons and swore himself in. These facts make us all the more regret that enormous, and even ridiculous, price of Thomas Burt's biography.

The "Blasphemy" Defence Fund.

Thomas Robson, 3s.; George Fryer, 3s.; William Robson, 2s. 6d.; James Robson, 2s. 6d.; Sidney Clowes, 2s.; E. T. Brewster, £1; R. Lloyd, 2s. 6d.; A Few Liverpool Freethinkers (per W. Davies), 3s.; Blackheath, 2s.; F. J. Gould, 5s.; Leicester Collection (per F. J. Gould), 3s. 3d.; "C." (U.S.A.), £1; Frank Smith, £2; Anarchist, 1s.; Mountain Ash N. S. S. Branch, 10s.; T. Sands, 5s.; Norman Murray (Montreal), 5s.; H. W. Parsons, £1; H. A. Lupton, 10s.

Per H. Barber (Preston):—W. Livesey, 1s.; F. G. Sharp, 1s.; A. D. Salisbury, 1s.; J. Barr, 1s.; W., 1s.; E. Wilson, 1s.; J. Duckworth, 1s.; H. A. Cox, 1s.; G. von Zweigbergk, 1s.; J. H. Hunter, 1s.; R. G. Devey, 1s.; J. Martin, 3d.; H. Barber, 1s.

The "Blasphemy" Trial.

SPEECHES FOR THE PROSECUTION AND THE DEFENCE ON THE SECOND DAY.

MR. BODKIN: May it please your Lordship—Gentlemen of the Jury, after the observations that I made yesterday, you may be quite certain that I am not going to detain you this morning more than a very few minutes before you will hear the address which my learned friend Mr. Atherley-Jones is about to make to you. But my learned friend not having put any questions to the witnesses whom I called to speak to the language used on the three several occasions in question—the 1st, 8th, and 15th December—it must now be admitted that substantially the exact language used by the Defendant is before you, and his use of that language involves the uttering and publishing which is one part of the essentials of this offence which you are now trying; and, so far as that point is concerned, it must be taken to be admitted that the Defendant uttered and published that particular language.

The only question, therefore, remaining is whether that language falls within the description and the definition which I read to you yesterday, and which I do not propose to repeat to-day. Therefore, it seems that the only question remaining is whether, adopting again the language of one of the same learned Judges whom I quoted yesterday, these things are not, in any point of view, "blasphemous libels"—whether they are not "calculated and intended to insult the feelings and the deepest religious convictions of the great majority of the persons amongst whom we live, and, if so, they are not to be tolerated any more than any other nuisance is tolerated."

MR. JUSTICE PHILLIMORE: Is that Lord Coleridge?

MR. BODKIN: Lord Coleridge, my Lord. We must not do things that are outrageous to the general feelings of propriety of the persons among whom we live. So that the question for you, Gentlemen, is whether this language is such as is "calculated and intended to insult the feelings and the deepest religious convictions" of the great majority of the population of this metropolis.

Gentlemen, my learned friend put one question yesterday in which he elicited that the Defendant was reputed to be a Freethought lecturer. Let me just say in reference to that

that people in this country, and in every other country, are free to think as much as ever they please upon any subject they like, and in any manner they like—that thought by them is a matter for themselves alone—but the moment a person does something in consequence of his thoughts, or puts his thoughts into words in the hearing of the ordinary citizens of the town in which he lives, then does it become a matter of public interest, and a question whether what he so expresses is "calculated or intended to insult the feelings" of his fellow citizens, and, if so, that is not to be tolerated any more than any other nuisance is to be tolerated.

Gentlemen, here the language, I submit, is of that particular character, and the best evidence of it is the evidence of Mr. Jenkins, the Superintendent of this particular locality, who gave evidence yesterday that when, in the course of the discourse of the 15th December, that phrase was uttered by the Defendant which forms part of the third count in the indictment, the members, or some members, of the audience, to whom the Defendant was addressing himself cried out "Shame"—showing quite clearly what their feelings were in reference to this matter. They are members of the public, doubtless attracted there by seeing the knot of persons usually collected there for the purpose of hearing what the Defendant had to say. Their feelings are entitled to be regarded, and if their feelings are outraged, as is evidenced by what they said and did there and then on hearing what the Defendant said, I submit you have the very best evidence from the ordinary members of the public that this kind of speech is of a kind which is "calculated" or "intended" to wound them in what, to a great many people, is the most susceptible part of their being.

