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A SECULAR CHARTER.

HISTORY was made in the House of Lords on Monday, May 14. For more than two years the Secular Society, Limited, has been fighting in one court after another, ostensibly to secure a legacy properly bequeathed it, really to establish a principle that will carry us another step along the road of mental emancipation. And the result has been a victory as complete as the limits of the case permitted. In all, nine judges of the highest eminence have dealt with the case. Of this number, eight were emphatically—some of them almost defiantly—in favour of the Society. Better still, the verdict is final. Quite safely it may be said that the position of the Secular Society, Limited, is for the future unchallengeable.

Only one thing was wanting, and that has been voiced in most of the very many letters of congratulation we have received. The creator of the Secular Society, the man who planned it and established it, G. W. Foote, is no longer with us. It was one of the ironies of life that the judgment delivered at his own trial for blasphemy should have shown him a way of securing to Freethought the means for conducting a more strenuous warfare against superstition. By the law, Freethought has been hampered in its progress. By the law, not by an evasion of the law, be it noted, but in strict conformity with its provisions—he showed how the aims of bigotry might be defeated. It was a splendid revenge, and in the hour of victory it is well to remember the one who made this victory possible. If we, who have seen the end of the fight, claim the right to wear the laurel, it is fitting to place therewith a sprig of rosemary.

Of the importance of the case there can be no doubt. The judgment is not quite so revolutionary as a well-written and sympathetic article in the *Star* of May 17 asserts; but it is of far-reaching significance. We are publishing in these columns what is practically a verbatim report of all the judgments, and although these will cover a great deal of space, readers will, we are sure, feel that it is well utilized. We are certain that no more exhaustive survey of the subject has ever been made. The judgments are all clear, wide-embracing, and decisive. These were good to hear, and they are good to read. Lord Sumner's speech, in particular, contained passages that were delightful in their phrasing.

Before coming to the question of what it is precisely that this (to be) famous judgment does or leaves undone, there are one or two matters on which we may say a word. The first point is the security from attack which it gives the Society. Mr. Foote had always maintained two things. One was that the Secular Society, Limited, could not be successfully attacked on a bequest.

There might be other ways in which it could be attacked, but not in that way. The other was that so long as the Secular Society retained its charter no court could, or would, deny it its legal rights. We had often discussed these points with him, and quite agreed with his view of the case. This view of the position was borne out absolutely by the House of Lords. The Society, said Lord Dunedin, is only asking the courts to compel the executor to do his duty, so that it may receive what is legally due to it." "I think," said Lord Buckmaster, "that the respondents are well founded in arguing that since the Company is a legal entity, there is no ground upon which it is possible to prevent them receiving the money which has been the subject of a bequest in their favour." And, still more emphatically, "even if all the objects of the Company were illegal it would not follow that while the certificate of incorporation remained unrevoked the Company would be unable to receive the money." Lords Parker and Sumner were in substantial agreement. And all that it really comes to is the commonsense-view that as a man cannot be dead and alive at the same time, so a society cannot be legal and illegal at the same moment.

"While the certificate of incorporation remains unrevoked," said Lord Buckmaster. That is a possibility which fronts every registered company or society without exception. But I think any lawyer will agree that there is little or no likelihood of the Secular Society, Limited, providing ground for such action. What court is going to issue such an order? And on what ground? It is absolutely certain that no court would now hold that hostile criticism of Christianity, or of religion in general, could provide such ground. So long as the Society fulfils its statutory obligations, it may rest in perfect security. It cannot forfeit its certificate because of any illegal action that the Board of Directors is likely to perform. That may involve their personal liability; it cannot affect the status of the Society. On this point the judges were most emphatic. In the lower courts, Sir George Cave was told more than once, if the Company does anything illegal, summon it; but the possibility of it doing an illegal action is no ground for setting aside the bequest. So in the House of Lords. Lord Dunedin said the courts were in nowise concerned with the use to which the Society might put the money. Lord Parker said it mattered not whether an absolute gift was given to a man doing legitimate business or to one who acted as a receiver of stolen goods. The courts could not interfere. It was true the Directors might do illegal actions, but that would only mean that they would have to replace the monies spent, and be personally liable in

other directions. Lord Sumner was emphatic in the same sense.

The matter seems clear, and it is important. No illegal action committed by the Directors would be enough to wreck the Society. It would only make them personally liable. If they published an "obscene" or "blasphemous" book, or if they subsidized a lecturer who delivers a "blasphemous" address, they could be made to pay the cost of such lecture or book, and might be charged with aiding and abetting; but their conduct would not affect the legal status of the Society. There is no possibility of the Society being attacked on the ground of its incorporation being wrong. There is no possibility of its charter being revoked on the ground of ill-advised or illegal action on the part of the Directors. On these points we may rest secure, and we have dealt with them because of the many inquiries as to whether the House of Lord's decision is final, not only as regards this case, but as against future action.

There is one other matter to which we wish to direct attention. In the course of his judgment, Lord Parker remarked that a gift to an unincorporated association "may be upheld as an absolute gift to its members." We were pleased to hear this, because it was the only point in connection with bequests to secular societies on which we differed from Mr. Foote. Members of the N. S. S. Executive are aware that for years we have dissented from the doctrine that the National Secular Society could not claim a legacy because it was not a legal body. Our contention was exactly that expressed by Lord Parker, that a bequest to an unincorporated society was really a bequest to the individuals composing that society, and could be claimed on their behalf. The name of the society was merely a convenient way of distinguishing those to whom the bequest was made. But so long as the gift was an absolute one, the money could be claimed. In this respect the National Secular Society could claim a bequest with perfect safety, and we have no doubt would receive it, so long as it did not come under the head of a trust. What an unincorporated body lacks is security of expenditure, and that is provided by the Memorandum and Articles of the Secular Society, Limited. But it was cheering to find our opinion thus endorsed, and to know that even the N. S. S. is not quite the outlaw that many of its friends have imagined.

When Mr. Foote founded the Secular Society, Limited, he called it the "Financial Charter of Free-thought." That expression defined with crystalline clearness the purpose and the scope of the Society. Very many thousands of pounds had been at one time and another lost to the movement, with the consequence that the progress of the work had been hindered to a considerable extent. And as most people have a curious dislike to parting with their possessions before death, the uncertainty of the law hindered them benefiting the movement afterwards. The Secular Society, Limited, was founded to overcome this difficulty. It was founded, first, to test the question whether in the present state of the law a society having for its purpose the promotion of Secularism might be treated by the courts as a legal corporation, capable of exercising all the privileges of a legal entity; and, secondly, to provide funds for the purpose of carrying on a systematic Secular propaganda. Of course, the National Secular Society itself might have been registered right away, but it was thought advisable to test the question by the creation of a distinct Society. The Secular Society, Limited, was thus created as a test. And the only way in which this could be decided was in the courts. Most of us, we think, expected that so soon as a bequest large enough to tempt action matured, action would be taken. There are always people so much

under the glamour of the old as to be unable to appreciate the new. The day came, and with it the expected consequences. The Secular Society, Limited, has emerged triumphant from the ordeal. It has achieved the purpose it was created to achieve. It has made a breach in the walls of bigotry and of religious-vested interests, and has thus laid the foundations for what may resolve itself into a complete reconstruction of the Freethought movement.

CHAPMAN COHEN.

(To be continued.)

Signs of the Times.

ALL the friends of Freethought, on learning of the dismissal of the Appeal to the House of Lords in the Bowman Will Case, must have felt what Sir Walter Scott calls "the elation of triumph." Not so very long ago the Judicial Committee of the Privy Council came to the decision that the denial of the truth of the doctrine of eternal punishment did not amount to heresy, which decision a waggish wit of the time characterized thus: "They have dismissed Hell with costs." The House of Lords has gone a step further and determined that Christianity is not part of the law of the land, as several distinguished lawyers of the past had erroneously declared. "By a majority of four to one it has laid down that an anti-Christian association is as much entitled to take a bequest as any other person or corporation." This is a noteworthy sign of the times. A legal correspondent, commenting on the judgment in the *Daily Telegraph* for May 16, says:—

The opinions of Lords Parker, Sumner, and Buckmaster will be cited hereafter as containing the last word on a subject of great interest to lawyers. That of Lord Sumner combined both wit and wisdom. His lordship characterized Lord Mansfield's statement that Christianity is part of the law of England as rhetoric. Spring-guns, he pointed out, were got rid of, not by Christianity, but by Act of Parliament. Christianity had tolerated slavery, but the law disapproved of it, and the injunction, "Thou shalt love thy neighbour as thyself," was not a legal maxim.....The public will probably agree with the legal profession that the law, in this instance, has proved itself the perfection of common-sense.

A more significant and hopeful augury of the future success of our cause than is contained in those authoritative statements cannot be found in the whole realm of political thought and action.

But there are other signs of a similar character, though less striking, showing clearly that the modern trend of things is away from the intolerant bigotry of former days. It is quite possible that after the War there may sweep over Christendom a wave of religious reaction. At least the Churches are laying plans and making preparations with such a consummation in view; and yet there is a rapidly growing feeling among Christian teachers generally that religion after the War will be a radically different thing from what it has hitherto been. The Rev. J. Morgan Gibbon, of Stamford Hill, says that it will be democratic, intensely mystical, and an intense worship of pure goodness. In bitter denunciation of religion as at present exemplified, and as a condemnation of its influence throughout the centuries, he adds: "We stand where the Pharisees stood in the time of Christ; where the Romans stood in the time of the Apostle; where the priests stood when Wyclif arose; where the moderates stood when the evangelicals came." Indeed, so utterly uncomplimentary to the past the reverend gentleman is that he thinks the new tide of religion, when it comes, will be a menace to every man who now occupies the pulpit. Dr. Brown, of Ferme

Park Baptist Church, London, tearfully admits that there has been "a measure of failure"; but for himself he feels, "in his heart of hearts, that so far from the Church being at the point of death or exhaustion, it is just beginning to wake up." After nineteen centuries of uninterruptedly sound slumber, it is, even now, only "just beginning to wake up." And yet this is the Church which Christ is reported to have promised never to leave or forsake, but to dwell within to the end of time as the principle of endless, irresistible life and power; and it never occurs to its professional champions that in admitting its comparative failure as a world-redeeming factor, they are presenting their opponents with the most cogent of all arguments against its supernatural origin and nature.

