

# LUCIFER

## THE LIGHT-BEARER.

NEW SERIES, VOL. 4, No. 47.

VALLEY FALLS, MARCH 11, E. M. 287.

WHOLE No. 180

### LUCIFER--THE LIGHT-BEARER.

**PUBLISHED WEEKLY.**  
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**PHOTOGRAPHS OF THE "PRISONERS."**  
To gratify many friends who have asked for pictures of the "unlawfully-wedded couple," and to help to defray the expenses of the defense, we offer below photographs of Lillian Harman and E. C. Walker. Lillian has never sat for cabinet negative, so we can offer only a carte de visite of her, and that from a negative taken considerably more than a year ago. Prices: Cards of E. C. Walker and Lillian Harman, Each..... 25c  
One of each..... 30c  
Cabinets of E. C. Walker..... 40c  
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**A Small Boy's Sport.**  
Thus far defects are found in every account of the origin of the solar system. The time has come for an absolutely correct history, which shall be rigid in criticism and gloss over no defects due to carelessness or incapacity of the managers. Certain eminent writers have made discoveries, but none has completed the work. Mr. Spencer's best service was to ascertain the name of the alleged projector of the scheme, whom he calls Unknowable. Mr. and Mrs. Unknowable have a large family of grown up sons and daughters who aid them in arranging matter in various forms of which we know nothing, except

that the general plan is as much superior to that of our solar system, as order is superior to chance.

They have a younger son who, when a small child, was a great trial to Mrs. Unknowable. He was full of tricks and energy but contrary and peevish, as many small children are.

One evening when Mr. U. came in from work his spouse was clear discouraged.

"I don't know what to do with little Jehovah," she began. "He worries the life out of me."

"Come here, sir."

"I don't know what to do with little Jehovah," she began. "He worries the life out of me."

"I ain't got noffin to play with."

"What has become of those two comets I gave you?"

"Em got broken."

"Give him some nebulae," suggested Mrs. Unknowable.

"I won't have nebulae," screamed Jehovah.

"Very well," said his father, "I have none to spare anyhow."

"I want some nebulae," shrieked the child, kicking violently.

"Not a bit, until morning. Go to bed."

Jehovah went to sleep and dreamed of things he would make in imitation of his parents. He was given a generous wad of nebula and told to keep out of the way of regular universe architects.

After trifling his time away accomplishing nothing, his father tried to explain some of the universal laws so he could work methodically. The child could understand only gravitation, and motion in the line of least resistance. He chose these laws, and when the mass became hot Jehovah began to cry. When partially cool, he found, instead of one mass, several dozen small globes, whirling in and out in a manner that bewildered him. He touched one it would burst out at some point and burn his fingers. He grew angry and struck one of the globes a blow that scattered it into fragments, each of which became a globe. No sooner would a globe get cool than he would discover a mould forming upon it.

"About what I expected," exclaimed old Mr. Unknowable. "Here, take this microscope, study the mould, then you will see what botch-work you have caused."

Jehovah found much amusement in examinations. He saw forests with animals. "Pa," said he, "there is live things, and they eat each other up!"

"That is because the line of least resistance impels them to assimilate protoplasm already accumulated in less powerful organisms," replied his father.

"But they fall off of high rocks and get smashed!"

"That is your gravitation."

"I guess I can stand it if you can," said Jehovah resignedly.

The animated objects gradually changed their forms, until the lad was startled to find some of them really like himself although they continued to eat one another. Then they would kill each other without eating the remains, but still devouring the older forms of animals.

"Pa, how old am I?"

"Eight last birthday."

"Well, I see a nice man going around doing wonders but hurting nobody, and the other folks call him my son. How is it?"

"The conception is purely subjective," said his parent. "I guess I'll clean off the mould and use the worlds for marbles. That earth will make a nice comoney and Neptune is a good alley."

"Don't do it yet. Give the people a chance."

"But they all the time kill each other. They fight in large crowds, and when half are killed, a few own everything and the

rest starve to death. I don't see any sense in it. Won't you take the stuff and mix it into your work? I'm tired of it."

"Try and influence a few prophets to instruct the masses what to do. Start a paper for this purpose and call it LUCIFER. If that fails I will do as you say."

Thus the matter stands. Our only hope is to reform, or be fused again, and then be made up in a sensible manner.

### Wise Motherhood.

What the race needs is intelligent, competent, educated motherhood, as the fountain from which knowledge and pure teaching shall flow to quicken the higher nature, and associate its force with the impulse of quickened maturity.

Instead of considering woman as the provision of the Creator to satisfy unregulated impulses, and wifehood as ordained to save him from illegal associations, and to serve as the natural supply for an appetite which he is irresponsible to regulate and become master of, every youth should be taught the wonderful delicacy of woman's nature, and her capacity for suffering as the mother of men and the builder of the race. Thus trained by mothers, sons would not begin their "holy matrimony" by committing rape; and sons born of mothers who possess a right to control their own bodies, and choose when they shall peril their life and go down to death to give life to a child, would have no disposition to make woman a living sacrifice to their desires. Intellectual culture, even experience as a husband, fails to turn men from darkness to light.

The habit of right thought concerning sex relations and functions, is the first step in culture and the first civilizer of the "grand untamed life forces."

These habits of thought are much easier rooted in the minds of children before the untamed forces assert themselves. Appetite for food is imperious in healthy children. They would act like two-legged pigs were they never controlled by thought and subject to the refining influence of restraint and cultured manners at a civilized table.—LUCINDA B. CHANDLER, in "What is Social Purity?"

### Romanism or, Danger Ahead.

Mr. Harman: Dear Sir: Please send me "Romanism; or, Danger Ahead."

I wish I was able to send for one hundred for circulation. The American people need to be spurred up upon this subject, and placed on their guard against the worst enemy to secularism.

This Danger Ahead is fast approaching us if we are to judge from what we see and hear. Romanism is becoming more and more bold every year in her demands for public funds, and one of these days she will attempt to take them by force, and I fear it will be the bloodiest conflict the world has ever witnessed.