Gentlemen, "calculated and intended." Just one word, and one word only, with regard to that. A person by the law, if he does any particular thing, or says any particular thing, and says it or does it intentionally, is presumed to have intended all the natural and reasonable consequences which flow from that act, or from the words which he has uttered. And therefore here, on the whole of this case, I am submitting to you that the language falls within the definitions which I have read to you, and which my Lord may, and in all probability—if with great deference I may say so in his hearing—will, adopt a fair, and proper, and accurate statement of the law upon this subject—that this language falls within them, which is admittedly the language which the Defendant used, and, according to the evidence, which had the very effect of wounding the feelings of many of those who had the misfortune to have to listen to it.

Gentlemen, under these circumstances, and bearing in mind that this is a case which, in the best interests of the ordinary public, is undertaken for the purpose of preserving proper decency of speech in the public streets, I submit to you that this charge is one which is made out against the Defendant.

MR. ATHERLEY-JONES: May it please your Lordship—Gentlemen of the Jury, I do not think you will regard it as inappropriate on my part to ask for your indulgence in respect of the observations which I shall have to address to you in the defence which it is my duty to lay before you. There is one preliminary observation which I desire to make, and I make it not so much in my capacity as Counsel as from the standpoint of a citizen, and, if I may be allowed to say so, from the standpoint of a Christian. I deprecate prosecutions of this character. They serve no useful purpose. They rather tend to encourage and to magnify the mischief which they seek to abate. At the beginning of this century, in the course of one year, there were some 100 prosecutions for blasphemy.

MR. BODKIN: Last century.

MR. ATHERLEY-JONES: I am much obliged—last century. In the early part of last century there were over 100 prosecutions for blasphemous libel. In the year 1857 there were one or two prosecutions, and from the year 1857 to the year 1883 there was, if I am correctly informed, not a single prosecution for blasphemous libel. And from the year 1883 down to the present time there is not recorded one case in which a prosecution was instituted for the offence with which the Defendant is now charged. Was it that the crime, if crime it be, of blasphemous libel had ceased to exist? Gentlemen, I am appealing to your common knowledge—to our common knowledge—and we know that for good or for evil, in every city, in every town—one might almost say in every village—of this country, there have been persons who have thought fit, representing a not inconsiderable section of thought in this country, to address audiences, using language similar to, if not identical with, the language which has been used by the Defendant. There has been literature poured forth in superabundance, from which the Defendant has culled the most objectionable passages of the speeches to which my learned friend drew

your attention, and, unchallenged by any authority in this country, that language has with impunity been uttered, written, and published.

I said at the commencement of my speech that I thought this prosecution was to be deprecated. It is not my opinion alone. That would be worthless. The most eminent dignitaries of the Church and of Nonconformity have expressed that opinion. Judges as distinguished as he who presides over this trial have expressed that view. Statesmen, independent of political parties, have declined to be parties to such a prosecution, for the obvious reason that the mischief which you seek to cure is aggrandised, and the men whom you seek to establish as malefactors pose as martyrs.

Now, gentlemen, the roots—the foundations—of Christianity are planted so deep in the hearts and convictions—the minds—of the people of this country, that we may well afford to allow that free liberty of speech upon all matters religious, all matters Divine, which our less enlightened ancestors sought to stifle and destroy. Moreover, this is, I believe, almost the first prosecution which has not been instituted either by a public body or at the instance of the Crown. As a rule, not only do the law officers of the Crown take upon themselves the responsibility of advising, or dis-advising, a prosecution of this character, but they are represented in Court by the Attorney General or the Solicitor-General of the day. To-day it is a police prosecution. It is a prosecution undertaken on the responsibility of the Chief Constable of this metropolis, supported by the police. I do not say it in any sense by way of disparagement, because the police are entitled to respect and consideration at the hands of all good citizens, but it is an official prosecution of the police. And my learned friend—whose ability, whose moderation, and whose fairness I am ready to testify to—opened this case before my Lord on the same lines, and in the same spirit, as if he was proceeding before a police-magistrate upon a police summons, for an offence against good order in the streets, against obstruction, against some bye-law, or some section of a Towns' Clauses Act, which forbade the use of indecent or profane language.