Our present point, however, is that the official defenders of the Christian faith know only too well that in its present form it cannot possibly survive. The spirit of the age is against it, and it is only by attempting to adapt it to that spirit that any hope of its perpetuation can be cherished even by its most devout professors. As it has been from the beginning a pre-eminently syncretistic cult, so now it seeks to secure its future by befriending and borrowing from science, and by thus making itself as acceptable as possible to the modern mind. For example, the *Christian World* for May 17, while endorsing the decision of the House of Lords in the Bowman case, says that "Christianity has nothing to fear but everything to gain from allowing the utmost freedom of thought within the limits laid down by Lord Coleridge"; but our contemporary forgets that practically all the great thinkers of the Church have held the opposite opinion. The Church can boast of no greater theologian than St. Augustine, whose saintliness was of as high an order as his learning; but he was a zealous advocate of persecution. Believing that he possessed the truth about God and man his intolerance towards heretics knew no bounds. What was heresy? It was a species of adultery, blasphemy, and soul-murder, and to punish those guilty of it, even by death, was to exercise mercy towards them. Blasphemy was justly punished by death; and we maintain that St. Augustine's teaching on this subject was more distinctively Christian than that affected by the *Christian World*. The same remarks apply with equal relevancy to the writings of "Ignotus" in the *Manchester City News* for April 28 and May 5. "Ignotus" truly says:—

The mild twentieth century knows nothing of the auto-da-fe and the Smithfield stake, but it can still brand an avowed sceptic with its scorn, pillory him with shame, rack him with neglect. History books vie with the Newgate Calendar in describing non-religious persons as execrable, though they may have been justice-loving philanthropists like Voltaire, or humanitarians like Godwin and Paine, or sages like Huxley, Tyndall, and Spencer. Truly the way of the heretic is hard.

The praiseworthy "mildness" of the twentieth century is due, however, not to Christian influence, but to the fact that Christianity has lost its control over public opinion, and that the State is no longer its vassal. There are still theologians not a few who would gladly have recourse to the auto-da-fe if the spirit of the age would only allow them; and, as the Lord Chancellor pointed out, it is the spirit of the age, not Christianity, that tolerates the Atheistic Secular Society, Limited. Christian orthodoxy, to be consistent, must of necessity persecute heterodoxy; and, if it can, destroy it off the face of the earth. There is much truth in what "Ignotus" says about the unreality of orthodoxy, its variability in different ages and countries, and its ever-growing adapt-

ableness to modern ideas; but this only shows that Christianity is not now what it was in the great days of Augustine, Ambrose, Aquinas, Luther, and Calvin. The Anglican bishops are doing their utmost to stem the tide of rational thinking so prevalent in their dioceses; but the spirit of the age smiles indulgently in their faces, ignoring their retrograde speeches and reactionary resolutions, and going on from strength to strength in the happy consciousness that the day of its triumph is drawing nigh. "Ignotus" informs us that this spirit exercises considerable sway in many of our present-day congregations. "The venerated and erudite Colenso was openly denounced as a heretic," but he "revolutionized our ideas of the Pentateuch"; and since his time the Higher Critics have revolutionized our ideas of the rest of the Bible, including even the Four Gospels, the Acts, and the Epistles. With all this in mind, "Ignotus" adds:—

But all this leads to a crucial question—If these concessions are made time after time, where shall we stop? If one miracle is explained away, why not all? If Orthodoxy changes why say that Heterodoxy is a crime? The student of history constantly discovers that the heretic of one age is accepted as the man of truth by another age. Galileo was as correct four centuries ago, when he was condemned, as he is acknowledged to be to-day; for in spite of all that Cardinals can say the planets really do revolve as he maintained. Thus Orthodoxy is put in the wrong, and Orthodoxy of a later time has frankly acknowledged it. In this and a thousand other cases it is Orthodoxy that recants, not the heretic.

"Ignotus" travels far in the direction of Free-thought, and from his articles it seems reasonable to infer that, in his opinion, Freethought is the goal towards which all modern criticism is tending. Science has neither room nor need for supernaturalism in any shape or form. The signs of the times are most encouraging to lovers and advocates of the purely secular philosophy. "Where shall we stop?" asks "Ignotus," and the answer is, Nowhere until we have arrived at what we know to be true. It is the truth alone that shall make us free—free to live by the dictates of Reason, ever warming ourselves at the fires of Love.

J. T. LLOYD.

The Pope's Plaint.

If we live thus tamely,
To be thus jaded by a piece of scarlet,
Farewell nobility. —Shakespeare.
Clericalism, it is the enemy. —Gambetta.

To Freethinkers the Pope must ever be an object of extreme interest, for he is the ecclesiastic who addresses the largest congregation in the world. Using the language of his office, a pope utters words which are heard throughout the universe, and all other apostolates seem parochial by comparison. The rhetoric may be enfeebled and the platitudes exhausted, but the patriarch possesses something of the tragic character of Tithonus, "immortal age beside immortal youth." Nevertheless, his unique position with regard to the huge numbers of men and women who hold their rule of faith from the Church, of which he is the chief bishop, is striking, and nothing is more remarkable than his attitude on the present World-War. Unlike other ecclesiastics of other churches, he has not included national flags among the sacred articles of religion, and he has again and again deplored the awful sight of millions of men in arms against one another. That his warning has been treated with contempt by Christians is not his fault, and the Pope has been spared nothing that the energy of the militarist parties, and the indifference of the religious world, could

make him suffer. Publicly he stands, the Lear of thankless children, a little shrill in his menaces, but keeping unimpaired the dignity of a paternity rejected.

It is the death-knell of the political power of the Papacy, and the bitterest commentary on the daring diplomacy, which, under Cardinal Rampolla, the Papal Secretary of State, who, during two decades, sought restlessly for the means of restoring the Pope's temporal power. It was Rampolla who suggested the Catholic Church's remarkable overtures to Republicanism and Socialism. When Leo XIII. died, Cardinal Rampolla would have been elected to succeed him but for the veto of the Emperor of Austria, which was communicated to the conclave by a Polish cardinal. While the cardinals hesitated to accept this veto, Rampolla himself accepted it, the present pope was elected, and Rampolla's dream of the restoration of the Papal temporal power came to an end. He lived thenceforward in retirement, his diplomatic combinations crumbled into nothingness, and with the outbreak of the present War went the last hopes of the greatest and most powerful of Christian Churches.

The paralysis of the great Catholic Church has been a slow process. There was a time when she was as broad-minded as her younger Anglican sister. She once had her broad wing, her scholars, statesmen, and thinkers, who found her borrowed mummeries and stolen creeds susceptible of mystical interpretation. The ignorant, bigoted, evangelical party gradually prevailed over these, and exterminated them by fire and sword, rack and gibbet, leaving themselves more ignorant and bigoted than before. Gradually the whole Catholic Church was made over to their "leprous likeness."

It required centuries to produce this result. The very triumphs of Freethought throughout Europe indirectly contributed to this end. Every Catholic who became an "Intellectual" assisted this process. The more brains that were drawn out of the Church, the more did the huge mass part with its intellectual leaven, and tend to flatten down to a mere mass of ignorance and intolerance. What constitutes the obstructive character of the Catholic Church is the abyss which now separates it from the highest intelligence around it; the live, alert intellect of science, and the leaden, moveless, stereotype of dogma. And to day the voice of the Pope, at which monarchs once trembled, attracts no more attention than "the horns of Elfland faintly blowing."

As belief has waned in England, the English Church has sought to imitate the religious practices of Rome. The Ritualists have taken part-possession of the Church of England. Maybe they have not yet done all that was dreaded by Nonconformists, but they rule the ecclesiastical roost, and the archbishops and bishops are powerless. At this hour there are covered by the English Church's banner men who hold the extremest doctrine of the freedom of the individual, and men who are willing to submit to the utmost doctrine of priestly control. How long will this divided house stand? That a large and increasing number of the Anglican clergy were coquetting with Rome caused, some years ago, attention in the Catholic Church, and the Pope once had hopes of reconverting England, and of reimposing the yoke which our ancestors threw off. But much water has flowed to the sea since the English people acknowledged Papal supremacy, and were contented to bear with the tyranny of priestcraft.

In darkened and superstitious times the power of the Catholic Church was great, but it finished with the glare of the fires at Smithfield. It was never so unquestioned and unresisted as in Italy, Spain, and France. There is a wholesome tendency to resistance in British blood, which is cooler than that of the Latin races. It shows

itself whenever any specially arrogant claims on obedience are heard, as Charles I. and James II. knew to their cost, and as the long contest for the freedom of the press also proves. Priestcraft may do its worst. We shall never, as a people, permit the cesspool of the confessional. We shall never submit to the poisoned weapons of priestcraft, its hypocritical affectations of celibacy, its tyranny in the home, its officiousness in public affairs, its menace and robbery at the death-bed. Ecclesiasticism had not a safe seat on British shoulders in the ages of faith, even before the days of the Reformation. It is an impossible dream now that there is an organized national Freethought Party, which has inscribed on its banners that significant Voltairean phrase, "Crush the Infamous."

Where Rampolla failed, his Church will fail too. Science expands in search of light and truth. The Christian Church is still entombed within the covers of an Oriental fetish-book. Men ask for the bread of knowledge; the Church offers but the stone of superstition. The priestly teaching is no longer of any practical use, and represents but a sluggish backwater in the river of human knowledge. The great river of thought rolls on, and bears us further and further away from the ignorance and superstition of the past, further and further from the shadow of the Cross.

MIMNERMUS.

Science and Spiritualism.

XI.

(Continued from p. 316.)

The savage, like the child, constantly meets with the unexpected; every experience lying outside his narrow, beaten track stirs him with a shock and often fills him with fear—the handmaid of ignorance. He is apt to picture nature as a fearful monster, and to people the world with tyrannical beings. Step by step the legion of the known expands, and suggests the nature of the unknown; men expect, they foresee, they predict. The apparent chaos of mutually inimical forces gives way to the profound harmony of unifying law. And yet the unknown and the borderland that separates it from the known are always near by, to tempt curiosity and the spirit of adventure.—*Professor J. Jastrow, "Fact and Fable in Psychology,"* p. 49.

Professor James tells us that often "our faith is faith in someone else's faith, and in the greatest matters this is most the case.".....When we look upon the popular delusions of the past through the achromatic glasses which historical remoteness from present conditions enables us to adjust to our eyes, we marvel that good and great men could have been so grossly misled, that obvious relations and fallacies could have been so stupidly overlooked, that worthless and prejudiced evidence could have been accepted as sound and significant. But the opinions to which we incline are all coloured o'er with the deep tinge of emotional reality, which is the living expression of our interest in them. What they require is a more vigorous infusion of the pale cast of thought; for the problem of the occult and the temptations to belief which it holds out are such as can be met only by a sturdy application of a critical logic.—*Professor J. Jastrow, "Fact and Fable in Psychology,"* p. 39.