In the first breaking out many of the other christian denomination will join the Catholics against Infidels of all classes. If it were going to be an open field battle we would have but little to fear, but they (the Catholics) are full of deception and treachery. They will come upon us like thieves in the night. Our nearest and best neighbors will cut our throats if his priest tells him to do so.

I have taken up my pen several times to write to Mrs. Walker, E. C.'s mother, but some how I get so indignant to think of the treatment of the prisoners that I am obliged to wait until I can say something without too much fire in it. But I will write soon.

I was sorry to see more trouble added to your already heavy burden, but was glad that you met with at least a little humanity, and hope your hearing will be before men any not before intolerant bigots.

Am glad to hear the little word from the prisoners. I see many are not in favor of their action in insisting not to pay costs. I am glad to see them stand out firm and resolute, at least until the

decision of the Supreme Court. Am anxious to see if there is any justice in the so-called Supreme Court of the State of Kansas. If not, then I hope every lover of freedom will flee from Kansas as they would from the wilds of Africa, and forever leave the state to the owls and bats of superstition.

Most Sincerely,  
S. NELLSON, J. L.  
Northfield Minn., March 3.

### Plain Talk.

EDITOR LUCIFER: I seize my pen instantly, hoping to dispel learned ignorance. In the article of Feb. 18th, in Lucifer, entitled "Hints about the Teachings of Natural History, by a proletary," and under the head of "Anarchical Nomenclature," I find a frequent repetition of such words as sociology, biology, cosmology, exploitation, plutocracy, proletarians, etcetera, etcetera. Now, Proletary wonders why common people are so ignorant—why they take no interest in Science—why they do not patronize certain labor and reform papers more liberally and steadily. One primary reason is this use of "big words," the meaning of which to discover requires a constant use of the dictionary, a thing few laboring men and women have at hand, or the time to consult if they have it.

One thing our reform journals and writers should reform, and that is the use of words and terms not understood by the uneducated. I am a patron of several advance thought journals, in the columns of which I see valuable thoughts and lots of printer's ink thrown away in an effort to be heard by the "proletariat."

I am a farmer; have, I think, a fair education, and have always been a newspaper reader, and, to some extent, a writer, I know that people who have but little education, and have not a dictionary at hand, are constantly "disgruntled," if not disgusted, at so many "scientific" words in reform journals, which, otherwise, they would cheerfully patronize, and whose valuable writings they would understand were the full meaning presented to them in plain words.

Many of the words used by reformers are not found in small dictionaries, and some of them in none at all. The grammar and punctuations in several reform journals, and the "license of language" in others, are often faulty and defeat the supposed brevity and comprehensiveness of ideas by their writers, to a large portion of their readers.

I have often thought of writing to publishers of such faulty journals in order to get at this style of literature—throwing pearls before swine, but I should not have done it now but for the stinging charge of ignorance and apathy for reform literature made in the article by Proletary, which I have been just reading. Such earnest and valuable writers do not comprehend the condition of the laboring classes in this particular, and the sooner they do the more they will accomplish by interesting the people, to whom much of their writing is mere jargon.

Respectfully submitted,  
E. M. D.

### Productive Capital.

Zeno "must be a communist" as far as land is concerned; but to say this seems a poor answer to his reasoning. It is quite as good, however, as when to disprove the reasoning of Mr. Ingalls it is averred that he is one.

"Abstractly" and concretely "capital (or wealth) is the result of labor." The steam plow is the result of one man's labor, the wheat of another's. There is no economical reason why a part of the wheat should be given for the use of the plow, any more than why a part of the plow should be given for the use of the wheat required to feed the maker of the plow and for the production of which alone the plow is required at all. Plows and wheat are exchangeable products of

labor. Payment for use of either is not an exchange, but a tribute, by which the one is consumed, while the other remains; Ingalls' steam plow is kept whole. Payment for the proportion in which plow or wheat is consumed is not payment for use, but for consumption, and "if I could not see this difference" I would reconstruct, not farther "differentiate" my logical faculties.

The steam plow, moreover, has quite a tangible amount of "land" in it, iron and wood, and can be made useful only by a still farther appropriation of the matter and forces of nature in the form of coals and water; how a tax can be had from its use in any essential sense different from rent, can only be seen by minds differentiated to a high degree. The dilemma in which Mr. Clark, one of Mr. George's pupils, has placed him, showing the inconsistency of taxing the land, and not the pen with which Mr. George wrote Progress and Poverty, gives no escape to the "Tax Reform," but to confiscate interest and profits as well as rent.

Mr. George has never proposed to kill rent, but merely to create a state device to confiscate the mutton after the wolf had got in his deadly work, and to be returned not to Zeno, the proper owner of the sheep, but to all the subjects of the state including the wolf, under the innocent impression that an infinitesimal amount would be returned to the true owner after the mutton had passed through the jaws of the wolf and the "paternal" care of the state.

J. K. INDALLS.

### Dear Harman:

In carefully reading the "Letters from Friends" in Lucifer of the 11th ult. that of Moses Hull seems to me the most pertinent to the case and I cannot refrain from seconding his suggestion. Please count my dollar for the same worthy purpose.

This miserable farce, wholesale theft, cowardly prosecution, vindictive persecution, dictatorial usurpation of all rights and enforcement of silence of speech and pen of the prisoners has become, to me, unbearable.

"POOR BLEEDING KANSAS." Was it for this your blood was shed? Was it for this your citizens might be imprisoned, time unlimited, and insulted and persecuted for attending to their own business, and wronging no one in thought or deed? Was it that all freedom was to be forgotten, all honor ignored, all liberty to consist in being lickspittles, and following blindly in the wake of priests and demagogues, and paying tithes to a horde of pettifoggers and charlatans? Was it for this, I ask, that your admission as a so-called "free (?) state" drenched a nation of 50,000,000 people in blood, made 300,000 widows and orphans, and filled the land with maimed and hopeless? If it was these, truly are you filling your mission; if it was not these, for very shame and for the love of mercy, justice and right, awake from this lull Van Winkle sleep, shake off this lethargy and act, that your sons and daughters may not longer blush at your name or shame to own their home, that we may no longer be a hissing and a by-word, a reproach and a stigma to our nation, and the butt of ridicule to other states, where all these things have not wholly perished and been forgotten. Convey my regards to the martyrs, and kindly remembrance to Brothers Hull and Kelso. More anon. Doc.