Mr. JUSTICE PHILLIMORE: Pardon me a moment, Mr. Atherley-Jones. Are you right in saying that these prosecutions are always instituted by the law officers of the Crown? The report in Cox of the last case, in 1883—the case against Foote and Ramsey—does not point that way. Sir Hardinge Giffard, not the Solicitor-General, and Mr. Maloney prosecuted.

Mr. ATHERLEY-JONES: I agree, my Lord, and that coincides with the observation I made.

Mr. JUSTICE PHILLIMORE: You made a mistake.

Mr. ATHERLEY-JONES: I did not say uniformly, my Lord; I only said generally. And in the case mentioned by my Lord, that falls, gentlemen of the Jury, within the ambit of what I stated. That prosecution was undertaken at the instance—it turned out to be, I believe, an abortive prosecution, but it was undertaken at the instance of the Corporation of the great City of London. It was undertaken at the instance not of a police official, but you will remember, gentlemen, it was at the time of the controversy with regard to Mr. Bradlaugh, on his entering the House of Commons. It was associated—I did not want to enter into that matter—more or less with political controversy. That prosecution was not instituted by a police official, and I hope this will be the last occasion upon which such a prosecution will be so instituted, but it was instituted—I do not want to speak in terms of harshness upon the matter, but it was instituted (I think it was matter of common knowledge at the time) as a matter of political rancor and political difference. But I pass that by. I only mention this to you, gentlemen, for the purpose of emphasising the statement with which I commenced—that is, that prosecutions of this character are wisely and rightly regarded as more mischievous in their results, more disastrous in the effect that they produce upon society, than if utterances—wild, reckless, perhaps wicked words, whether written or spoken—were treated with indifference and contempt.

Gentlemen, I feel, I admit, that I have a heavy task before me—a task, indeed, which I do not shrink from, and which I hope, and I believe, will be rewarded by the verdict that I shall ask you to give. I am addressing a typical audience of English citizens—men who have, many of you, perhaps, the strongest religious convictions—men who have inherited a particular form of religious faith—men who have learnt the lessons of morality in the prayers which you uttered in your childhood at your mothers' knees—and I know nothing which can shock human sensibility more than to hear that faith which is as dear to you—aye, and often dearer to you—than your life, made the subject of ribald jest and gibe. It is not merely in the domain of religion, although in religion are centred the highest aspirations and the most profound convictions of the human mind—in the field of civil life, be it business, be it profession, be it politics—yes, even politics—

we are taught to have consideration for the feelings of others. Necessity compels us at times to use language which may hurt, may wound, the feelings of those whom we criticise or whom we address; but to wantonly attack our opinions, be they political, be they social, or be they religious, and to add to that attack the torture of gibe and insult, inflames the passions of men, and causes them to forget—to ignore—the duty which devolves upon them in the high office that they may from time to time occupy (as you are occupying to-day, gentlemen), and in the circumstance—in the material—in the mere environment of the case, to forget the issue which the law invites them to decide, so that they fail to confine their judgment and their verdict to that issue and to that issue alone. Therefore, gentlemen, I respectfully beseech you—I have a right to do more than beseech, I ask you with all deference and with all earnestness—to let your minds, in deciding upon this case, rise to a higher plane than that of your prejudice—than that of your sentiments—aye, or even than that of your religious convictions—and to remember (I say it without hesitation) that there is involved in this case a great public principle; obscured, as it may be, by the sordid and repulsive environment, there is involved a great public issue of profound importance—namely, that there shall be full liberty of speech upon all matters, be they political, be they social, or be they religious, and that the sacred name of religion shall not be drawn into the issues of this case in order to secure punishment for an offence for which, if there be an offence, there are other and facile remedies available.