THREE doctors—Flint, Lee, and Coventry—were, as we have seen, associated in the public exposure of the Fox girls; but, according to Dr. Carpenter, it was Dr. Austin Flint who first sought for a physiological explanation of the raps, and he seems to have owed his discovery to the fact that "a patient of his own being able thus to produce an exact imitation of the Rochester rappings. Dr. Austin Flint's explanation subsequently received full confirmation from Professor Schiff, since of Florence, who not only himself acquired the power of producing the raps, by the repeated displacement of a tendon which slides through a sheath behind the external protuberance of the ankle, but exhibited this acquirement to the French Academy of Medicine in April, 1859, baring

his legs, and producing the raps without any apparent movement."¹

A few weeks after the public detection of the Fox girls, further proof of the fraud became public. Mrs. Norman Culver, a connection by marriage of the Fox family, stated that one of the girls had confessed to her how the raps were produced. Mrs. Culver's statement, written out on April 17, 1851, and attested by two witnesses (a doctor and a clergyman), was published in the *New York Herald*. The raps were produced by the knees and toes.

Mrs. Culver says that she had for two years believed in the raps as genuine, but recently, noting some suspicious circumstances, she had offered Catherine to assist her. Catherine—her sister being absent—had gladly accepted the offer, and Mrs. Culver, under Catherine's instruction, became fairly adept in producing the raps. The statement continues:—

Catherine told me how to manage to answer the questions. She said the reason why they asked people to write down several names on paper, and then point to them till the spirit rapped at the right one, was to give them a chance to watch the countenance and motions of the person, and in that way they could nearly always guess right. She also explained how they held down and moved tables. (Mrs. Culver gave us some illustrations of the tricks.) She told me that all I should have to do to make the raps heard on the table would be to put my foot on the bottom of the table when I rapped, and that when I wished to make the raps sound distant on the wall, I must make them louder, and direct my own eyes earnestly to the spot where I wished them to be heard. She said that if I could put my foot against the bottom of the door the raps would be heard at the top of the door.²

Mrs. Culver learnt from Catherine that Mrs. Fish's little daughter Elizabeth had actually discovered how to make the raps by playing with her toes against the footboard of the bed. Now, Mrs. Fish was a married sister of the Fox girls, and as she accompanied her sisters on their public performances, it is most probable that she was the moving spirit at the bottom of the whole fraud.

In the autumn of 1888, says Podmore, "Mrs. Kane (Margaretta Fox) and Mrs. Jencken (Catherine Fox) made public, and apparently spontaneous, confession that the raps had been produced by fraudulent means. Mrs. Kane even gave demonstrations before large audiences of the actual manner in which the toe-joints had been used at the early seances. Mrs. Jencken, at any rate, if not also Mrs. Kane, afterwards recanted her confession."³ Whether they recanted or not, they were thoroughly unreliable characters, and nothing they afterwards said or did could alter the damning proof, publicly exhibited by Catherine Fox, of the manner in which the raps were produced.

In their confession, they declared that they were led into the fraud by their elder married sister, Leah Fox Underhill (formerly Mrs. Fish), whose little girl, as we have seen, first discovered how to produce the raps. On October 15, 1888, they authorized Mr. R. B. Davenport to write their confession, and it was published as *A Death-blow to Spiritualism*. The Fox girls, like Slade, were confirmed inebriates—Slade had been confined in an asylum for inebriates—fell into great poverty, and eventually they returned to Spiritism, their old followers being the only persons that would assist them, and after an interview with Mr. Newton, the millionaire spiritist, they recanted their confession. But they never achieved

their old success, or gave up the drink, and ultimately died in great want.

So the plain fact emerges that the trickery of a little girl—through the "providence of God," as the pious would say—was in the beginning the means of launching this gigantic fraud which overran America, and ultimately the world, and reached its culminating point in the rank jungle-growths of superstition, as illustrated by the physical phenomena of the dark seance!

We will now consider the career of that remarkable adventuress, Madame Blavatsky, the famous founder of the Theosophical Society—the only one, by the way, who founded a new cult which still flourishes to this day. Madame Blavatsky was born in Russia in 1831 as Helen Petrovna, daughter of Colonel Hahn, of the Russian Army. At the age of seventeen she was married to an elderly gentleman, M. Blavatsky. After a few months of married life, she ran away from her husband, and entered upon her adventurous life of travel and adventure. The leading motive of her life appears to have been the search for "psychic" experiences and unusual and strange cults. She is said to have travelled to India, to absorb Hindu wisdom; to Egypt, "the motherland of superstition"; to Canada, to learn of the Red Indians; to New Orleans, to study Voodoo among the negroes; to Assyria, Siam, Cambodia, Mexico. "It is difficult to know what to believe," says Jastrow, "in the accounts prepared by her enthusiastic followers."¹ But, as Mr. Podmore observes, "For information regarding her past we had to rely mainly on her own account of herself; and research tended to show that this guarantee was insufficient."² Her life for the next thirty years is involved, says the same writer, "in an obscurity not wholly fortuitous." However, in 1874, and for two or three years previous, Madame passed in Egypt and the United States as a spirit medium, in which profession she was associated—at any rate, during her residence at Cairo—with M. and Madame Coulomb. In 1875, with the aid of Colonel Olcott, Madame Blavatsky founded the Theosophical Society. It was about this time that the star of Spiritualism began to wane; exposure followed fast on exposure. It was revealed that the manifestations at the dark seance were not the work of spirits, but of the mediums themselves, with the help of rag hands, dirty muslin, phosphorized oil, false beards, and other material paraphernalia. Madame Blavatsky grasped the situation, and dropped Spiritualism for ever; or, rather, to be quite accurate, she metamorphized it out of all recognition—she orientalized it. As Podmore observes: "We are enabled to trace how, by stern necessity, under pressure of the environment, Spiritualism was gradually metamorphosed into Theosophy, ghosts into astral bodies, spiritual phenomena into manifestations of the occult power of the human mind; how finally Madame from a medium evolved into a Chela; John King with his saucer-shaped cap became the Mahatma Morya with his turban; and the centre of the spiritual universe shifted from the seance room to the Thibetan Himalayas."³ "And when," says the same writer, "a few years later it was found that the busy life of New York vexed that serene atmosphere which was essential to the due absorption of theosophic truth, she found in India a ready welcome and a more congenial environment for herself and her Society."⁴ The Society's headquarters were established at Adyah, in the more congenial atmosphere of the mysterious East.

Now, whether Madame Blavatsky found that the

¹ Dr. W. B. Carpenter, *Mesmerism, Spiritualism, etc., Historically and Scientifically Considered* (1877), p. 102.

² Podmore, *Modern Spiritualism*, vol. ii., pp. 185-6.

³ Podmore, *Modern Spiritualism*, vol. i., p. 188.

¹ Jastrow, *Fact and Fable in Psychology*, p. 7.

² Podmore, *Modern Materialism*, vol. ii., p. 163.

³ Podmore, *Studies in Psychical Research*, p. 189.

⁴ *Ibid.*, p. 165.

mere teaching of the dry bones of Theosophy—as revealed in *Isis Unveiled*—brought no converts, and therefore no grist to the mill, or from vanity, or from pure love of mystification, or because she thought it safe to do in India things that would be risky in New York or London, we do not know; probably her motives were a mixture of all. However that may be, reports began to arrive of new marvels, quite different to those of the old spiritualistic seance; nor were they the work of spirits of the common or garden kind. They were due to the operations of the Mahatmas, wise men reputed to be several hundreds of years old, and yet only in their prime. These Mahatmas were far ahead of us in science, and held control of forces quite unknown to our greatest scientists, who by comparison could only be regarded as blind moles. "Sitting in their studies," says Mr. Edward Garrett, "2,000 miles away in Tibet, they could, by a mere effort of will, project an astral epistle, or an astral body, or an astral cup and saucer, into the middle of an applauding circle at afternoon tea or picnic in Madras or Bombay. Showers of roses fluttered down from the ceiling. Invisible bells tinkled from none knew where. All kinds of tricks were played with Madame's interminable cigarettes. Sketches and treatises were physically 'precipitated' on to blank paper, nay, sometimes the very stationery was created out of nothing to receive them. Such inferior sketches, too, and such twaddling, such very twaddling, treatises."¹ In 1884 Madame Blavatsky came to England, and "starred" London; but, says the same author, "In spite of the disappointing fact that the London air proved unfavourable to miracles, the tale of the Indian ones was greedily drunk in, and Theosophy became the fashionable fad" (p. 16).

Madame's star was in the ascendant; this was the heyday of her popularity.

W. MANN.

(To be continued.)

Whitman at the Front.

FREETHINKERS are particularly well supplied with amusement. The beliefs they study, and against which they fight, seem, sometimes, to contain the very acme of humour. From the vantage ground reason affords they can observe the innumerable, straggling rabbles of absurdities, all perpetrated by the devotees of the insane creeds. The fight is full of funny, even quaint, little incidents; and if the redeeming feature of humour preserves, develops, and strengthens a man's humanity, then Freethinkers have a nearly unlimited ration of that valuable purifier.

Most comical are the endeavours of religionists to steer safely around the rocks of disruption. Their attempts to be sanctimonious when faced by the antagonism of events are veritable studies in the ludicrous; and when, as engaged in that most hopeless of hopeless battles, their tongue betrayeth their intelligence, their service to the King of Liars is most sublime.

The other night one of these happy little incidents, that continually crop up when religionists are around, came my way. Everything about loved me not, to put the matter mildly. Beneath the surface of the environment lay realities that prompted the mind more to sobriety than merriment.

In a Y.M.C.A. hut fifty of us assembled to hear a lecture. We were all soldiers. Chairman and lecturer were dressed in refined khaki, made distinctive by the sign of the inverted red triangle, the technical name of which I have forgotten. We had signed a pledge, giving

ourselves, body, soul, and spirit, to the social forces represented by the Union Jack. As individuals, possessing an ego, a personality, an entity, enjoying the only qualification, as it were, that makes manifest the actuality of that ego, we had ceased to exist. To this absolute annihilation of self we had consented. Our destinies were not in our own hands. Obedience was our first and most important duty. Independent thought and its corresponding action were nasty incumbrances. At the last gasp, they were forlorn hopes, out of which time made lucky bags to contain V.C.'s or courts-martial. And in the resignation of the mind from its supreme seat in the chamber of life, we had deliberately scrapped all the higher orders of mental things.

