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Vol. VII.—No. 18.—Whole No. 174.

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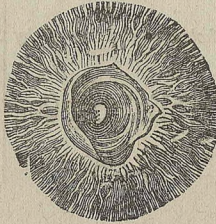
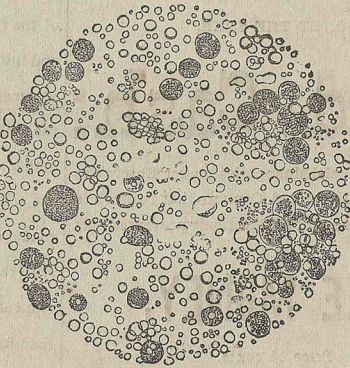
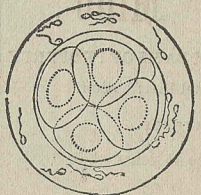
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#### SUMMING UP FOR THE DEFENSE, BY CHARLES W. BROOKE, ESQ.

*With submission to your Honor, Gentlemen of the Jury:*

On behalf of the defendants, gentlemen, and in my own behalf as well, I can scarcely refrain from expressing to you their and my thanks for the patient and kindly attention you have given to the details of this very much protracted investigation, the trial having begun, I believe, a week ago to-day. The very nature and character of the charge in the indictment, and the general surroundings of the case, made it a matter of necessity that it should be somewhat protracted. There were a variety of matters necessary to be introduced to your knowledge in order that the proper cause to be presented should be thoroughly and clearly elucidated to you. Like everything else, however, it is now approaching its termination; and I am sure that the same attention and the same courteous consideration will be given, in the balance of the case, to whatever may transpire, in your effort to arrive at the truth, that has characterized your action in respect to the other portion of the case thus far.

It is not my purpose, gentlemen, to go over this testimony in detail, for that would be a useless task and a hardship to you. I propose simply to direct your minds to some of its salient features, and to present in the various relations which the material parts of the testimony bears to the whole case, what I conceive to be, and what, if you concur with me, I shall ask you to decide, is really the resultant truth of the case itself.

In the history of the case you will all remember that there were certain embarrassments, natural enough, and of which I don't complain at all, that beset the paths of the defendants at the very outset of this trial. For example, when the case was first called at the bar, in your hearing, in an application to the Court for such relief as his Honor might deem proper, and the defendants were justified in asking and were entitled to receive, the very character of the offense charged, the nature of this publication was demonstrated; and, if not necessarily, yet very naturally, it made it an extremely difficult matter for the defendants to secure the attendance of the witnesses who were familiar with the facts of the case, in order that the issues presented to this jury for trial should appear in evidence from the witness-stand.

As you have already heard, gentlemen, and as you know, the issues that you have been sworn to try are technically twofold: First, the ordinary plea of "not guilty;" and, secondly, a plea justifying, under the constitutional provision, the publication of this alleged libelous matter, upon the ground, first, that it was true; and, secondly, that the defendants were not actuated by any malicious motives in publishing it, but had in view ends which were justifiable.

Now the very nature and character of this article—and I beg to call your attention to that at the outset of this summing up, and to ask you to bear it in mind throughout your deliberations—the very nature of this article prompted those who were part and parcel of the scenes to which it referred, who knew the facts, whether they were as in that article detailed, or whether they were as presented in the testimony, or rather, as inferentially presented in the general denial of the statements of Mrs. Woodhull, who could tell if these statements were untrue, or precisely what occurred and what was true—the very nature of the surroundings and of the scenes to which this article alluded, prompted these persons to refrain from appearing in this court-house upon the witness-stand. In other words, they were scenes to be indulged in quietly, when these gentlemen witnesses were away from their respectable associates, when they were, as it were, under cover, hidden in the recesses of a third-story box in the Academy of Music, and were not precisely the things to be blazoned in the light of day upon the witness-stand, so far as the inclinations of these gentlemen were concerned; and, therefore, in order to avoid that necessary publicity as the consequence of thus appearing and testifying, these gentlemen kept out of the way of the service of processes, and refrained from putting themselves in a position where their attendance could be enforced and their testimony extracted. That, gentlemen, was at the threshold of this trial the difficulty suggested to the Court and, I am sure you will agree with me, made apparent by this trial.