Aunt Elmira (Mrs. Drake Slenker) has found her proper sphere. No one in the Liberal ranks is more capable of talking to children with their pen than this woman. The lessons she gives to the little folks in this little volume of one hundred pages are every one of them scientific lessons. This volume is worth more than a whole Sunday School library. Could we have had such a book in our childhood, teaching us what the stars are, how large they are, how far from the earth, how fast their light travels, &c., we might have dispelled much dense ignorance we have been compelled to wade through.

Every lesson in this book is taken from Nature; the six chapters on "Life and Her Children" are worth more than the price of the book.—Now Thought.

Price 40 cts. For sale at this office.

# LUCIFER

VALLEY FALLS, KAN., March 11, 1887.

MOSES HARMAN & E. C. WALKER  
EDITORS.

M. HARMAN AND GEO. S. HARMAN  
PUBLISHERS.

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Perfect Freedom of Thought and Action for every individual within the limits of his own personality.  
Self-Government the only true Government  
Liberty and responsibility the only Basis of Morality.

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## The Defence Fund.

Previously acknowledged from  
139 names..... \$280.02  
A Friend, Mass..... 1.00  
D. S. Jones, Kan..... 2.00

The Jefferson County (Kan.) Auxiliary Society for the suppression of Procc-thought literature (sometimes called the Comstock Vice Society) will certainly receive the premium at the next annual meeting of that worthy organization, for diligence and zeal in the cause of said suppression.

The Simon Comedy Co. appeared in their initial performance in this city last Wednesday evening, presenting the celebrated drama of western life entitled, "My Partner." The play is an excellent one, containing many wholesome moral lessons and running over with fun, and was admirably rendered, especially so the characters of the Major, Posey and Mary Brandon. To-night they appear in "Rip Van Winkle" and to-morrow night in "Mountain Pink." All who have seen this troupe unhesitatingly pronounce it the best show of the season. Admission, 15, 25, and 35 cents.

Anything for human rights is constitutional. No learning in books, no skill acquired in courts, no sharpness of forensic dialects, no cunning in splitting hairs can impair the vigor thereof. This is the Supreme Law of the land, any thing in the Constitution or laws of the state to the contrary notwithstanding.—Charles Sumner.

[If "anything for human rights is constitutional," then anything against human rights is unconstitutional. The so-called marriage laws of Kansas invade human rights, therefore they are unconstitutional and should be ignored, disregarded and repealed.]

## Not Suppressed.

The past week the associated press has continued notices regarding the suppression of Lucifer, a paper published at Valley Falls, Kansas. It has continued to come to this office, and bears every evidence of continued life and vigor. Valley Falls has a few people who evidently have more religion than sense, to rake up a copy of the paper nine months old to find grounds for persecution, for little nothing but sheer persecution, and instead of injuring the cause of Lucifer, they are strengthening its support from every quarter. This will be a grand world when people learn to attend to their own business.—American Non-Confessionist, Winfield, Kan.

The Junior publisher paid a flying visit this week to the "spirits in prison." He found them in fair health and not in the least daunted by the technically adverse decision of the Kansas supreme court. Like some others who are still on the outside, they had learned by experience to be surprised at nothing—as astonished at nothing that might come from Kansas judges. There was a noted Knight of the olden time who chose as a motto for his shield, "I endure"—and this henceforth, as it now seems, must be the motto of those whose crime is that they, by minding their own business, have provoked the wrath of their self-righteous neighbors.

## PRACTICAL CO-OPERATION.

By E. C. WALKER.

Some hints as to the methods of Self-help and Voluntary Mutualism. Price, 10 cts.

## THE ARREST.

Two or three letters have been received by us expressing surprise that we say so little about the recent arrest of the publishers of LUCIFER on the charge of violating the Comstock postal laws. We have said but little for the simple reason that we know but little. We have as yet had no examination and therefore can only guess who it is that are our real persecutors. True, we heard on what we think reasonably good evidence, that a leading clergyman, a prominent physician and churchman, a banker and a hotel keeper are responsible for this fresh turn of the Inquisitorial wheel, and we wish to do injustice to no one, and so shall not publish names till we have better evidence. It now seems most probable that the particular copy of the paper that will be used as evidence by the prosecution, was sent through the mails in answer to a decoy letter received by us in July last.

As already stated, we have had no examination. Our attorney, Mr. Overmyer, thought it best to waive examination and let the charge go to the U. S. grand jury, which met in Topeka, April 11th prox.

As to the charge itself, that of sending obscene matter through the mails, we will just say that we know of no standards by which to judge whether any given language is "obscene" or not. The word "obscene" means offensive to the sight, but is used to mean that which is of a lewd or immoral tendency. Then it must necessarily be a matter of opinion, of taste, as to whether any particular book, writing, picture or statue is obscene or not. It is evident that much will depend upon the eyes or the mind of him who reads the book or other writing, or who looks upon the picture or statue. If a man or woman have a lewd or lecherous mind he or she may easily see lewdness in what to the pure-minded would be pure, wholesome and very instructive. "To the pure all things are pure," and it is equally true that to the vile all things are vile.