When the Chairman announced that Professor de Selincourt's subject was not merely "Walt Whitman," but "Walt Whitman and His Democratic Mission," it was time to smile. To listen to such a lecture amidst such surroundings must have tempted the gods to laughter. In fact, I could nearly hear their ironic merriment.

The Professor surmounted the initial difficulty by referring to post-War social problems in Blighty. Whitman hated classification. Against the ugliness of much of our commercialized life Whitman turned the power of his genius. What we wanted, said the eminent Professor of English Literature, was the life crystallization of Whitman's wonderful comrade-spirit. If employers and employees would only extend the hand of fellowship to each other, the world would rejoice.

It was an inane wish, a desire, that the Professor himself does not believe possible of fulfilment. He must realize that the perfect city of Whitman's dreams will never be founded by the voluntary renunciation by capitalists of their power. In fact, the Professor twisted from an unhealthy dugout, and fled along a comparatively safe communication trench, just as he did when he was up against Whitman's heterodoxy.

De Selincourt, very gracefully, remarked that the poet was no sympathizer with established creeds. But what did that matter? Whitman's ideas were similar to those of the best Christians. The ideals of the true follower of Jesus Christ were the ideals expressed in Walt Whitman's poems. The Professor hinted that the Lord Jesus Christ was the great human exemplar of the comrade-spirit that rings through the poet's verses, the comrade-spirit that will purge society.

The lecturer, very carefully, as befitted so well-known an exponent of genius, avoided emphasizing the fact that if Whitman could live without comradeship, help from established beliefs and age-encrusted creeds, then, obviously, there was little need of these props to a weak-kneed morality. Comradeship would do all that was necessary in the gigantic tasks undertaken by the pioneers.

De Selincourt quoted a poem in which the great Democrat tells us he sees God in the cobbles of the streets, and, Whitmanesque, in the reflection of his own face in the mirror. We know the modern Christian can say the same thing. So, also, can the savage. The difference between Whitman's meaning and their meaning of the same statement of belief the lecturer, in truly ingenuous and faithfully Christianlike way, failed to note. He did not tell us that when the poet used the word "God" he was speaking about Walt Whitman; which is a very easy, quiet, pleasant method of asseverating the non-existence of a Deity; and amounted to a frank confession of Freethought.

If an author should be treated fairly and squarely, without the interference of personal prejudice and the weight of preconceived enmity of thought, then the Professor discredited himself as an authority. Deli-

¹ Edmund Garrett, *Isis Very Much Unveiled*, pp. 14-15.

berately to misinterpret a writer's expressed principles because we do not happen to agree with him, to falsify his beliefs because of intellectual animosity, is the very limit of literary profligacy.

I am not going to say the Professor knew his audience. The platform support, an artist and a musician, apparently both holy men, confessed to an ignorance of the subject, and promised faithfully to look Whitman up. One or two of the men were acquainted with the poet. A tent "chum" thought he was a Scotsman because I was going to the lecture. Altogether, I fancy, there were three of us, including the lecturer, who knew Walt Whitman. But with an unlearned audience the literary and critical crimes of the Professor were all the more heinous.

Although I enjoyed the funny experience for the amusement I derived from it, and although de Selincourt told me nothing new about the well-beloved poet, the quotations came into the hidden soul of me like sparkling drops of water to the parched throat of a prisoner. Wonderful rays of light they were, shining from the promised land. I nearly prayed that the Professor would forget the book when he left. I would have pinched it. Silently I devoutly joined my wishes to his, when he hoped that upon the ruins of the present one might build the perfect cities of the future.

ROBERT MORELAND.

Acid Drops.

In the name of Christianity the Archbishop denounces reprisals. In the name of Christianity, Mr. Hall Caine approves them. And in the name of Christianity they are both right, for in that adaptable creed one can find anything one likes. But on one point Mr. Hall Caine has the Archbishop on the hip. He says it is ridiculous to praise and support war on the one hand, and to denounce reprisals on the other. And in that we agree. "Civilized warfare" is an anachronism. There is no such thing. As Mr. Caine says, "to justify war and to condemn its natural if tragic developments, is to strain at the gnat and swallow the camel." From all of which we see what a rare guide Christianity is when it comes to a matter of practical concern. You may succour your enemy or kill him; and whichever you do, you may rest assured of Christian sanction.

But Mr. Caine is himself in confusion when he justifies reprisals on the ground that in War it is our first duty to restrain the enemy. For the objections to reprisals is that while it involves one in a competition of brutality—for reprisals always means action against defenceless people—it is doubtful whether they do more than incite those against whom they are directed to still further brutalities. And the argument may be reduced to an absurdity. For if to attack undefended towns, or to kill non-combatants, in Germany, will drive the Germans to do what we wish, why not threaten this on a larger scale, unless the German Government concludes a peace on terms suitable to the Allies? If that could be done, we think most people would favour the policy. But it seems to us that it was exactly by depending upon that policy that Germany made its greatest mistake. "Frightfulness" is more than a crime, it is a blunder.

Mr. George R. Sims is on stronger ground when he advocates reprisals: "Because the Bible told me so." There is, he says, "every authority for reprisals in the Bible." With that we quite agree, and Mr. Sims may be pleased to learn that the Germans are in hearty agreement with them. Indeed, the Kaiser has proclaimed that the Bible is his great guide. What could any advocate of "frightfulness" desire more than this:—

And when the Lord thy God hath delivered it (*i.e.*, the city) into thine hands, thou shalt smite every male thereof with the edge of the sword. But the women, and the little

ones, and the cattle, and all that is in the city, even all the spoil thereof, thou shalt take unto thyself . . . Of the cities of these people which the Lord thy God doth give thee for an inheritance, thou shalt save alive nothing that breatheth.

It is true that even the German Army has fallen short of the "divine injunction," but it has done its best. And, perhaps, its shortcomings in this direction are due to the fact that it has to deal with a world conscience that does not look to the Bible for guidance.

Sir Robert Lockhart, replying to Sabbatarian objections by ministers concerning Sunday sittings of Military Tribunals, says "the ministers of Kircaldy have not taken their fair share of the burdens of War Service." The remark applies to the clergy all over the United Kingdom.

A silk-dresser, who was exempted for four months by a Shoreditch Tribunal, was said to have dressed the silk "which caused the rustle in church aisles and the frou-frou." Perhaps the tribunal thought that ladies would not attend church without the frou-frou.

An absent-minded Christian took an eight-day clock from the vestry of a Mitcham church, and the vicar is advertising for its return. Meanwhile, the minister will watch and pray.

Owing to the scarcity of applicants for ordination in the Church, the Archbishop of York has licensed Mr. E. R. Turton, M.P., of Upsale Castle, to conduct services. Has the Archbishop overlooked the claims of that distinguished Christian, Mr. Horatio Bottomley?

The Rev. J. N. Newton, pastor-elect of the London City Temple, in the course of his farewell address in America, accepted the presentation of a United States flag, which he promised to drape over his London pulpit intertwined with the Union Jack. The religion of the Prince of Peace is, indeed, flagging.

Mr. Fisher, Minister for Education, visited Plymouth on a recent date, and Mr. A. G. Hann, Headmaster of Braidwood School, takes him sharply to task for remaining silent on the question of religious instruction in State Schools. Mr. Hann writes a good and timely letter to the *Western Daily Mercury* on the subject, and we hope it will have some effect in getting Mr. Fisher to see that this question cannot be evaded. It must be faced. Mr. Hann fittingly reminds Mr. Fisher, *apropos* of a complimentary allusion to France, that he will do well if he "equally appreciates the lead that France gave us when, by the adoption of a purely Secular code, she precluded for ever the possibility of religious controversy in the schools of the State." It will certainly be impossible for English people to hold up France, in the future, as a sample of the deterioration that sets in when religion is banished from the schools. That game came to a stop with the outbreak of war.

King George has contributed £100 to the Bible Society, which is stated to be faced with "grave difficulties." There is humour in the idea of George patronising the King of Kings.

At a sale of jewels at Christie's over £37,900 was realized in an hour, three necklaces fetching £13,300. Is this the country of the Carpenter-God?

The clergy are as fond of King Charles's head as the famous character portrayed by Dickens. At the Lower House of Convocation a resolution that the name of King Charles should be re-inserted in the Church calendar as a black-letter day was carried. A "saint" without a head is appropriate for parsons who are losing their own.

Six million Bibles, in fifty languages, have been sent to the soldiers on the Continent. This claim is made by the Bible Societies. If correct, it is a gross waste of paper and ship tonnage.

Modern Christianity is a very comprehensive religion, and includes almost everything, from saloon-smashing to soul-saving. The Bishop of London, who is very emphatic in his likes and dislikes, says, "We cannot have the old public-houses again." "The Angel," at all events, ought to be popular, for it should remind people of the Mons bogeys.

Helen Mathers, the novelist, in an interview in a weekly paper, says: "In the beginning God gave man two friends, the horse to bear him away from wild beasts and enemies, and the dog to guard his hearth and home." Why stop there? Were not bugs, fleas, and lice given to keep man company?

Mr. Lloyd George is a busy man, but he has found time to write a testimonial for the Church Army's recreation huts. It would be more to the purpose if he devoted his attention to the matter of parsons of military age being incorporated in the real Army for other purposes than serving Communion port.

At Portsmouth the Vicar of St. James's, Milton, arranged for a series of services on the "principal allotment grounds" to "Ask for God's blessing on the land." Why only the principal one? Surely God is not above blessing the little plot of potatoes in the back garden? Quite appropriately the last of the services was announced to take place at Milton Cemetery. It would have been still more appropriate at the Asylum. Then the circle would have been complete.

The Rev. E. F. Russell, of St. Alban's Church, Holborn, has been presented with a testimonial of 1,200 guineas by his admirers, and the presentation was made by the Bishop of London, a bachelor-ecclesiastic who gets £10,000 yearly. Christianity is a more profitable profession to-day than it was in the time of the twelve disciples.

Sunday-school treats are forbidden, and now tea-meetings are to be banned. The Mayor of St. Albans has approached the Food Controller as to whether tea-fights and similar gatherings are permissible in war-time, and has received a reply in the negative. The dear clergy who attend these festive gatherings will have less reason than ever to evade their national obligations.

The inclusion of King Charles the Martyr among the English saints reminds us of Samuel Taylor Coleridge's sarcastic comment on the King's title of "martyr." "Yes," said Coleridge, "a martyr to lies and equivocation."