There occurred, in the examination of the gentlemen who were called to testify as to their competency to serve as jurors in this cause, another embarrassment. It appeared that, without any reference to this publication, or without the hearing of any evidence in regard to it, without weighing the

motives or considering the probability of the truth or untruth of the article, there was existing, among some of the gentlemen of your panel, a prejudice directed toward these defendants. No matter out of what circumstance it arose, gentlemen approached the stand, and upon their examination, testified that, although unknown to these persons, simply as they were represented in the journals of the day, or through their public acts, they had a prejudice against them personally. Indeed, that prejudice was of so strong a character that one of the jurors, when called to the stand and examined by Mr. Rollins, said that his prejudice was of such a character that he felt that he could not give these defendants a fair trial. Another juror said that he had a decided objection to the defendants, which would influence his judgment, and, not knowing whether the article was true or false, he would not believe it to be true. These were the embarrassments, gentlemen, that at the very outset of this case clustered about these defendants.

After a patient and careful examination you were selected from the panel to try this case. I am aware that among your numbers there were two gentlemen who expressed a prejudice against these defendants, but who, notwithstanding, were perfectly clear that they could enter upon the trial of this case, dismissing any effect of it from their minds, and decide upon the evidence alone. Believing that those gentlemen were conscientious in the expression of that conviction, having every confidence in their fairness, the defendants accepted them, and the trial commenced.

In order that we may understand precisely what this case is, I propose to call your attention again to the article complained of as libelous and that is so charged in this indictment. I propose to call your attention to the entire article—not that I shall probably trouble you again with reading it entire; but as you are to pass upon the question of motive upon the part of these defendants, to say by what they were actuated in publishing it—so far as the prefatory portion of the article itself illustrates the possession of any motive on their part, I propose calling your attention to it.

The first clause is: "From the lowest of material forms up to and including the organization of society there are balances in all departments of nature which must be maintained to secure the general safety. When steam is generated above a certain point the safety-valve must permit its escape, else that which contains the steam will be rent in pieces, to the damage of all within its range. When certain kinds of crime run high, society becomes endangered from their concealment; and it is the same when the moral sense of the community is outraged by the practices of any considerable number of its so-called most respectable citizens, occupying positions of honor and trust." As a general proposition, there can be no doubt of the entire truth and logic of these suggestions. The latter portion of it is eminently suggestive and is eminently truthful. Among the degraded and the vile and the low in society we naturally look for the commission of crime, and the virtuous and honest portion of the community is protected and defended by the constancy of their alertness and by their constant expectation of the commission of offenses by this order of society. But when crime lurks among those who are termed respectable people; when those who appear to the world as honest and virtuous, and fair and upright and moral in their dealings with their fellow-men, are in fact in the daily habit and custom of committing offenses for which the other orders of society are punished, it is much more pernicious in its effect—much more grave and serious in its character than when among the lower order. "Cesspools of filth and corruption, whether they be in the political, financial or social sphere, are dangerous only when too closely concealed, which concealment permits them to pursue with impunity their demoralizing processes. And the practice of society, when these pools are material, political or financial, is the true one; but when the social sphere is involved the same practice is not so regarded." As to the general truth of that proposition, it is the experience certainly of every person connected with the trial of this case, that unfortunately it is too true. Men are countenanced in the so-called respectable walks of life daily—their reputations and characters not thoroughly scanned or weighed—whose habits and whose morals are not of the pure and lofty character that should be an attendant and an element of true respectability. That is a matter in the experience of all of us, which I shall have to refer to more in detail and more pointedly in dealing with this case hereafter. "If a person find and expose a gathering of material filth, insidiously distilling its noxious miasms into the atmosphere for society to inhale, and thereby contract terrible diseases, he is considered a public benefactor, and the agents of society at once lay hold and remove the poisonous stuff. And the same thing is true when the cause is in the financial or political arena. But when the social arena is involved, when anybody presumes to uncover the stench-generating pools of filth, debauchery and rottenness in which so many of the most respectable male citizens wallow and riot, society stands back horrified, and denounces the presuming individual as the incarnation of diabolism; and as especially damned, if it be a woman. Nevertheless, put a woman on trial for anything—let her even so much as go before the courts to obtain pecuniary justice—it is considered as a legitimate part of the defense to make the most searching inquiry into her sexual morality, and the decision generally turns upon the proof advanced in this regard."