## AT LAST.

At last, after several months of waiting on the slow grinding of the judicial mill a decision has been rendered in the appeal case of the State of Kansas vs. Edwin Walker and Lillian Harman on a charge of living together "as husband and wife without being married." Technically we have lost, but substantially we have won a great victory. Our enemies undertook to show that the defendants were not married, and that living together without being married is a crime worthy of such severe punishment as the 12th section of the marriage act prescribes. The prosecution have utterly failed to make good either of these counts. Our contention has been that people have the right to make their own marriage contracts without the aid of church or state officers, and that they have the right to put their own construction upon what it is that constitutes marriage. These points have been virtually conceded to us. We have contended for woman's right to control her own person in marriage and her right to retain her own name. Justice Horton says "If Lillian Harman desires to retain her own name I can perceive no objection to her doing so;" also: "A married woman" "has the same control of her person and property as her husband." Also: "The wife does not merge her individuality as a legal person in that of her husband."

Concessions such as these have never before been made, so far as we know, by the highest judiciary of any state.

It will be asked "how is it possible then, that these persons can be adjudged to be criminals and punished as such when the court virtually concedes that they are not guilty of the charge under which they are prosecuted? How is it possible to convict them of living together without being married" without first declaring that these parties were not married at all at the time of such living together?"

The answer to this is given in the syllabus which we give herewith, viz:

1. The mutual present assent to immediate marriage by persons capable of assuming that relation, is sufficient to constitute marriage at common law; and such a marriage will be sustained in this state where its validity is directly drawn in question.

2. The legislature has full power, not to prohibit, but to prescribe reasonable regulations relating to marriage, and a provision prescribing penalties against those who solemnize or contract mar-

riage contrary to statutory command is within legislative authority.

3. Punishment may be inflicted upon those who enter the marriage relation in disregard of the prescribed statutory requirements without rendering the marriage itself void.

4. Under section 12 of the marriage act, all persons who enter the marriage relation, and live together as man and wife without complying with the conditions and regulations of the act, are guilty of a misdemeanor and subject to the punishment imposed by that section. All the justices concurring.

A true copy.  
Attest:  
C. J. Brown,  
Clerk Supreme Court.  
I, C. J. Brown, clerk of the supreme court of the State of Kansas, do hereby certify that the foregoing are true and correct copies of the syllabus in the above entitled case, as the same appears on file in my office.

Witness my hand and the seal of the supreme court hereto attached, at my office, in Topeka, this 5th day of March, A. D. 1887.

C. J. Brown,  
Clerk Supreme Court.

The first and third clauses of Judge Horton's "concurring opinion" are as follow:

Chief Justice Horton filed a concurring opinion as follows:

Upon the record as presented to us, the question in my opinion for consideration, is not whether Edwin Walker and Lillian Harman are married, but whether in marrying, or rather in living together as man and wife, they have observed the statutory requirements.

My construction of these provisions is, that a ceremonial marriage must be celebrated in conformity therewith, and that any persons living together as man and wife without being married according to these directions, are liable to the penalty thereof. I do not say, nor do I intend to intimate, that a "consensual marriage" is not valid, but the legislature has the right to require parties assuming the marriage relation, to have the marriage entered into publicly, and a record made of the same. This I think the purpose of the statutory regulations.

The charge then, upon which this prosecution rests is thus clearly changed from one of living together without being married, to one of violation of regulations designed to secure a record of their marriage. Judge Horton expressly declares that the question as to "whether the parties are married or not, is not the issue. They may be validly married. This much he is willing to concede, but with a stroke of legerdemain, worthy only of a pettifogging lawyer he changes the nature of the charge to something entirely different. He seems utterly oblivious to the fact that if the parties are married they cannot lawfully be punished for living together without being married.

But we forbear further comment for this issue, simply asking our legal friends to give some of their spare moments to a consideration of the points of this decision.

## THE APPEAL.

### What it Means.

(Continued from last week.)

In last issue we attempted to show what our appeal from the district court to the supreme court of Kansas does not mean. Now, in as few words as possible, we wish to say,

Secondly and affirmatively, that by this appeal we ask the superior court to affirm that the statutes of Kansas mean just what they say when they state that "marriage in Kansas is a civil contract." If marriage is a civil contract then it should be so treated, and not be loaded down with restrictions and penalties and disabilities such as are not laid upon other civil contracts. The statute says the "consent of the parties is essential" to the marriage contract, and as nothing else is mentioned as essential, we legitimately infer that nothing else is claimed to be essential. If the court takes the ground that anything else is essential then it must maintain that a woman and a man cannot marry themselves. In other words, that a man and woman never get old enough or wise enough to transact their own business without aid from the State. Then it follows that the citizen is not a sovereign at all, but that he is always a subject, or minor ward of the state, which takes the relation of guardian or parent towards all its citizens. It was against this idea of paternal rulership on the part of human governments that our forefathers revolted when they laid down the bed-rock principle that all men are "created free and equal" and that they were endowed by nature with certain "inalienable rights," among which rights are "life, liberty, and pursuit of happiness." If men and women cannot

pursue happiness in their own way so long as they do not invade the equal rights of their neighbor, without asking leave of state officials, then the so-called "bill of rights" is a fraud—it is a transparent lie.

We repeat and emphasize:

Our appeal means, our legal contention means that if marriage be only a "civil contract" to those who choose to make it such, as the statute expressly declares, then it legitimately follows that this civil contract should be subject to the restrictions and limitations put upon other civil contracts, and no more. In all other contracts the contracting parties have the natural and civil right to make their contracts to suit themselves so long and so far as they do not thereby contemplate the invasion of the personal and property rights of other parties. In forming a business association, for instance, two or more parties may form a partnership for life, and to include business of all kinds, or they may limit it as to time and to particular kinds or lines of business. So of the partnership called marriage. If the parties choose to make it, not a sacramental rite but, simply a civil contract, then everything inconsistent with or conflicting with this idea of contract should be eliminated from it, and the question to be asked by the judges is simply this:

"Were these parties, Edwin Walker and Lillian Harman, competent persons to make a civil contract, and if so, did they, in forming this contract, commit or propose to commit a crime against the personal or property rights of any person or persons. If not, then they have done only that which was their civil right to do. Any law or any interpretation of law that denies or infringes upon the freedom of contract is unconstitutional and void. We find in the evidence nothing that indicates an intention to commit crime; on the other hand there was a clear, frank statement of pure motives and highly honorable intentions. The evidence before us seems to indicate that this prosecution is simply a persecution for conscience sake. The decision of the lower court is reversed."