Mr. H. G. Wells has been girding at the "kingly caste of Germans," and writes of "a constellation of quasi-divine Teutonic monarchs." "Quasi-divine" is good; but most monarchs receive consecration at the hands of their priests.

Mr. Horatio Bottomley seems to believe in a limited-liability God, for he says: "Never again, until German devilry is finally crushed, can golden argosies of God's generous grain ride the waves in safety." This appeared in a Sunday paper, but it might have been written by Billy Sunday.

Many of our comments on the clergy are, quite naturally, taken by Christians as owing their origin to anti-Christian prejudice. But here is Dr. Hastings Rashdall, Canon of Hereford, saying in the course of a recent sermon much of what we have often said in these columns. Thus:—

It remains true that great theological ignorance, or most inadequate and dangerously superficial knowledge, is often found among men whose high ability raises them to positions of great influence in the Church. That is of course still more so among men of fair ability, not intellectual enough to face such questions for themselves, but quite capable of being interested and instructed in them if they were properly set before them in the course of their professional education. And is not the result disastrous? Is it too much to say that a well-educated layman usually shrinks from entering upon any really serious intellectual question with a clergyman whom he casually meets, very much as he would shrink from discussing such subjects with a child? He assumes that either he does not know,

or that his mind is closed—perhaps that it would not be fair to disturb his contented ignorance.

It is really an open question as to whether the pulpit is fooling the pew to a greater degree than the pew is fooling the pulpit.

Canon Rashdall goes on to point out that when the clergy have "matured," so to speak, they become almost useless as teachers. Their training does not fit them for the work, and their habit of judging by cut-and-dried theological formulæ is fatal to fruitful thinking. No one who has studied the clergy will think this indictment overdrawn. The noteworthy thing is that it is this class of men that local authorities propose replacing trained teachers in public schools. A more foolish or suicidal policy could hardly be conceived.

The playfulness of Providence has not been altogether damped by the World-War. A telegram from Rome states that earthquake shocks have been felt in Italy, about fifty persons being killed and injured.

On the authority of the Committee on Religion, Morals, and Temperance of the Scottish Free Church, we learn that the Kaiser is quite correct in claiming companionship with God. According to a report just issued, and summarized in a Glasgow paper, "the right view undoubtedly is that the Kaiser is an instrument in the Divine hand to chastise us for our personal and national sins." So God is behind the Kaiser after all. He has been appointed to chastise us, and when we have been chastised enough we presume peace will come. But it is rough on the Kaiser to talk of punishing him for doing God's work.

Decree, with expenses, was granted in absence in Edinburgh Small Debt Court recently in a case in which Jane Smith Robertson, Tulloch Terrace, Perth, sued the Rev. Robert Stephen Barclay, of St. Mark's Chapel of Ease, Perth, for payment of alimony for her illegitimate child, of which she alleges the defender is the father. Defender is understood to hold a commission in the Army, and a short time ago pursuer's agent informed the Sheriff that the agents for the defender had retired from the case.

A West of England correspondent sends us an amusing story concerning the slimmness of the Salvation Army in a well-known town. A schoolmaster built a large schoolroom close to a fashionable church, and maintained it as an educational establishment for about three years. After passing through several hands the hall was finally sold to the Salvation Army. This annoyed the fashionable and fashionably religious folk, who put their heads together and finally purchased the place at a price which gave the Army a handsome profit. So the Army gave up the hall, and with the £1,000 of profit made bought a large house quite close to the church, and continues to hold its meetings there. The "Army" is slim, very slim!

Quite a Simple Thing to Do.

SOME time back we induced a friend in South Wales to see what he could do to increase the sale of the *Freethinker* in his district. He was an energetic man, and threw himself into the work with a will. Within three or four months he had secured over one hundred new readers, and has kept them supplied ever since.

Now, what was done in South Wales could be done, in larger or smaller measure, all over the country. There are thousands of people who would become regular subscribers to this journal if only they knew of its existence. There are thousands of men and women who date their mental emancipation from the day a copy first came into their hands. It is the easiest thing in the world to pass a copy on to a likely reader. It takes up no time, and costs little, even though it be bought for that special purpose. It is an easy and effective way of helping a great cause, of not merely securing a new reader, but of adding a new recruit to the Army of Freethought.

To Correspondents.

- E. B. writes on the result of the Bowman Case: "This victory for liberty is as great as any recently won in the field," which, we think, will express the opinion of most of our readers. Mr. Harry Snell also sends "sincere congratulations to the Free-thought Party on its great victory," and says: "the bigots have been driven to the pit at last. Henceforth men will be able to leave money to a cause they believe in without fear that it will be diverted to other purposes."
- A. JONES.—Thanks for suggestions.
- SEVERAL inquiries reach us as to the publishers of Madelin's *The Revolution*, recently mentioned in these columns. Perhaps one of our readers can tell us. We only know the French edition.
- A. W. DAVIS.—Sorry that want of space prevents publication of your interesting letter on Hebert.
- J. C.—Shall appear after the N. S. S. Conference Business and the Bowman Report have liberated some of our space. Thanks.
- H. C. HEBBES.—Sorry we cannot spare space in which to pursue further the subject of Adult Schools. We note your opinion that Freethinkers attending them may exert a good influence on the religious-minded.
- R. G. CATLING.—We agree with you that to say God is nothing and to say God is everything are really identical statements—certainly so far as any theology is concerned. Pleased to know you enjoyed our review of Norman Pearson's *The Soul*. If we can find time we may deal with Professor Pringle-Pattison's *Idea of God*, but we are overloaded with work at the moment.
- MAJOR WARREN.—Much obliged for your reminiscence of Ingersoll, which shall appear. We quite agree with your estimate of Mr. G. H. Wells' new book. We intend writing on it as soon as other matters are off our hands.
- E. P.—Letter redirected, as requested.
- H. G. FARMER.—Please let us know how things progress.
- S. LEECH.—Sorry we missed you in the House of Lords. Should have liked a word with you.
- J. B. MIDDLETON.—Thanks for cutting, also for congratulations.
- G. C. WEBB.—The gentleman you name expressed the same sentiments to us. Nor are we surprised that intelligent men and women should realize the iniquity of laws which are framed for the purpose of hindering the expression of reasoned conviction on matters of religion. We hope to see the whole of the Blasphemy Laws cleared away before many years have passed.
- J. G. FINLAY.—We take it that the House of Lords decision applies to Scotland equally with England. Thanks for good wishes.
- T. POURDALL.—We do not know anything of the Hon. A. S. Canning beyond the fact of his being the author of a number of historical works. A large size portrait of G. W. Foote can be obtained at the *Freethinker* office, price 1s., postage 3d.
- G. TACCHI.—Shall be pleased to see you when you return to London.
- E. GREENWOOD.—Sorry that want of space prevents our pursuing the correspondence. We agree with you that there is nothing necessarily antagonistic between scientific materialism and telepathy.
- MR. SIBLEY.—Thanks for all you have done to secure new subscribers.
- T. LEA.—We might revive the Freethinker League on a wider and more effective basis.
- J. ALLEN.—Verses received. The antithetical idea is a good one, but we regret that for the present we are unable to publish.
- The Secular Society, Limited, office is at 62 Farringdon Street, London, E.C. 4.*
- The National Secular Society's office is at 62 Farringdon Street, London, E.C. 4.*
- When the services of the National Secular Society in connection with Secular Burial Services are required, all communications should be addressed to the Secretary, Miss E. M. Vance, giving us long notice as possible.*
- Lecture Notices must reach 61 Farringdon Street, London, E.C. 4 by first post Tuesday, or they will not be inserted.*
- Letters for the Editor of the "Freethinker" should be addressed to 61 Farringdon Street, London, E.C. 4.*
- Orders for literature should be sent to the Business Manager of the Pioneer Press, 61 Farringdon Street, London, E.C. 4, and not to the Editor.*
- The "Freethinker" will be forwarded direct from the publishing office to any part of the world, post free, at the following rates, prepaid:—One year, 10s. 6d.; half year, 5s. 3d.; three months, 2s. 8d.*

Sugar Plums.

To-day takes place the fifty-first Annual Conference of the National Secular Society. The business meetings (morning and afternoon) and the evening demonstration will all be held in the South Place Institute, Moorgate Street, E.C. The morning and afternoon meetings are open to members and delegates only, and we hope to see a good muster. Naturally, the number of provincial delegates will be restricted this year, although we hope the triumph in the House of Lords will have the effect of deciding some hesitant ones to attend, after all. The evening meeting is open to the general public, and all London Freethinkers can do their share towards seeing that the hall is crowded. The "platform" is, as usual, a good one, and Freethinkers may invite their more orthodox friends with the security that they will feel their evening has been well spent. Admission to the evening meeting is quite free, although there will be the inevitable collection towards expenses.

It is not possible to make very elaborate arrangements for a Conference Luncheon, owing to war conditions, but such as are possible will be announced at the morning business meeting.

It is impossible for us to acknowledge in any other way than this the shower of congratulatory telegrams and letters that have fallen on us over the Bowman Case. At first we purposed filling a column or so with some of the more striking ones, but as these grew we gave it up as hopeless. Most of our correspondents have said exactly the right thing in the right way. As was said on another famous occasion, "It was a glorious victory," and everybody worth bothering about has recognized it as such.

But some of the letters received show that the writers were labouring under certain misapprehensions. One of them is that the Secular Society, Limited, receives a bequest of £10,000. That figure represents the gross value of the estate. But from that has to be deducted payment of certain legacies, estate duty, and the expenses incurred during two years of litigation—and the latter is not a form of amusement that can be indulged in cheaply. What will be the net amount no one is able to say, and we had better not guess.

A second misapprehension is that the *Freethinker* benefits from the legacy. That is not the case. The bequest is to the Secular Society, Limited, and the *Freethinker* has no claim whatever upon any portion of it. The deficiency on the year's working of the *Freethinker* will have to be met as last year's deficit was met, and I have no doubt it will be faced as cheerfully and as generously. And we may say at once that bearing in mind the still further increased cost of paper and the new rise in the wages of compositors, that loss, while it may be absolutely larger than last year, will not represent all the increased cost of production.

We see by a return in one of the trade organs that nearly five hundred papers in this country have raised their price, a very much larger number have cut down the number of pages. Very many have both raised the price and reduced the size. Propagandist organs have also been compelled to appeal for large sustentation funds, from a thousand pounds and upwards. We say these things, not to gloat over other people's troubles, or magnify our own achievements, but merely to give readers some notion of the anxieties and difficulties attendant on keeping the *Freethinker* unchanged in size and price during a time like the present.