This was illustrated in the trial of the case in the cross-examination by my friend, of Mrs. Woodhull and of Miss Claflin. Allow me to illustrate it to you: Suppose when the prosecutor was on this stand I had put to him any general questions as to his chastity and moral purity, as to his freedom from inter-sexual communication, as to his past life, my friend would have immediately said it was trifling with the time of the Court and of the jury; his Honor would have ruled that it was immaterial, and the jury would probably have thought I was needlessly wasting their time. Why? Because it is the abuse and not the use of the moral code that, in the ordinary comminglings of men and women,

society visits its penalties upon the woman whose foot steps aside from the way of rectitude and morality; but the man blacks his boots and passes around the next corner, and nobody asks him what he did before he got there. "Mrs. Woodhull, were you married?" "Was there a ceremony?" "Were you divorced?" "Was your first husband living when you married Col. Blood?" "What was the ceremony?" "Where was the divorce obtained?" "In Chicago." And my friend Mr. Knox, I think, about that time made a copious note of "Chicago divorces." [Laughter.]

Mr. Knox.—No, I did not.

Mr. Brooke.—Well, if you didn't you ought to have done so. In strict conformity with the general tenor of the conduct of the case and the course of the examination, that should have been a matter to be specially noted. "Mrs. Woodhull, how long did you live in Chicago?" My friend thought that this was a "railway divorce" evidently. You have, no doubt, all of you seen the illustration in the pictorial papers, of the conductor announcing, as the train arrived at Chicago: "Chicago—fifteen minutes for divorces." [Laughter.] My friend thought probably it was a divorce of that character, and that it was something that reflected upon the moral character of Mrs. Woodhull. Mrs. Woodhull, however, was a resident of Chicago for a long time. Her answer impressed you—I shall refer to it hereafter—and I don't think my friend made much out of it. When Miss Claflin was called to the stand, the same line of examination was introduced and persisted in by my friend in her cross-examination. Why? Why? Why, as if to illustrate the very truth of the words written in the preface of this article, put a woman upon the witness-stand to testify to any fact, in a court of justice, no matter whether it involve her sexual purity, whether it nearly or remotely affect her virtue, or be concerning the price of stocks, or the commission of a murder, and the first question suggested by the counsel who desires to assail her is a question reflecting upon the purity of her moral character, her chastity and her virtue, as if it were to be the settled conviction of men's minds that the woman who ever had stepped aside from the walks of virtue and had been lured by some man in the paths of vice, that the very commission of the act should so steep her in infamy and damn her, that never again could she be relied upon in any walk in life, nor should her word or assertions be received under any circumstances. That, gentlemen, appears to be the tenor of the examinations upon this subject in all cases. Only assail a woman's virtue, and how the counsel can glow when he pictures the woman to the jury, whose testimony may be material to the side of the case against him. "Would you believe this unchaste woman: this woman who confessedly is an immoral and immodest person: this woman who has sinned against the great law of her sex?" That is the theory, gentlemen, and that is the illustration of the very language of this prefatory portion of this article—nay, not the prefatory portion, but the material portion, because this person is only used as the illustration. "How is it with regard to men? Who thinks of attacking them in regard to their sexual morality?" Who? Who? For a very great many of us, gentlemen, it is probably a matter of sincere good fortune that the converse of that proposition is not true. There are very few of us who would stand the test of ingenious cross-examination upon this subject; and testimony would be lost and its weight and character destroyed in every trial that occupies the time and attention of a court of justice. Question a man as to his sexual morality, in order to break down his testimony; who tells you that he sold another a bill of goods and that he wouldn't pay for them, or that he had a contract for stocks that the man wouldn't deliver, the court and jury would laugh at the idea. Twelve men couldn't be impaneled in a body in this whole country, in all probability, who would consider that testimony of the slightest weight in the world. But put a woman on the stand to tell the same story, and I don't know what the experience of anybody else is, but in somewhat of an active experience of seventeen years in my profession, I know that a suggestion of that sort with a large proportion of the men who form juries and who conduct the business of courts of justice, would militate against and invalidate the credibility to be attached to the story. "If a man be arraigned as a thief, forger, traitor or murderer, who thinks of attempting to prejudice his case by proving him lecherous? A man being even the President of the United States, governor of a State, pastor of the most popular church, president of the most reliable bank or of the grandest railroad corporation, may constantly practice all the debaucheries known to sensualism," if he is not caught; if he doesn't do it in such a way that he thrusts himself within the pale of a court of justice, and he is very safe as a general thing. The reply to me I suppose would naturally be, if the man who appears upon the stand in the light that I have referred to, has committed any crime, if he has been guilty of the offense of seduction for example—as that is the offense alluded to in this article—the doors of the courts of justice are open, the victim can make her complaint, the court will punish him if convicted, and the punishment will probably be a year in the penitentiary—and then a life-time of immunity from a suggestion about it, for no one would attach much importance to it. But the poor victim who seeks the court of justice to make the complaint of her outrage is from that moment an outcast from society, with all so-called decent peoples' hands and voices against her. So, gentlemen, you see how thoroughly brave and valiant the male portion of the community is! The woman's reputation society has made her all—that once destroyed, nothing can give it back to her. Once her chastity lost and her virtue tainted, no future reformation, no future effort can supply the place of that which is lost, or restore her to her social position. Man, knowing this, and knowing that society does not visit upon him the penalty of the sin in the same way, naturally can feel himself tempted to take advantage of the promptings of his passions, and find his protection in the utter condemnation that awaits the woman, if she under any circumstances dares to expose him.