It was the hope of securing a broad and, as we deem, just interpretation of the Kansas statute that we have gone to the trouble and expense of carrying our case by appeal to the highest judicial tribunal in the state of Kansas. The case was submitted to them on the 8th day of January last, and now after nearly two months waiting we find our hopes for justice and humanity again defeated. Perhaps we were wrong and even foolish in ever entertaining such hopes. Indeed our hopes of justice from Kansas judges have never been sanguine. Soon after the first steps in the appeal were taken, in speaking thereof we printed these words of warning to our friends who might be disposed to take a sanguine view of the matter:

"But will the supreme court do nothing? Blessed are they who expect nothing for they shall not be disappointed. There may be honorable exceptions, but hitherto our observations convince us that Kansas judges are politicians first and jurists afterwards. The conscience of the judge is in the keeping of the voter, and the conscience of the average voter is in the keeping of the clergy."

This premonition has just been fulfilled or realized.

"DECISION OF THE SUPREME COURT."

On Sunday, the 6th inst, we received from the clerk of the supreme court a document headed as above, which proceeds to say:

The "autonomistic marriage" is declared illegal. The judgment of the District Court of Jefferson county, and the conviction of E. C. Walker and Lillian Harman, affirmed.

On September 19, 1886, E. C. Walker and Lillian Harman entered into what they called an "autonomistic marriage," at the home of Moses Harman, the father of Lillian, at Valley Falls, in Jefferson county.

They refused to take out any marriage license, and also refused to have any person authorized by law, perform any marriage ceremony. Soon afterward they were arrested for the violation of the provision of the law regarding marriage, and subsequently tried and convicted. E. C. Walker was sentenced to the jail of Jefferson county for a period of seventy-five days, and Lillian Harman was sentenced for forty-five days. They were required to pay all the costs of the prosecution. The time of imprisonment of the parties has expired, but they are still in jail on account of their failure to pay the costs. From the judgment and

sentence of the District Court they appealed to the Supreme Court of the State. On yesterday, the opinion of the court was handed down, affirming the judgment of the District Court. The principal opinion in the case was written by Mr. Justice Johnson. The court declares the legislature has the power to prescribe reasonable regulations relating to marriage, and that punishment may be inflicted upon those who enter the marriage relation in disregard of the prescribed statutory requirements.

Before proceeding to quote the opinion of Chief Justice Horton, as given in this document we wish to enter our protest against the declaration made in the last sentence of the quotation just given.

First, With all the respect due from one citizen to another we ask the three citizens who have acted as umpires in this disputed case, to tell us on what authority they say that the "legislature has power to prescribe reasonable regulations relating to marriage." Where do the legislators get such power? Do they possess this power by natural right as citizens and equal sovereigns of Kansas? In other words, while it is freely granted that the legislators have the right to regulate their own marriage relations, the question is, have they the right as citizens to regulate the marriage relations of their neighbors? The judges will not affirm that as citizens they have any such right. Then, we ask, if they have no such right or power as citizens, where do they get such right as legislators? As legislators they are not above the average citizen, neither are they below him. As legislators they can do anything that the citizen may rightfully do, and no more! As representatives they represent citizens—they act as delegates, for citizens, but the citizen who stays at home cannot delegate to his representative in Topeka a power or a right that he does not himself possess.

And citizens in the aggregate—the collectivity or the majority—have no rights not possessed by the individual members of that aggregate or collectivity, for natural and civil rights do not increase as numbers of individuals increase. If the premise be assumed that the majority or collectivity has or should have rights and powers different from and superior to the rights and powers that inhere in the individuals composing such majority then we have the ground-work of a despotism more dangerous, because less amenable to reason, than the despotism that inheres in monarchies and aristocracies.

If then the legislator is only a citizen and a delegate of citizens we ask how or where he gets the authority to make or vote for such a law as this:

Any persons living together in this state as man and wife without being married shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not less than thirty days nor more than three months, or by fine not less than \$500 nor more than \$1000.

Sex-association is a natural right based upon a natural appetite, just as eating and drinking are natural rights based upon natural appetites. The legislature has just as much right to regulate the personal habits of the citizen in regard to satisfying his appetite for sex-association as it has to regulate the personal habits of the citizen in regard to satisfying his appetites for food and drink—and no more.

Moses Harman writes us that he and his son have been arrested. They are charged with sending Lucifer through the U. S. mail, and are undoubtedly guilty. The further charge is made that Lucifer is an obscene publication. We have read Lucifer for four years without ever having a suspicion that we were reading obscene literature. Now that we have learned that it is obscene we shall read it more carefully. The Harman has been dragged off to Topeka for trial, and if power enough can be brought to bear on the case, will be railroaded through to state-prison. The same followers of the "weak and lowly Jesus," who understand us ready to pounce upon Walker as soon as he comes out of jail.—Moses Hull in New Thought, Des Moines, Iowa.

February 23rd Moses and George S. Harman, publishers of Lucifer, were arrested for mailing alleged "obscene" literature (Lucifer, July 2nd, '86) and bailed for examination March 6th; more than ever before will they now have the sympathy and solid aid of all disinterested citizens; address them at Valley Falls, Kansas.—E. H. Heywood in "Word" Princeton, Mass.

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### To Sada Bally Fowler.

[Concluded from Feb. 18.]

One point more, and I will let you be for this time. All of you believe in marriage. Nearly all who have criticized me have no higher ideal than a perfectly mutual and voluntary marriage. That is what they understand by freedom. "The freedom of contract," they call it; as though slavery could be transformed into freedom, by merely labeling it *voluntary bondage*. But they do just that. They really think they are advocating freedom, and I merely interfering with what is none of my business. I did call them radicals in embryo, but I am inclined, more and more, to recall it. They have not progressed that far. They are not yet conceived of the holy ghost of freedom. You are somewhat more logical. You do not pretend that it is freedom. You think we cannot have freedom just yet. We must have marriage until we can have "the industrial home and family." To me this is another gloomy conclusion. You aspire to freedom, believe in it, pray for it; but you do not dare to reach right out and take it. By and by you will get desperate, will be seized with a "hunger for law-breaking." Won't? Too conscientious? Certainly, I ought to have thought of that. Who can help loving women? They are so innocent.