The indictment here is for blasphemy, and I was certainly somewhat astonished to hear my learned friend, in his opening to you, introduce into his speech considerations of public convenience—the use of language which was offensive to passers-by—language which might have been heard (and I accept the evidence for the prosecution—I may relieve my learned friend's mind of any difficulty as to that—I must accept it, and as he pointed out I did not cross-examine to it, as substantially accurate)—which might, I say, even have been heard by people sitting at their open windows—questions of the obstruction of a public highway. I tell you, Gentlemen of the Jury, with a full assurance that I am speaking good law, that not one of those questions has the remotest possible bearing upon the issue that you have to try. If obstruction was caused in the streets, there are facilities for a speedy and effective method of dealing with them under Acts of Parliament framed for the purpose. If profane or obscene—it is not suggested, nor could it be suggested, that this is obscene language—if profane or obscene language is used in the streets, if language calculated to promote a breach of the peace is used in the streets, there is the machinery of the law available, and any ordinary police officer—it is not necessary to go to the Chief Commissioner of Police of this Metropolis, any ordinary constable has it within his competence to take prompt and effective action for the purpose of repressing that disorder and preventing the recurrence of that crime. And I say to you that those are matters—I will not say intentionally, because I have already paid a tribute to the fairness of my learned friend—those are matters, I will say, inadvertently introduced in this case, which are entirely foreign to the issue in the trial of which you are engaged now, and matters which can only be introduced for the purpose of provoking prejudice, for the purpose of minimising the true meaning and effect of this prosecution, and inducing you to say, "Oh, we are citizens of a law-abiding country, we will not tolerate nuisances of this description, we do not care; blasphemy or no blasphemy, we will convict this man because he has been a public nuisance, and he has caused annoyance and obstruction in the streets of London." It is the first time, Gentlemen, in the history of blasphemy cases, that a learned Counsel has opened a case upon the lines which my learned friend has followed.

Now, Gentlemen, in order that you may fully appreciate what this charge is—I promise you that I will endeavor, as much as possible, to avoid detail in the matter—I promise you that I will strive, as much as is in my power, to compress within as narrow limits as possible my argument—but I am bound, in order that you may properly appreciate this issue, to draw your attention to what is the true history, and what is the present true position, of the law with regard to blasphemy. Whatever I say to you must be said, and will be said, subject to what falls from the lips of my Lord. His erudition is greater than mine, and he will—even a Judge is human, but he will endeavor, and no doubt successfully endeavor, to disposses his mind, and to disposses your minds, of those prejudices which are inherent in human frailty.

Gentlemen, I start with the somewhat bold proposition that this law of blasphemy is obsolete. The law of blasphemy is obsolete by virtue of a long series of judicial decisions and legislative enactments. It is obsolete because it is contrary to the spirit of the age, and juries in this

enlightened era have shrunk, and properly shrunk, as a rule, from convicting thereon. Now, why do I say it is obsolete? What is the origin of this law? It is a relic of mediævalism. It is a relic of the darkest and cruellest days of religious persecution. Only some three hundred years ago, or less, blasphemous libel was an offence unknown to the common law of this country. It was an offence which was entertained, and dealt with, only by Ecclesiastical Courts—with vigor and rigor, it is true, because if this gentleman had been standing in the dock when the Court of Star Chamber had been sitting, or the Court of High Commission, which then had sole cognisance of these cases, he would have been in danger, and imminent danger, of perishing by the flames. That law was, with the growing civilisation of this country, which empowered Ecclesiastical Courts to exercise civil penalties and civil jurisdiction, abolished, and that power then became spontaneously exercised with mitigated methods and modified results—became exercised by the Court of King's Bench, which my Lord represents to-day, and the Court of King's Bench, regarding itself as the custodian of the morals of the people, assumed the powers which were exercised by Ecclesiastical Courts, and punished as a misdemeanour the offence of blasphemous libel. What is a blasphemous libel? It has nothing to do with the obstruction of the streets. It has nothing to do with the place at which it is spoken. It has nothing to do with the character of the audience which it addresses. It has nothing to do—I hope to establish that proposition too—with the vehicle—the language—by which it is expressed. Blasphemous libel means this—that a denial of the Providence of God Almighty, a denial of the literal truth of the Holy Scriptures, a denial of the Trinity, a denial of the Savior constitutes the crime known as blasphemy, for which a prisoner can by the civil Courts of this country be punished.