We are pleased to welcome a new edition of *Richard Jefferies and Civilization*, by one of our contributors, Mr. A. F. Thorne. Our readers may remember that the book was noticed in these pages some months ago. It is published by Stockwell, 29 Ludgate Hill, E.C., price 6d. net, and those

who know Mr. Thorne's writings will hardly need persuasion to secure a copy. We have several things in hand of Mr. Thorne's, including a lengthy article on "Freethought," which we hope soon to publish.

The Rationalist Press Association has done a useful work in circularizing Freethinking Associations among the Allied nations with a view to preventing the Papacy taking an official part in any forthcoming Peace Congress. Amongst other reasons given for this protest are the following:—

1. The Pope is not a temporal sovereign, and has no more title to be represented than the Dalai Lama of Tibet, the Archbishop of Canterbury, or the head of any other sect.
2. The admission of the Pope would be a rebuff to our Ally Italy, which for forty-six years has been combating intrigues aiming at the re-establishment of the Temporal Power.
3. None of the Allied Governments but that of Belgium is Catholic. In France, Portugal, and Japan the Church and State are separated. In Great Britain the State religion is Protestant; in Russia, Rumania, Serbia, and Montenegro it is the Eastern Church. [Since this was issued the United States, in which Church and State are separated, has become one of the Allies.]
4. Belgium, which might have hoped for the support of the Papacy, has been consistently ignored, and no condemnation of the invasion and rapine of the country by Germany in 1914 has yet come from the Vatican.

It may be taken for certain that the only aim of the Papacy at such a Conference would be the strengthening the hands of the Catholic Church. And it would be simply disastrous to permit at a Congress, which many hope will mark the opening of a new era, one of the most sinister influences of the past. Judging from the replies received to the R.P.A.'s manifesto, every effort will be made by Continental Freethinkers to make this impossible.

Literature was sold in the London Parks on Sunday last at all the N. S. S. meetings, and the names of the sellers duly taken. Nothing has been heard from the Council up to the time of writing, but the following appeared on the L.C.C. Agenda for May 22:—

Sale of Literature.

1.—We have had before us the reference from the Council of 1st May, 1917 (p. 445), under standing order No. 62 to consider and report whether the arrangements which obtained for more than 25 years for the sale of literature at meetings at the Council's parks and open spaces should be restored. Apart from the merits of the question, we understand that, owing to the depletion of staff, it would be impracticable, during the period of the war, to modify the resolution of the Council of 30th May, 1916 (p. 566), to issue no further permits for the sale of literature and we have therefore decided to postpone the further consideration of the matter until after the declaration of peace.

By the Rev. Stewart Headlam:—

That it be referred to the Parks and Small Holdings and Allotments Committee to consider and report in connection with the order prohibiting permits for the sale of literature at parks and open spaces, as to relaxing the order in favour of holders of permits issued before the date of such order.

"The Slave's Dream."

Of these am I, Coila my name.

—Burns, "The Vision."

THE prisons are full; and yet the doors and windows are wide open, where the sunshine and the azure pours, and clouds of beauty pass on winds of liberty. The waving forests shout of liberty, and the fields and streams; all the earth and air with thy voice is loud.

And the blast of the desert cries aloud
With a voice so wild and free;
The prisoners half-awake and smile
At their tempestuous glee.¹

¹ Longfellow, *The Slave's Dream*, adapted.

And sleep again; but not so soundly. Or here and there one rises, and groping, instinctive, finds his way, and feels the fresh air on his brow; is dizzy and dazzled for a space; timid, bewildered, distressed, conscience-smitten in the midst of his Pagan joy.

Bring back the chain! But, no; the Liberator can never be the enslaver. The John Howards have been, and are still, abroad in the land. They have lingered near those mural shades of willing captivity—are lingering still—and longing and thinking, writing, speaking, daring, devising, enduring for those in durance. For their own sakes, too; for the fuller life of the free when all are freed.

What vast prison is this? What paradox is this? What task for the Howards to improve and empty it!—the more it is improved, the more it is emptied. To make those prisons habitable is to make them uninhabitable—to substitute a habitable globe! This is the task of the reformer; this is the faith of the free; this is the "holiest religion." These prison walls are compounded of all the creeds; their cement is superstition; their caretakers the priests of every supernatural system, and convicts all—or moral cowards.

What can ennoble sots, or slaves, or cowards?

Alas, not all the blood of all the Howards.

But blood will tell—and brains; the blood of the pioneers. They have made a beginning.

We must liberate our intelligence. The real gaols are not Duke Streets and Old Baileys and Wormwood Scrubbs, but churches and cathedrals, with their ancient encrustation of tradition, custom, canon, convention, and all the shallow moralism and solemn pietism of the pulpit's narrow curve.

Methinks, my friends, the philosophy of Spinoza, in its essential significance and ultimate implication, is never likely to be wholly, or even partly, set aside. He uses a magnificent metaphysic to kill metaphysics. Whether he "rules in" or "rules out" God in his finite and infinite universe, in his negation and affirmation he rules "Him" with a rod of iron—the iron of "His" own necessity. God is the absolute, the all, or the nothing. Spinoza's is a clear conception and expression of the impersonal God—or, we are inclined to think, the God that does not exist. Like the astronomy of Laplace, the philosophy of Spinoza has no need of that hypothesis. The great thinker sets forth in volumes what Shakespeare has suggested in the sentence, "A touch of nature makes the whole world kin." He teaches, for instance, that not an atom of matter could be other than it is without supposing the whole material world to be other than it is; also, the life of absolute truth or reason is not a life that is foreign to us, but one in which we come to our own. As a reader of the *Freethinker*, one need not have made an exhaustive study of the sages; but merely to "dip into" such volumes is to be at once electrified by the profound significance of such simple phrases. In the same simple and unassuming way, the poetaster of science and philosophy may quite confidently and correctly suggest that if the mantle of Spinoza has fallen on the shoulders of anyone now living, it is surely resting easily and gracefully, and quite naturally, on the shoulders of the present able but unpretentious Editor of the *Freethinker*.

Ah, those woods! in the budding spring, the leafy month of June, in autumn's cloth of gold; aye, even when:—

In a drear-nighted December,
Too happy, happy Tree,
Thy branches ne'er remember
Their green felicity.

—Keats, *Palgrave's G. T.*, p. 206.

How dry-as-dust those leaves in our libraries compared with those leaves of grass, human and vegetable; and

the best of the former are but translations and interpretations of the great original volume. We must often return to the great original, and read it in the original "Hebrew," which all can understand. Or, in the lines recently quoted by our ever-happy "Mimnermus":—

Sick am I of idle words,
Past all reconciling;
Words that weary and perplex
And pander and conceal;
Wake the sounds that cannot die,
For all their sweet beguiling;
The language we need fathom not,
But only hear and feel.

COILA.

Correspondence.

PSYCHISM AND THE SUPERNATURAL.

TO THE EDITOR OF THE "FREETHINKER."

SIR,—I wish to thank Mr. Edwin Greenwood for his courteous letter, and as there are no doubt many others of Mr. Greenwood's opinion, I take this opportunity of putting myself right with them. There is only one passage that I object to in Mr. Greenwood's letter, it is the following: "Mr. Mann may be doing the Rationalist cause a great deal of harm by implying that all forms of psychic phenomena are fraudulent." This may be the impression honestly made on Mr. Greenwood's mind by my articles, but it has not the slightest foundation in fact. I have been dealing solely with the physical phenomena up to now, and when I have finished with that I will deal with the psychical phenomena.

As to telepathy I have no prejudice against it, if one living person can communicate with another at a distance by means of the mind; it would merely constitute an interesting scientific fact, it would not affect my philosophy in the least. I should still remain a Materialist and an Atheist. In their proper sequence I shall give the reasons why the evidence for telepathy does not convince me.

If I had commenced my articles by dealing with the psychical phenomena, no doubt people would have written to know why I had not dealt with the physical phenomena.

As for fraud, I should not think of charging Sir Oliver Lodge, or the late Mr. Stead, with fraud; nevertheless, I do not believe for a moment that they have communicated with people who are dead. They are under a delusion. There is a tale of the Frenchman who assured his friend that the earth did move round the sun, and offered his word of honour as a guarantee. But words of honour and respectability do not carry much weight in science, for history attests that the most outrageous and ridiculous superstitions have been believed in, and vouched for by men of the utmost integrity and honour:

W. MANN.

"A PURITAN ON PAINE."

TO THE EDITOR OF "THE FREETHINKER."

SIR,—In his interesting article, "A Puritan on Paine," Mr. Underwood, referring to Mr. Birrell's objection that Paine was not a teetotaler, points out that Paine's was an age of hard drinking. He also states that "Drinking was one of the signs of a vigorous and expansive temperament. It set up no more deterioration in Thomas Paine, or Charles Lamb, or Pitt, than did the deplorable opium habit in Coleridge, for whose moral shortcomings Mr. Birrell would be the first to find excuses."

Mr. Birrell does this, or something very much like it, in the case of Charles Lamb. In his introduction to *The Essays of Elia* (Everyman's Library, he writes:—

He used to get drunk somewhat too frequently. Let the fact be stated in all its deformity—he was too fond of gin-and-water. He once gave a lady the welcome assurance that he never got drunk twice in the same house.....It is a mitigating circumstance.....Lamb was also a too inveterate punster..... When we have said these things against Lamb we have said all. Pale Malice, speckled Jealousy, may now be invited to search the records of his life, to probe his motives, to read his private letters, to pry into his desk, to dissect his character. Baffled, beaten, and disappointed, they fall back. An occasional intoxication which hurt no one but himself, which

blinded him to no duty, which led him into no extravagance, which in no way interfered with the soundness of his judgment, the charity of his heart, or the independence of his life, and a shower of bad puns—behold the faults of Elia! His virtues—noble, manly, gentle—are strewn over every page of his life, and may be read in every letter he ever wrote.

This is, no doubt, a very temperate and just estimate of Lamb, and it causes one to regret, and wonder, that Mr. Birrell did not show a similar spirit in dealing with Paine.