But you say the children must have homes. We must have the isolated, monogamic home till we can have the "industrial home and family." Why must we? Is there no other plan but just those two? And are you sure the people will allow you to organize an industrial home on any other basis than monogamy? If so, I think you are "reckoning without your host." I think, had there been two or more autonomous marriages instead of one, among the Lucifer fraternity, or had either of them married more than one lover, there would, to-day, have been no Lucifer fraternity. You give your opponents too little credit for their earnestness in this matter. You do not realize how conscientious they are. The idea of an institution, based on sexual freedom, is just what they abhor, the very thing they are most certain never to tolerate. Individuals here and there, can do what they please, unless they talk too much, or publish a radical paper; but they must not presume to congregate or organize. That is what your opponents insist upon, and what the law will insist upon, and if they had not the law they would employ dynamite. On the other hand, suppose that any number of women should refuse to marry, refuse to build up any monogamic home, refuse to become any man's slave, but should still assert their right to have babies wherever they wanted them. What can the world do about it? The law cannot punish a woman for having a baby. If the state were to undertake that the question would be settled.

But you think women should have a "guarantee" of assistance in the care of children. Let us examine that. In a true love relation the blessing is reciprocal. There is, therefore, no obligation growing out of the relation itself. Again; the relationship must not result in offspring, except at the option of the woman. We all agree to that. But if the woman, if both, desire offspring, the blessings are still equal. Neither of the parents owes the other anything. They are under no obligation to each other. Are they under any to their children? What has it done to lay its parents under obligation? Everybody knows the obligation (if there be any, where there was a desire and a deliberate purpose to beget the child,) is all the other way. There is, then, no obligation, no duty that lovers owe to each other, or to their children; and if there were, it would do no good. We all do as we please, if we can. If there were nothing but the obligation that men are under to make them care for their children, the next generation would not survive. There would be "none left to tell the tale." We all know that men love their children, that men love women, and women men; and we ought to know that this love is the real guarantee. If the love cannot be relied on, nothing can. The remedy is in seeking a more worthy lover, not in trying to brace up an unworthy one by means of arbitrary pledges before witnesses, or otherwise. Let me ask; in your industrial home, is the father still to help care for his children? If not, why not? Is the sexual relation still to be publicly announced? If so, are all subsequent relations to be announced also, as well as the first one? Freedom includes the right to form new relations at any time. It may be unwise to do so, but there is no freedom without this right. If I were

actually to form several relations with as many different women, without announcing any of them, and then afterward form one more, and announce it by what I would denominate an autonomous marriage ceremony, and when arrested by the state on the charge of cohabiting without being married, if I answer that I am legally and truly married, just as the law requires; I intend to fulfill the law in good faith; will not this answer make my marriage just like any other marriage, whether I first intended it to be so or not? Do I not thus subscribe to the principle of marriage according to the state's definition, and do I not surrender the definition of the word that you and the Lucifer fraternity seek to give it? Do I not deceive the people as to my other relations? If not, if I am acting in good faith with the state, if I have honestly and truly accepted the state's definition, then have I kept faith with all my lovers? Have I not, indeed, abandoned them, all except the last one, and my honor also? I might ask many more such questions, all pertinent to the subject we are grappling with; but these will suffice for this time. They are sufficient to show that the subject is one for deep, earnest, and not for superficial dogmatizing and mere partisan personalities. I like the spirit of your article, (in Lucifer of Jan. 23) and I cheerfully acknowledge that you may, very often, be nearer right than I. If you still think me in error, please show me just where the mistake is. A. WARNER, Wichita Falls, Texas.

### Graduated Land Tax.

The destruction of privilege that builds up monopolies, seems to me to be the foundation of true and lasting reform. Woman must have a chance to gain a livelihood in order to destroy her dependence on man. She can never be free as long as the system in vogue compels this dependence.

Among the privileges to be destroyed is the privilege to monopolize the soil, and compel the payment of rent. The privilege to demand interest through the monopoly of circulating credit; also privilege to speculate with profit, interest, in corporate power, protective tariff, monopoly of natural material, etc. I believe that Mr. Henry George is right on the land question except in the proposed remedy. I claim that every one that so desires, shall have at least 160 acres of soil for actual use, and a home free from all taxation and rent.

Now in order to destroy monopoly of the soil, and to establish a system of taxation more consistent with equity and justice than are the present modes of taxation, I propose a graduated land tax. The power that should defend us from foreign invasion, and restrain those among us who injure others against their consent, might levy a tax of say five per cent on the assessed valuation on the second 160 acres that any one might want to use, and ten per cent on the third, fifteen per cent on the fourth, and twenty per cent on the fifth, &c.

This I claim, will destroy the monopoly, and at the same time would not drive the farmer of small means out of existence, as would, it seem to me, the remedy proposed in Progress and Poverty. Of course this tax should apply only to soil for cultivation, and not land rich in coal and timber, or other natural wealth.

I would like to hear from all the readers of Lucifer who would favor such a tax, and respectfully request "Edgeworth," "C. T. Fowler," and others who I am sure will criticize my position, to address me at Clear Spring, Neb.

Believing that a graduated land tax would be a grand advance toward justice, I submit this to the intelligent readers of Lucifer.