Mr. JUSTICE PHILLIMORE: I may tell the Jury otherwise.

Mr. ATHERLEY-JONES: I know your Lordship will.

Mr. JUSTICE PHILLIMORE: I am surprised at that remark.

Mr. ATHERLEY-JONES: Pardon me, my Lord—

Mr. JUSTICE PHILLIMORE: Excuse me, I am speaking. I am surprised at that remark falling from you—"I know your Lordship will tell the Jury otherwise" than you tell the Jury. You should have said, "I should hope to convince your Lordship otherwise."

Mr. ATHERLEY-JONES: Your Lordship misunderstands me.

Mr. JUSTICE PHILLIMORE: I am glad to hear that. I thought I must have misunderstood you.

Mr. ATHERLEY-JONES: I did not mean for one moment that I was going to put my views in conflict with those of your Lordship. I had already expressed the view that your Lordship's ruling would be paramount in this Court. But why I say your Lordship may tell the Jury differently is this—that I know that, partly arising from the case which my learned friend quoted, and partly arising from the Judgment of the late Lord Coleridge in the case of Foote, there is an opinion, shall I say, a view—a judicial view—that the language in which a blasphemous libel may be cast constitutes the offence, and not merely the denial of the Trinity.

Mr. JUSTICE PHILLIMORE: I did not quite mean that. I know there is a certain amount of difference of opinion as to the late Lord Coleridge's Judgment. I did not mean that. What I was at the moment especially thinking of was your saying that a denial of the Trinity is blasphemy. Certainly in my view that is not so, having regard to the Statute which gave freedom to the Unitarians—toleration to the Unitarians.

Mr. ATHERLEY-JONES: My Lord, I agree. I am very much obliged to your Lordship. I am proceeding by steps. What I was endeavoring to indicate to the Jury was what originally, according to legal conception, subject to the course of legislation, and subject to judicial decisions, was the original law of blasphemous libel. And I beseech you, gentlemen, if I may—I shall be able to put this clearly before your minds—I beseech you, gentlemen, to bear with me until I shall come, as I think I shall, if I may respectfully say so, into accord with his Lordship's view in showing what the law has become. But there can be no manner of doubt about it, gentlemen, that the law of blasphemous libel, when the Common Law Courts of this country first took upon themselves the responsibility of dealing with blasphemous libel, was the denial of the Providence of God, the denial of the Holy Trinity, the denial of the truth—the literal truth—of the Bible, the denial of the Divinity of our Savior, quite irrespective of all language with which it was environed, quite irrespective of the circumstances or conditions under which it was uttered or published. And I want to impress upon you that subject to the deductions made by legislation, and made by judicial decision to which I shall draw your attention, that in substance remains the law at the present day. I anticipate my observations with regard to the Trinity in consequence of what fell from my Lord. It is perfectly familiar to all of you, gentlemen, that the great sect of Unitarianism came into existence, and it is

perfectly familiar to you that for a considerably long time, according to judicial decisions, Unitarians were outside the pale of the law, and for any human being to preach the doctrines of Unitarianism was—and there are judicial decisions in point—committing the offence of blasphemy. And then, gentlemen, after a series of enactments, toleration—not at first, but somewhat delayed—was extended to Unitarianism by express Statute, and therefore no longer did the preachers or ministers of the Unitarian religion remain liable to indictment, or indeed to any civic penalty, because they were Unitarians. In the same way, gentlemen—I am rather, I say again, anticipating what I was going to say to you at a later stage—toleration was extended to the Jews. That came somewhat late, and it was perfectly possible, until a comparatively recent period in our history, for a Jewish Rabbi, for preaching the doctrines of his faith in his pulpit, to have stood in the dock at that era on a charge of blasphemous libel. And indeed there are cases which show—I have them here—I am not going to trouble you with them, that a gift by Jews to Jews for the promotion of the Jewish religion, not much more, if any more, than a hundred years ago, was an illegal gift, because it constituted a gift in favor of a sect which denied the principles of Christianity.