Another example of the many misrepresentations of Paine's character occurred in Leslie Stephen's *History of English Thought in the Eighteenth Century*, which is referred to by Dr. Moncure D. Conway in the preface to *The Life of Thomas Paine*. Dr. Conway states that on its appearance, he recognized "the old effigy of Paine elaborately constructed by Oldys and Cheetham," and that, in 1879, he discovered that these libels were the only "biographies" of Paine in the London Library which, he knew, was used by Stephen. In his second edition, Mr. Stephen stated that the portrait of Paine presented was "drawn by an enemy," on which Mr. J. M. Robertson asked why it was allowed to stand. In September, 1892, Mr. Stephen wrote in the *National Reformer*: "The account I gave of Paine.....was, I have no doubt, erroneous. My only excuse, if it be an excuse, was the old one, 'pure ignorance.'" He added that he intended to go into the question again, and that if he found, as he expected to find, that Paine was greatly maligned, he would make some redress for his previous misguided remarks. He stated also that he would be "especially sorry to do anything short of justice to a man of Paine's real importance."

In August, 1893, he duly made amends in an article on "Thomas Paine" in the *Fortnightly Review*. He wrote:—

For some three generations the name of Paine has been regarded by the respectable classes as synonymous with vulgar brutality. Mr. Moncure Conway has recently published a biography.....He states in his preface that a book of mine published some years ago accepted certain scandals about Paine; and as I misled at least one of my readers, I think it a duty to confess my error frankly. My description of Paine's last years was taken from a statement by a witness whom Mr. Conway has proved to be utterly unworthy of credit.....I am the more sorry.....because in any case the charges were but slightly relevant—Paine's brandy is less to the purpose than Pitt's port, and much less to the purpose than Coleridge's opium. Patriots may love Pitt, and poets may love Coleridge, in spite of weaknesses which really affected their careers. But Paine's lapse into drink, such as it was, did not take place till his work was substantially done; and his writings were the product of brains certainly not sodden by brandy, but clear, vigorous, and in some ways curiously free from passion.

Thus Mr., afterwards Sir, Leslie Stephen, having investigated the matter, honourably and generously confessed his error, and his example may be commended to the many who have similarly erred in "pure ignorance" with the advice, "Go, and do thou likewise."

J. A. TOMKINS.

Bowman and Others

V.

Secular Society, Limited.

(THE LORD CHANCELLOR—continued from p. 318.)

IN arriving at the conclusion that the object of the Respondent Society was not unlawful in the sense that the Court will not aid the Plaintiffs to get the legacy, the Court of Appeal found it necessary to overrule two cases. The first of these cases is *Briggs v. Hartley* (1850) 19 L.J. Ch. 416. In this case a legacy had been left for the best original essay on "The Subject of Natural Theology, treating it as a science and demonstrating the truth, harmony, and infallibility of the evidence on which it is founded, and the perfect accordance of such evidence with reason, also demonstrating the adequacy and sufficiency of natural theology when so treated and taught as a science to constitute a true, perfect, and philosophical system of universal religion (analogous to other universal systems of science such as astronomy, etc.) founded on immutable facts and the works of creation, and beautifully adapted to man's reason and nature, and tending, as other sciences do, but in

a higher degree, to remove and elevate his nature and to render him a wise, happy, and exalted being." Vice-Chancellor Shadwell gave judgment in these terms: "I cannot conceive that the bequest in the Testator's will is at all consistent with Christianity, and therefore it must fail."

This is a direct decision by a Judge of great eminence upon the point, and, in my opinion, the Court of Appeal had no sufficient ground for overruling it. The second of these cases is *Cowan v. Milbourn* (1867) L.R. 2 Ex. 230. In that case the Plaintiff had hired of the Defendant some rooms at Liverpool for the purpose of having lectures delivered there. Placards were issued giving as some of the subjects of the lectures "The Character and Teachings of Christ: the Former Defective, the Latter Misleading," and "The Bible shown to be no more Inspired than any other Book with a Refutation of Modern Theories Thereon." The use of the rooms was refused by the Defendant, and he justified his refusal by the character of the lectures proposed to be delivered. In an action in the Court of Passage, Liverpool, for breach of contract to let, the learned Judge ruled that the lectures announced were blasphemous and illegal, and a verdict was entered for the Defendants, with leave to the Plaintiff to move to enter a verdict for him on each of these counts. Motion was made accordingly in the Court of Exchequer before Chief Baron Kelly, Baron Martin, and Baron Bramwell. The Court refused to grant a Rule, the Chief Baron expressing himself as follows: "It would be a violation of duty to allow the question raised to remain in any doubt. That question is, whether one who has contracted to let rooms for a purpose stated in general terms, and who afterwards discovers that they are to be used for the delivery of lectures in support of a proposition which states, with respect to our Saviour and His teaching, that the first is defective and the second misleading, is, nevertheless, bound to permit his rooms to be used for that purpose in pursuance of that general contract. There is abundant authority for saying that Christianity is part and parcel of the law of the land; and that, therefore, to support and maintain publicly the proposition I have above mentioned is a violation of the first principles of the law, and cannot be done without blasphemy. I, therefore, do not hesitate to say that the Defendant was not only entitled, but was called on and bound by the law, to refuse his sanction to this use of his rooms."

Baron Martin concurred. Baron Bramwell said: "I am of the same opinion, and I will state my grounds. I think that the Plaintiff was about to use the rooms for an unlawful purpose, because he was about to use them for the purpose of 'by teaching or advised speaking, denying the Christian religion to be true, or the Holy Scriptures of the Old and New Testament to be of Divine authority.' That he intended to use the rooms for the purposes declared by the Statute to be unlawful is perfectly clear, for he proposed to show that the character of Christ was defective, and His teaching misleading, and that the Bible was no more inspired than any other book. That being so, his purpose was unlawful; and if the Defendant had known his purpose at the time of the refusal, he clearly would not have been bound to let the Plaintiff occupy them, for, if he would, he would then have been compelled to do a thing in pursuance of an illegal purpose." Then a little further on: "Now it appears that the Plaintiff here was going to use the rooms for an unlawful purpose; he, therefore, could not enforce the contract for that purpose, and, therefore, the Defendant was not bound, though he did not know the fact. It is strange there should be so much difficulty in making it understood that a thing may be unlawful in the sense that the law will not aid it, and yet that the law will not immediately punish it. If that only were unlawful to which a penalty is attached, the consequence would be that, inasmuch as no penalty is provided by the law for prostitution, a contract having prostitution for its object would be valid in a Court of law. The rule must be refused, and I do not regret the result, and on this ground, that this placard must have given great pain to many of those who read it."

The authority of these two decisions has never, so far as I am aware, been questioned in any later case, and no satisfactory reason is given in the Court of Appeal for disregarding them. The Master of the Rolls says: "It seems to me that the undoubted relaxation of the views as to common

law blasphemy must extend to matters outside the Criminal Law." He goes on to say that in his view the decision in *Briggs v. Hartley* ought not to be followed, and, with regard to *Cowan v. Milbourn*, he says: "So far as I am aware, this case, which was decided in 1867, has never been followed, and notwithstanding my profound respect for the learned Judges who decided it, I am bound to say that it ought not to be followed. If *Cowan v. Milbourn* is still good law, the Plaintiffs cannot claim the legacy, but as I do not consider it is good law I think Mr. Justice Joyce was right in the view which he took."

Lord Justice Pickford says: "A much more difficult question is whether this object, though not illegal in the sense of being punishable, is illegal in the sense that the law will not recognize it as being the foundation of legal right, and will do nothing to aid it. The denial of religion is not in terms the object of the Company as set out in (a), but I think that it is involved in it, and that it is not possible to promote the principle that human conduct should be based upon natural knowledge, and that human welfare is the proper end of all thought and action, without, at any rate inferentially, denying the Divine government of the world, and the principles of religion. I think there is no doubt that in former times such an object would have been held to have been contrary to public policy, but the question is whether it is right to hold so now. I think that the doctrine of public policy cannot be considered as being always the same, and that many things would be and have been, held contrary to public policy which are not so held now." The learned Lord Justice goes on to refer to the cases of *Briggs v. Hartley* and *Cowan v. Milbourn*, and says: "Whatever may have been the doctrine as to public policy prevailing in 1850, when the former case was decided, I do not think that it ought now to be followed. If the latter decision means that no consideration will support a contract which involves any questioning of the truth of religion, I also think that should not be followed, but the Court may have inferred from the title to which I referred that the lectures attacked religion in a reviling and contumelious manner, and if that were the case the decision was, I think, right."

Lord Justice Warrington does not specifically refer to the case of *Briggs v. Hartley*, but with regard to the judgments of Chief Baron Kelly and Baron Bramwell in *Cowan v. Milbourn*, he says: "Neither of the Judges really dealt with the question whether the lectures, if not infringing a positive ordinance of law, would have rendered the contract incapable of being enforced. It is quite true that Baron Bramwell laid it down that a thing may be unlawful in the sense that the law will not aid it; but accepting this as correct, as I think it clearly is, it still remains to consider whether the particular thing in question is unlawful in the wider sense or not. In my opinion there is no authority binding us to hold that the promotion in a proper manner of the objects of the Company is contrary to public policy, and we ought not to hold it to be so."

It may be that there has been a considerable change of public opinion with regard to the discussion of religion, but the question is whether anything has taken place to justify any Court in holding that the principle of law on this matter may be treated as obsolete. From time to time the standard as to what is decent discussion of religious subjects may vary, and in one age a jury would find that a particular publication was blasphemous in the strict sense of the term which would not be so considered in another. With regard to questions of public policy such as those arising in connection with restraint of trade, circumstances with regard to facility of communication and of travel may so alter, that the principle invalidating such contracts would apply to a particular state of circumstances in one age but not in another. But it is difficult to see how a change in the spirit of the time could justify a change in a principle of law by judicial decision. Such changes in public opinion may lead to legislative interference and substantive alteration of the law, but cannot justify a departure by any Court from legal principle, however they may affect its application in particular cases.

The decisions in *Briggs v. Hartley* and *Cowan v. Milbourn* are in conformity with a considerable body of authority on this subject. It has been repeatedly laid down by the Courts that Christianity is part of the law of the land, and it is the

fact that our civil policy is to a large extent based upon the Christian religion. This is notably so with regard to the law of marriage and the law affecting the family. The statement that Christianity is part of the law of the land has been often given as a reason for punishing criminally contumelious attacks upon Christianity. It is true that expressions have in some cases been used that would seem to imply that any attack upon Christianity, however decently conducted, would be criminal. For the reasons I have already given, I do not think that this view can be accepted as having represented the common law of England at any time. But the fact that Christianity is recognized by the law as the basis to a great extent of our civil policy is quite sufficient reason for holding that the law will not help endeavours to undermine it.