J. MADISON HOOK.

Rev. Clark Braden commenced his series of religious lectures at the M. E. church last Saturday evening, and has had crowded houses ever since. He lectured at the Congregational church Sunday afternoon at three o'clock. Sunday evening he lectured at the M. E. church and has been holding forth there ever since. He has stirred up his Satanic Majesty, Lucifer's presiding genius, as he has never before been stirred, and the next issue of that sheet will probably pour forth a mollen stream of maledictions against the only public speaker, so far as we have been able to discover, that has had the courage to stand up and call the publishers of Lucifer by their right name, and to brand its teachings as only they deserve. Mr. Braden will conclude his course of lectures here Friday evening, and it is our belief that he will have aroused a sentiment here on different points that will insure to the everlasting benefit of the community socially, morally, intellectually and financially.—New Era, Valley Falls, Kan.

"Lucifer," the free-love paper, published at Valley Falls, Kansas, came brimful in to us this week. Its editors and editors are behind the bars at Topeka for publishing and circulating a paper that advocates that humans should dress in the manner as cattle, horses and other animals, not even to musketeer-bark cloth, and in company talk about everything, &c.—Progress, Independence, Mo

### Elmina's Why Is It

Provokes a question, asked in the good faith of ignorance and not in ignorance of good faith; for I have not kept the trail of that lady, and though there is a suspicion of Alphonism about her, I do not regard her as a hypocrite dyed in the wool.

Does she repudiate the marriage laws and institutions of civilization? If so, I see nothing objectionable in her article, though some misapprehension of natural sentiments. But if she do not repudiate marriage, I ask whether she does not feel the absurdity of pretending to reconcile with it, the sort of independence which she advocates in the bosom of the family by the wife's receipt of wages?

A man may be a sincere liberal and yet uphold marriage; just as might a slaveholder of Greece or of Cuba; limitation of privilege to a sex, a class or a race, being the understood condition of their liberty; but a woman cannot be a sincere liberal (unless in the country of the Amazons), without repudiating marriage, which is not to be whittled away by any modifications of its ceremonial, and which means the sexual subjection of woman to the plenary authority of Man, the State and the Church back of him.

There are a set of folks (I do not class Elmina among them) who nibble at reforms, who speculate on small investments of sympathy with reformers, but never lose sight of "the main chance" and respectability. Such, like parson Jones in the Health Monthly, pretend to moralize husbands without touching the consecrated authority of marriages. They want free government, as if the freedom of the governors were not the slavery of the governed. EDGEWORTH.

VALLEY FALLS, KAN., Feb. 28, '87.

EDITOR LUCIFER: Dear Sir:—I append below the proposition I will debate with any Infidel who has one-tenth the endorsement I have.

I insist that the Infidel do for his infidelity just what he wants me to do for Christianity.

I will do for Christianity just what I want the Infidel to do for infidelity.

I will debate on no other terms than those appended below.

Now, when a representative infidel can be found, who is manly enough to debate on fair, honorable terms, let me know.

Yours for truth and fair, manly discussion,  
CLARK BRADEN.

1. That the great ideas of and general principles of Christianity, as taught in the fuculations of the Bible, harmonize with a right use of human reason,—will they secure the highest exercise of human reason; and will they secure to man all the progress and happiness, here and hereafter, of which he is capable? Braden affirms.

2. Do the great ideas and general principles of Socialism harmonize with a right use of human reason,—will they secure the highest exercise of human reason; and are they sufficient,—without the ideas of God, spirit, future life—and any ideas necessarily based on those—to secure to man all the happiness and progress of which he is capable? Secularist affirms.

Proviso.—Nothing whatever shall be charged upon Christianity or Secularism unless it is presented by the representative of Christianity or Secularism; or read in the language of the Bible or standards of Secularism.

Mr. Braden refuses to affirm the notions of theologians. To have them substituted for the utterances of the Bible. To have them forced on him to defend as the teachings of the Bible. He refuses to have the language of the Bible set to one side and have the language of men substituted for it. Mr. Braden will defend every idea of Christianity, as stated in the language of the Bible. He will defend the Bible. He refuses to defend the notions of men in regard to the teachings of the Bible. He insists that himself and his opponent be free to give their own interpretations of the Bible, and that neither shall have forced on them the notions of other men. He insists that nothing shall be presented as the teachings of the system of himself or opponent, that is not stated in the language of the Bible, his standard or the standard accepted by his opponent—unless it has been avowed by himself or his opponent.

James Vincent, Sr., on Clark Braden.

My Friend Harman: I send you by this mail a copy of "Braden Unmasked," and thank you for copy of Lucifer in which you devote considerable space to said Braden. I received a letter from Missouri a few days after my expose of him in the "Non-Conformist," thanking me for it and stating that he had been there—Rochoport, I think,—delivered his lectures, and the impression he had left there, on the minds of the good people was, that "he is an egotistical ass." That is about the impression he left here, for though he succeeded in pulling the wool over the peoples' eyes at the time, he would find that "I, Clark Braden," had closed the door after him to his reception here again. From what

I can learn, people feel cheap that they should have been so easily gulled.

The reason why it is so difficult to get any one to take the platform with him is, that he is so coarse and abusive. He cannot be a gentleman in debate, and gentlemen have aversion to entering into a discussion with a bully. I have never heard of a Freethought lecturer yet but was a gentleman in every sense of the word, and they are willing at all times, to defend their cause, but bullying is not argument, and from all I can learn, Braden's fort is bullying. That is the reason why he finds difficulty in having Freethought speakers meet him. You know that do your best, if you get into a controversy with a pole-cat you cannot escape contamination.

That his uncouth and coarse is evident from his manner to you. A gentleman would not conduct himself as he did. And here let me ask you, what kind of a people must yours be at Valley Falls to conduct themselves as they did to you? Can you think of any reason for it other than that they are christians? Is not that the way christians act? Clark Braden is a christian; there is no doubt of it; he is a representative christian, and friend Harman, when such christians come around, if you will listen to me you will stand back and look on, but take no part, for "I, Clark Braden," will do the cause of christianity more damage in one course of his so-called lectures, than you can do it in a year. If the christian church would employ a dozen such defenders, it would soon sink into or below disgust, but so far from the christian church employing or countenancing him, I have yet to learn that any denomination will own him, and he appears to me more like an adventurer than the endorsed representative of any one denomination. Push your inquiries and ascertain if my conjecture be not correct. Ask him himself, to produce his credentials if he can, from any ecclesiastical body in the whole country.