Now, gentlemen, the law of blasphemous libel remains now at this day as follows—a denial of the Deity, a denial of the Divinity of our Savior, a denial of the truth of the Holy Scriptures constitutes a blasphemous libel. The essence, the substance, of the offence is the denial of those sacred institutions which I have mentioned. The Indictment upon which this charge is formulated recites—"disregarding the laws and religion of the realm, and wickedly and profanely devising and intending to bring the Holy Scriptures and the Christian religion into disbelief and contempt among the people of this Kingdom, So-and-So, on a certain day, unlawfully did compose, print and publish"—

Mr. BODKIN: I think that is not what this Indictment says.

Mr. ATHERLEY-JONES: It is in substance, but I will read this very Indictment.

Mr. JUSTICE PHILLIMORE: You had better read the actual Indictment.

Mr. ATHERLEY-JONES: I am only stating to you, gentlemen, what the law is, but I will read the actual Indictment itself:—

"That Harry Boulter, being an evil-disposed person, and disregarding the laws and religion of this Realm, and wickedly devising and contriving and intending to scandalise and vilify the Christian religion and to bring the Holy Scriptures and the Christian religion into disbelief, ridicule, and contempt amongst the people of this Realm, and to publicly blaspheme Almighty God and our Lord Jesus Christ, on the 1st day of December, A.D. 1907"—

said so and so, and so and so. Then, Gentlemen, the Indictment ends:—

"To the high displeasure of Almighty God, to the great scandal and reproach of the Christian religion, to the evil example of others in the like case offending, in contempt of our said Lord the King and his laws, and against the peace of our said Lord the King, his Crown and dignity."

Gentlemen, I think that you will concur with me that I have correctly stated what the law of blasphemous libel is, and subject to any direction which you may receive from my Lord, I say that the essence of the offence of blasphemous libel is a denial of the veracity of those great Christian institutions which I have already mentioned.

Gentlemen, there are a long course of Judgments of learned Judges extending from the early part of the seventeenth century down almost to the present time in which (I may quote one or two of them) they state unequivocally what the law is. This is the Judgment of one of the greatest of English lawyers, Lord Hale:—

"To say religion is a cheat is to dissolve all those obligations whereby the civil societies are preserved, and thus Christianity is parcel of the laws of England; and therefore to reproach the Christian religion is to speak in subversion of the law."

Again, another great lawyer at a somewhat later stage has, in dealing with a blasphemous libel which denied the Divinity of Christ, stated:—

"Christianity in general is parcel of the Common Law of England, and therefore to be protected by it. Now whatever strikes at the very root of Christianity tends manifestly to a dissolution of the civil government. So to say that an attempt to subvert the established religion is not punishable by those laws upon which it is established is an absurdity."

Mr. JUSTICE PHILLIMORE: Who said that?

Mr. ATHERLEY-JONES: That was said by Lord Raymond, my Lord.

Mr. JUSTICE PHILLIMORE: Will you give me the authority?

Mr. ATHERLEY-JONES: It is in Woolston's case.

Mr. BODKIN: What is the date of that?

Mr. ATHERLEY-JONES: You know when Lord Raymond lived. I do not know the exact date.

Mr. JUSTICE PHILLIMORE: Lord Raymond was a King's Bench Judge, was he not?

Mr. ATHERLEY-JONES: Yes, my Lord. Gentlemen of the Jury, another great Judge—a Judge of high reputation, although not standing on the same plane, perhaps, as Lord Raymond and Lord Hale, stated:—

"The rule of the Common Law on this subject is necessary" (namely, the law against blasphemy) "to guard the system of morals which regulates the conduct of the people, and which is built upon the Holy Scriptures."

Mr. JUSTICE PHILLIMORE: Who was that?

Mr. ATHERLEY-JONES: That was Mr. Justice Best.

Mr. JUSTICE PHILLIMORE: In which case?

Mr. ATHERLEY-JONES: It is in 3 Barnewall and Alderstone, page 166, my Lord.

Mr. JUSTICE PHILLIMORE: I do not remember the name of the case. No doubt I can find it.