"But let a woman even so much as protect herself from starvation by her sexuality, lacking the sanction of the law,



and everybody in unison cries out, 'Down with the vile thing!' Let any gentleman who is in the habit—not as frequently as this man—of walking up and down Broadway every day, but who occasionally wanders through the streets of the city, find the illustration of the truth of that in his contact with the poor wretches whom starvation and other incentives have driven to lives of wantonness and prostitution. Men naturally avoid them—at least in daylight; respectable women draw their skirts aside for fear they will be tainted and contaminated by their touch. Outcasts, wanderers, unrecognized, unprotected, uncared for, pursued by the law and despised by the world—the poor creatures, whom want or lack of strength of moral character has driven to the street and to the brothel, are lost for ever, while the men with whom their commerce, nightly and daily, is had—those without whom they could commit no sin—the *Challis*—flaunt into your courts of justice in broadcloth, and sit in the charmed railing of the prosecution, and say to the women who refuse them, "I am a respectable man, and you must not dare to assail me." It isn't necessary to more than assert that, in the light of your experience, to have its truth demonstrated, "A jury is applauded for finding a verdict of 'not guilty' in the case of a McFarland, but in that of a Fair it is denounced in the most approved style of manly judgment." As to any comment of mine upon that portion of it, I think it is needless. That is the natural view of a liberal woman upon those two results. "Now all this is not only the personification of injustice, ungenerousness and ungallantry, but it is deplorable, detestable and damnable." And is it not true? Put aside Mrs. Woodhull and Miss Clafin and Mr. Challis; let the consideration of this case pass from your minds for one moment; regard simply the general propositions of this article—is it not true, as in the language of this article set forth, that this is the personification of injustice, ungenerousness and ungallantry," and that it is a "deplorable, detestable and damnable" fact? Isn't it a stain upon the manhood of every one of us? "By it men seek to hide their own rottenness, covering women with their filth and slime, crying out, 'Behold her degeneracy! What a contrast between it and our immaculate selves!'" "And all this simply because man is the law-making and executing power."