Authorities, beginning with *De Costa v. De Paz* in 1744 and ending with *Pare v. Clegg* in 1860, appear to me to establish that the Courts will not help in the promotion of objects contrary to the Christian religion, apart altogether from any criminal liability, and to show that *Briggs v. Hartley* and *Cowan v. Milbourn* were well decided, and that, if the law of England is to be altered upon the point, the change must be effected not by judicial decision but by the act of the Legislature.

It is foreign to the subject of the present inquiry to consider whether the welfare of the individual and the greatness of the nation would be best promoted by proceeding on the lines of the Secular Society, involving the ignoring of the supernatural as influencing human conduct, and holding out the promotion of happiness in this world as the chief end of man, or upon the lines indicated in the striking passage with which Lord Bacon concludes his *Essay on Atheism*, and the still more striking quotation from Cicero which he there makes. Such considerations bear upon public policy, and may have had some influence in moulding the English law upon the subject. But we have to deal not with a rule of public policy which might fluctuate with the opinions of the age, but with a definite rule of law to the effect that any purpose hostile to Christianity is illegal. The opinion of the age may influence the application of this rule, but cannot affect the rule itself. It can never be the duty of a Court of Law to begin by inquiring what is the spirit of the age, and in supposed conformity with it to decide what the law is. Very nice and difficult questions may arise as to whether in any particular case the purpose is hostile to the Christian religion. No such difficulty arises in the present case, as by the Memorandum of Association the axe is laid to the root of the tree of all religion.

The legacy was given and would be taken for the purposes of the Society, as stated in the Memorandum, and if these purposes are illegal their illegality is not mended by the Certificate of Incorporation. In my opinion they are illegal in the sense that the law will not aid in their promotion, and this Appeal ought to be allowed.

LORD DUNEDIN.

My Lords, before I had committed my views in this case to writing, I had the advantage of seeing not only the judgment just delivered by the Lord Chancellor, but also those about to be delivered by my noble and learned friends, Lord Parker and Lord Buckmaster. In these there is contained so much that not only has my adhesion, but is expressed better than I could hope to do, that I shall refer to them for several of the propositions on which my judgment rests, and shall only state succinctly the reasons which have led me, though not without hesitation, to the conclusion that this Appeal should be dismissed.

My Lords, I have said that I have formed my opinion not without hesitation; but that hesitation is due to one fact only. Had there been no authorities to deal with, and I were to approach the matter from the point of view of legal principle alone, I do not think I should have felt much difficulty. What has troubled me is that I think it is impossible to decide the case as I think it should be decided without going counter to what has been said by Judges of great authority in past generations. It is always, I feel, no light matter to overrule such pronouncements.

I shall first deal with two points which must be resolved before the case can be further considered, but on which, for

the reason already mentioned, I shall adopt the opinion of others as my own. I agree with what I understand is the unanimous opinion of your Lordships, that as to what is necessary to constitute the crime of blasphemy at common law, the dicta of Mr. Justice Erskine, Lord Chief Justice Denman, and Lord Chief Justice Coleridge, in the cases of *Shore v. Wilson*, *R v. Hetherington*, and *R v. Ramsey* respectively are correct; and I adopt the reasoning of the Lord Chancellor and Lord Buckmaster. Further, I agree with the Lord Chancellor that on a fair construction, paragraph 3a of the Memorandum of Association of the Respondent Company expresses the dominating purpose of the Company; and that the other matters are mentioned not as independent, but only as subsidiary aims. I agree with him in thinking that teaching in accordance with (3a) is inconsistent with and to that extent subversive of the Christian religion—by which expression, without attempting definition, I mean all such forms of religion as have for a common basis belief in the Godhead of the Lord Jesus Christ.

It is said for the Appellants that the Court will not lend its assistance for the furtherance of an illegal object, and that money given to the Society must needs be illegally applied, because it certainly can only be used for objects in terms of the Memorandum, and such objects are illegal, because the Christian religion is part of the law of the land. Now, if money was laid out in either procuring publications or lectures in terms of the objects of the Memorandum, such publications or lectures need not be couched in scurrilous language, and so need not be such as would constitute the crime of blasphemy at common law. Now, need they be criminal under the Blasphemy Act? for here I agree with Lord Buckmaster that the Act is so framed as to make its penalties only apply when there has been what may be termed apostasy. It would not, I think, be safe to found any argument on the fact—but it is a fact sufficiently curious to be mentioned—that the Scottish Parliament two years before the Blasphemy Act passed an Act in similar terms, but omitting the words “having been educated in or at any time having made profession of the Christian religion, etc.” In the Repealing Act, 50 Geo. 3, c. 160, this and another older Scottish Act are repealed *in toto*, while the Blasphemy Act was allowed to stand. How innocuous it was on a true construction may be surmized from the fact that there seem to have been no prosecutions under it.

Criminal liability being negated, no one has suggested any statute in terms of which it—by which I mean the supposed use of the money—is directly prohibited. There is no question of offence against what may be termed the natural moral sense. Neither has it been held, I think, as being against public policy, as that phrase is applied in the cases that have been decided on that head. Now, if this is so, I confess I cannot bring myself to believe that there is still a *terra media* of things illegal, which are not criminal, not directly prohibited, not *contra bonos mores*, and not against public policy. Yet that, I think, is the result of holding that anything inconsistent with Christianity as part of the law of England cannot in any way be assisted by the action of the Courts.

So far, I have dealt with the matter as if the question were one of contract or of trust. Now that there is no trust here is, I think, clear beyond doubt. The trust to be constituted must either be found in some expression of the donor—here the testator—relative to the gift; or in the fact that the donee—here the Society—is a trustee, and that the gift is only given to him in that capacity. But the testator has clogged his gift with no conditions. He has made an absolute gift to a legal entity which is entitled to receive money. The Certificate of Incorporation, in terms of the section quoted of the Companies Act, 1906, prevents anyone alleging that the Company does not exist. Then the law of *Ashbury v. Riche* is based upon the consideration of what is not *intra vires* of a statutory corporation, but I have never heard it suggested that it made a Company a trustee for the purposes of its Memorandum. I do not say more, for here I wish respectfully to concur with what is said on this subject by Lord Parker. Trust being out of the reckoning, there can be no doubt that there is here no question of contract. What remains? Nothing but an ordinary action for a legacy at the instance of a legal person that has a right to sue. It is

here that I feel disposed to quarrel with the phrase "the assistance of the Courts." I do not see that the Company is seeking the assistance of the Courts to carry out the objects of the Memorandum. It is seeking their assistance only to compel the executor to do his duty, so that it may receive what is legally due to it. If the legacy were due to an individual, the executor would not be heard to discuss the probable uses to which the legatee would put the money. I do not think he can do so in the case of the Society. For after all—and treating the Memorandum, in spite of the opinion I have expressed already, as indicating purposes entirely illegal such as in contract would not serve as foundation for an action—there is no reason why the Society should not employ the money in paying its office rent. For these reasons, and those to be more fully stated by my noble and learned friends who are to follow me, I am of opinion that this Appeal should be dismissed.

LORD PARKER OF WADDINGTON.

(READ BY LORD SHAW OF DUNFERMLINE.)

My Lords: In considering the questions which arise for decision on this appeal, it is, I think, well to bear in mind certain general and perhaps somewhat elementary principles. At common law the conditions essential to the validity of a gift are reasonably clear. The subject-matter must be certain; the donor must have the necessary disposing power over, and must employ the means recognized by common law as sufficient for the transfer of the subject-matter; and, finally, the donee must be capable of acquiring the subject-matter. If these conditions be fulfilled, the property in the subject-matter of the gift passes to the donee, and he becomes the absolute owner thereof, and can deal with the same as he thinks fit. The common law takes no notice whatever of the donor's motive in making the gift or of the purposes for which he intends the property to be applied by the donee, or of any condition or direction purporting to affect its free distribution in the hands of the donee. It is immaterial that the gift is intended to be applied for a purpose actually illegal, as for example, in trade with the King's enemies—or in a manner contrary to the policy of the law—as, for example, in paying the fines of persons convicted of poaching. In either case, the essential conditions being fulfilled, the gift is complete, the property has passed, and there is an end of the matter. A gift at common law is never executory in the sense that it requires the intervention of the Courts to enforce it.

It may be well to illustrate what I have said by one or two examples. Thus if a testator gives £500 to A, saying that he knows A will expend it in procuring masses to be said for testator's soul, the question arises whether A is a trustee for the purpose indicated. If he be not a trustee, he will in equity take the legacy beneficially; the fact that the trust, if there be a trust, would be unlawful, being quite immaterial. If, however, it be held that A is a trustee, then, as the trust is unlawful, equity will not allow the trustee to retain the legacy. Again, in the case of a simple legacy of £500 to A, where conversations had taken place between A and the testator as to the purposes for which the legacy should be applied, the question would arise whether these conversations rendered it unconscionable for A to take the legacy for his own use. If so, equity would treat him as a trustee. If not, it would allow him to retain the legacy, although the purpose for which the legacy was intended by the testator was unlawful, or otherwise unenforceable. Again, it is well settled that a gift to A to help him in his business is an absolute gift to A, and it is therefore immaterial whether A's business is that of a corn merchant or a receiver of stolen goods. If, however, A were a trustee, the character of the business would be material in considering whether the trust was one which equity would carry into execution.

My Lords, in the present case you will find that the testator has given his residuary estate through the medium of trustees for sale and conversion to the Secular Society, Limited, and the question is as to the validity of this gift. There is no doubt as to the certainty of the subject-matter or as to the testator's disposing power, or as to the validity of his will. So far as the conditions essential to the validity of the gift are concerned, the only doubt is as to the capacity of the donee.

(To be continued.)

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.

INDOOR.

SOUTH PLACE INSTITUTE (South Place, Moorgate Street, E.C.): 7. Public Meeting, following the Annual Conference of the N. S. S. Speakers: Messrs. C. Cohen, J. T. Lloyd, W. Heaford, A. B. Moss, A. D. Howell Smith, B.A., F. Willis, and Mrs. Bradlaugh Bonner.

OUTDOOR.

BETHNAL GREEN BRANCH N. S. S. (Victoria Park, near the Fountain): No meeting.

FINSBURY PARK N. S. S.: No meeting.

KINGSLAND BRANCH N. S. S. (corner of Ridley Road): No meeting.

NORTH LONDON BRANCH N. S. S. (Parliament Hill): No meeting.

REGENT'S PARK N. S. S.: No meeting.

SOUTH LONDON BRANCH N.S.S. (Brockwell Park): No meeting.

WEST HAM BRANCH N. S. S. (outside Maryland Point Station): No meeting.

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