Mr. ATHERLEY-JONES: I am sorry, I have got the name of the case in my notes somewhere.

Mr. JUSTICE PHILLIMORE: I can find it, of course, only I would like to get these references as you go along.

Mr. ATHERLEY-JONES: Gentlemen, Mr. Justice Ashurst—also a Judge of no mean repute—says:—

"If the name of our Redeemer be suffered to be traduced, and His Holy Religion treated with contempt, the solemnity of an oath upon which the administration of justice depends will be destroyed, and the law be stripped of one of its principal sanctions."

Gentlemen, you could say that at that date, but can you say it to-day of the oath which appeals to the Divinity of our Savior—to the Almighty God—when the Judge upon the Bench may be a Jew, and when more than one distinguished man in the judicial history of our country has occupied the high seat upon the judicial bench which my Lord adorns to-day, and has been a Jew, disbelieving in the Christian religion—and when among you who sit in the jury-box to decide the fate of the man who has blasphemed the Christian religion, there may be—probably would be—one among you who is a member of that religion the essential characteristic of which is the negation of the Divinity of our Lord?

Mr. BODKIN: Forgive me, was the case you quoted just now Barnewall and Cresswell?

Mr. ATHERLEY-JONES: 3 Barnewall and Alderstone.

Mr. BODKIN: I beg your pardon.

Mr. JUSTICE PHILLIMORE: What is the case?

Mr. BODKIN: My Lord, I thought it was Warrington's case. There is a Judgment of Mr. Justice Best in that, my Lord. I beg your pardon.

Mr. JUSTICE PHILLIMORE: Perhaps Mr. Atherley-Jones's Junior will tell me the reference. I want the references; they are important to me.

Mr. ATHERLEY-JONES: Now, gentlemen, we come to a later step—

Mr. JUSTICE PHILLIMORE: I want to guide myself. If Mr. Theobald will kindly give me the authorities, they will be helpful.

Mr. ATHERLEY-JONES: I am much obliged to your Lordship. I will hand them up. It is the case of Carlile, my Lord.

Mr. JUSTICE PHILLIMORE: Which Carlile?

Mr. ATHERLEY-JONES: He was the publisher of the *The Age of Reason*. Tom Paine's book, which was replete with ribald libel upon holy things. Lord Hardwicke says—mark you, in reference to a bequest for the propagation of the Jewish religion—a bequest by a brother Jew to another:—

"The intent of this bequest must be taken to be in contradiction to the Christian religion, which is a part of the law of the land which is laid down by Lord Hale and Lord Raymond; and it is undoubtedly so, for the constitution and policy of this nation is founded thereon."

That was the law of blasphemous libel at the beginning of last century—that is the law of blasphemous libel to-day. Then there is a case which is reported in the *Law Reports*: the case of *Cowan v. Milburn*, my Lord.

Mr. JUSTICE PHILLIMORE: Yes, I know that.

Mr. ATHERLEY-JONES: It is in 2 Exchequer, page 230. The then Chief Baron of the Exchequer held that to attack Christianity was to lay oneself open to an indictment for blasphemy. This is not a question of street corners. This is not a question of vulgar language. This is a question of the inherent characteristic and essence of the law of blasphemy. And if you wanted more, why, Gentlemen, upon the Statute Book to-day, as my Lord knows, stands unrepealed a Statute which says that if a man is educated—brought up as a child in the Christian religion (this was done to save the Jew)—if a man is brought up in the Christian religion, and if he maintains that there are more gods than one, or denies the Christian religion to be true, or the Holy Scriptures of the Old and New Testament to be of

Divine authority, he shall be subject to imprisonment, to loss of his goods and chattels, and to the deprivation of the rights of citizenship.....That Statute, which is a standing reproach to the law of this country, still stands. It is obsolete, because nobody dares—not even a police-officer—to avail himself of that Statute to bring any English citizen to the bar of this Court.

Mr. BODKIN: That is a Statute of William III., is it not?

Mr. ATHERLEY-JONES: That is so.

Mr. BODKIN: Yes.