Surely your people in your county, and its editors can have very little idea of the reputation they are making for themselves abroad in other parts of the state and of the United States. Even christians will shun your county; and your courts and its officers, if they could only listen, would hear themselves spoken of the country over, with the sublimest contempt. Prosecution is one thing, persecution is another, and when men are clothed with a little temporary power, and they are found to abuse it, thinking to shield themselves from odium on the plea of executing the law, they will find that plea will not work, for when a true man finds himself confronted with an oppressive law, so far from subjecting himself to odium in exacting it, he will use every device to diminish its oppressions instead of making its oppressions as severe as he can. No, no; the plan of carrying out the law will not do. A man in making an oppressive law as heavy as possible only shows out his own instincts, and he soon becomes abhorred of all good people.

Stand firm, friend Harman; be wise; don't drag your colors for anyone, but hold them up high; and when those who are now persecuting you, and trying to belittle you—I include editors as well as others—you will stand head and shoulders above them in the estimation of all thoughtful men and women.

Truly yours,  
JAMES VINCENT, SR.

### "Braden's Kansas With Infamy."

Bardened by a bungling statement of their case, deluded in supposing marriage anyway defensible, Walker and Harman yet defied church-state authority so conclusively that courts say their white-plumed innocence is "guilt," and imprison them for unquestionable recititude of purpose. In declining to pay costs, or allow others to do it, as exponents of natural right, of intelligent purity, of domestic enterprise and creative civilization they stand without peer or rival in this age. Had I time and money to go to Kansas, pay costs and liberate them, I might be unable to justify my action to the already sufficiently wronged prisoners. While many hearts yearn to open those jail doors by paying costs, the ins have the logic of it vs the outs, and each hour's restraintment of their liberty brands Kansas with over-burning, blackening infamy. A girl of seventeen, Lillian Harman, in electric self-possession, intuitive wisdom, unconscious courage surpasses most living womanhood, and like Helen of Argos, may be so attractive in history that all human kind will feel related to her. By one great act this girl steps into equality with Abby Kelley, Lucrotia Mott, Harriet Martineau, George Sand,—all women who ennoble their time and kind.—E. H. HERWOOD, in The Word, Princeton, Mass.

Irene, or the road to Freedom and LUCIFER one year for \$1.50.

### CLARA BRADEN'S CHALLENGE.

We give elsewhere the letter and challenge of Mr. Braden. We expected to give some further account of the Rev's lecture on Sunday eve, of Feb. 27, but lack of time has prevented so doing this week. We can only say now that while we are hearing very unfavorable reports in regard to Mr. Braden, his methods and manners—especially in regard to his plentiful lack of the latter—yet inasmuch as he seemed to have the hearty endorsement of the great mass of Christians at Valley Falls we are decidedly in favor of arranging for a joint discussion with the redoubtable "infidel skinner," as we understand he calls himself, provided any representative Secularist or Freethinker can be found who has nothing more profitable on hand than to "unmask" the man who claims to have unmasked Robert G. Ingersoll.

That this man Braden's methods do not meet the unqualified approbation of his own denomination we have abundant evidence. One of his brethren, T. W. Gardiner, of the Valley Falls Register, has this to say of Mr. B. at Meriden, Kan:

"Clark Braden lectured at Meriden Saturday evening and two or three times on Sunday. His pungency and severity towards his opponents seems to be unfavorably considered by some. Monday he went to Newton and began a debate with C. W. Stewart to continue two weeks."

In next issue we propose, time and space permitting, to consider at some length the terms of Mr. Braden's challenge. Meantime we ask a careful reading of the letter in regard to this man from James Vincent, sr., the veteran editor of the American Non-Conformist now published at Winfield, Kan.

### THE MEDICAL LIBERATOR.

THE OFFICIAL ORGAN OF

### The Iowa Medical Liberty League!

Organized to oppose medical monopoly, to effect a bond of fraternal feeling and a unity of interest and effort among practitioners and patrons of "irregular" means of cure, and the further purpose of social culture; to collate human experience in harmful healing; to discuss, collect and disseminate important facts concerning the persecution, practice, progress and success of all cures.

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J. WINFIELD SCOTT, Des Moines, Iowa.

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Lucifer for 50 cents a year, Did you say?

Yes, that is what we said if

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Address, M. HANMAN & SON, Valley Falls, Kan.

### For The Defense Fund.

We have received the following generous donations from our friends and comrades:

Dr. E. B. Foote, Sr., 25 copies of Plain Home Talk.

Every man, woman and child should read this most excellent medical work. Price, \$1.50.

Dr. E. B. Foote, Jr., 100 copies of Radical Remedy; also 100 copies of Health Hints and Ready Recipes.

These books are too well known to need any comment from us. 25 cents each.

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This is one of the best reform novels of the day. Price, \$1.00.

Dr. Juliet H. Severance thirty copies of the Jones-Severance discussion of the Social Question.

This pamphlet contains fifty-three pages of as good sound sense on the social question as can be found anywhere. Price, 15 cts.

From W. S. Bell 10 copies each of his "Anti-Prohibition" and "Liberty and Morality." Price of former, 20 cts., of the latter 15 cts.

From a friend, of Grass Valley, Cal., 50 copies of his work the "Letter Vay, A Series of Suggestions on the Sacred Subject of Sex," price per copy 25 cts.

From Alfred Cridge, 25 copies of Ballot Bosh, and One Cent a Mile. Price, one copy of each, 5 cts.

From Moses Hull, 20 copies each of "Decay of Institutions," price 10 cts., and "Sketch of Moses Hull" with portrait, price 5 cts.

By buying these books, friends of the Cause, you can at the same time assist those in prison and benefit yourselves.

Address, LUCIFER, Valley Falls, Kan.