Mr. ATHERLEY-JONES: My learned friend says yes, but that Statute stands to-day, and I only use it for the purpose—for a purpose perfectly fair and legitimate—of indicating to you what, so late as the reign of William III., was regarded, not merely by the judicial Bench, but by the Legislature, as the law of blasphemy in this country.

(To be concluded.)

Correspondence.

THE FREETHINKER IN PUBLIC LIBRARIES.

TO THE EDITOR OF "THE FREETHINKER."

SIR,—Some years ago the *Freethinker* used to lie on the table of the Central Reading Room here; but the gentleman who presented it died, and it then disappeared. Recently a few of us have made an effort to get it back again. We sent in a petition with fifty signatures asking the Library Committee to purchase the paper and place it in the Reading Room on its merits. This they refused to do. Our next step was to offer to present the *Freethinker*, and this comes up for consideration on March 5. We have one friend at court, Mr. Gerrie, who is a Freethinker and a member of the Library Committee. He will press for the acceptance of Mr. Calder's offer to present the paper, but he wishes to know if the *Freethinker* can be referred to in the Reading Rooms of (say) Dundee, Edinburgh, and Glasgow. If you cannot let us have this information right away, perhaps a note in your "To Correspondents" column would bring it to you in time for Thursday week's issue, which would just catch the Committee's meeting. Any information as to English towns would also be useful. Correspondents should state if the *Freethinker* is purchased or presented. If you care to publish this letter it may lead to the Secularists of other towns moving in this direction. I can trace the removal of the scales of superstition from my own eyes to the reading of the *Freethinker* week after week, nearly twenty years ago, in the Aberdeen Central Reading Room.

Aberdeen.

WM. GREG.

Scotch Chestnuts.

NORMAN McLEOD was walking down Buchanan-street, Glasgow, with a friend, when the Bishop of Argyll passed, followed by the Bishop's valet. "Who was that man with the white choker just behind the Bishop?" said McLeod's friend. "Oh," said Norman, "that's the valet of the shadow of death."

"That young man who preached to-day had three faults," said a discerning village matron. "His sermon was read, it wasna weel read, and it wasna worth reading."

"I hope, Mrs. Robertson," said the minister, "you receive much good from your regular attendance at the kirk." "Ay ay, sir," was the reply; "it's no' every day I get sic a nice seat to sit on, an' sae little to think about."

When the minister advised John to "heap coals of fire on your enemy's head," John replied, "Dod, sir, that's the verra thing. Capital, meenister, that'll sort him; dod, ay, heap lowin' coals on his head and burn the wratch."

A Scotch blacksmith, being asked the meaning of metaphysics, explained as follows: "Weel, ye see, it's like this. When the party that listens disna ken what the party that speaks means, an' when the party that speaks disna ken what he means himsel', that's metaphysics."

"John," said a minister, "I hope you hold family worship regularly." "Ye ken, sir, we canna see in these winter nights." "But, John, can't you buy candles?" "Weel, I could," replied John, "but I'm dootin' the cost would ower-gang the profit."

SUNDAY LECTURE NOTICES, etc.

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

LONDON.

WEST HAM BRANCH N. S. S. (Workman's Hall, Romford-road, Stratford): 7.30, W. Gregory, "The Power of Church and the Power of Freethought." Selections by the Band before lecture.

OUTDOOR.

WEST LONDON BRANCH N. S. S. (Hyde Park, near Marble Arch): 11.30, H. B. Samuels, "Is the Bible True?"

COUNTRY.

EDINBURGH BRANCH N. S. S. (84, Leith-street): 6.30, James Robertson, "Christianity: Its Claims and Origin."

FAIRSWORTH (Secular Sunday School, Pole-lane): 6.30, Fred Morgan, Recital.

GLASGOW (Hall, 110 Brunswick-street): Joseph McCabe, 12 noon, "Secularism and Socialism"; 6.30, "The Jesuit in Fact and Fiction."

MANCHESTER BRANCH N. S. S. (Secular Hall, Rusholme-road): 6.30, Councillor J. McLachlan, "The Democratisation of God."

OUTDOOR.

EDINBURGH BRANCH N. S. S. (The Meadows): 3, Meets for Discussion.

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