"The editor of a leading daily must not be permitted to revel and riot with women, and returning to his sanctum, write pattern articles on morality, while his recent companions are being 'pulled' by the police as a preliminary to the levy of an already determined so-called fine, which of course is not black-mail. Police Commissioners must no longer purchase houses for and maintain harems in one part of the city while they write orders to suppress the same institutions maintained elsewhere by their political opponents." I need not refer to the matter of the public investigation that was made and the allegations in the columns of the daily journals in connection with that matter. I simply submit it as a general proposition, and there is no doubt of its correctness.

"There is but one way by which this one-sided business can be rectified. The tables that have so long been completely subsidized in favor of immunity for men must be turned upon them. The engines they have used to enslave and degrade women must be made the heralds of their own crimes and shame. We are aware that it is no light matter to essay to be pioneers in any reform, and especially do we feel that we have not only a hard, but for a time a thankless, task in attempting to place woman on an equality with man in the vindication of her rights and the redress of her wrongs."

"To initiate this movement we propose to take leading personages from each of the several pursuits of life and lay before the world a record of their private careers, so that it may no longer appear that their victims are the only frightful examples of immorality. Just concealed beneath the elastic surface of society, which is even now liable to be disrupted, are the seething, surging whirlpools of corruption which fester and rot, vitiating the entire social atmosphere by their vile exhalations. In all of these some man of notoriety is involved. We propose that they shall be made to stand before the world beside the women with whom they have heretofore reveled behind the screen of manly immunity."

"It is well known that we were ignominiously expelled from that immaculate hotel—the Gilsey—because, forsooth, we hold social theories, and have the courage to advocate them, that do not quite suit the hypocritical, pharisaical pretenders to a virtue they do not possess, and because we publish a paper to advocate advanced ideas of reform, in which we have presumed to speak denunciatory of the present system of marriage, which, as administered, is simply slavery for women and license for men. We have also, which may not be so generally known, been denied admission to almost all the other first-class hotels of the city for the same reason."

"Now it may be all very meek and nice to preach the doctrine of the continuous reception of indignities, receiving them first upon one cheek and then upon the other, but we propose to practice the diviner doctrine of justice, and show what class of men it is who support these hotels which shut their doors against women simply because they assume to think and act for themselves, and not because of their immoral practices."

"Hotels have virtually adopted the motto—Best of accommodation for the worst of men, the best women not admitted; if, however, they are accompanied by any of the aforesaid men, no questions asked." Did any one of you, gentlemen, ever know a hotel proprietor to ask a question under those circumstances? [Laughter.]

Now, gentlemen, let us pause here for a moment and ascertain precisely what is the reason for the general enactment of laws? For what purposes are laws made? To protect and bind society together. The general law that governs us in our daily walks through life, so far as it is administered through our courts of justice and enacted by our law-making power, contemplates the general good government and protection of society. It rests—be-

cause that is the only basis upon which the permanent foundation of any law can rest—upon the high and lofty principles of morality. It is for the enforcement directly of each individual's protection, and relatively for the protection of the whole framework of society, that laws are enacted and made. And in this connection, permit me to say, that because of the imperfections of human nature all laws must necessarily be lacking in something to accomplish fully their purpose and their end. No human system of laws since the foundation of the world has ever been demonstrated by experience to be complete and perfect against the general crimes—against the overt acts, the open sins, the detected offenses alone can human laws be directed. But the general spirit and current of the laws, the moving power and the cementing element, is the principle of virtue and morality, which advances civilization and protects and holds society together; and he who sins against that principle of morality and that element of virtue is a violator of the spirit of the law, and society for its own protection should visit him with its punishment. If the virtuous mingling and intercourse between men and women be the very groundwork of the growth and of the advancement of all society, the man who steps across the sacred threshold of that virtue to strike it down, commits an act of a graver and more serious nature and character than the woman who, in ninety-nine cases out of a hundred, is the victim. Therefore, if it be your experiences and mine that in the practices of society, in the abuse of morality, in the disregard of the spirit of the laws, it is the custom and the perverted sense that men who thus sin shall not pay the penalty of their sins, but that their victims shall be punished, I ask you, in the temple of justice, across whose door no such doctrine or principle ever strode, to strike it down in this case from that jury-box. Is it the case, gentlemen? Why should I waste time talking about it here? Is it the case? The experience of every man of this twelve answers affirmatively. The experience of everybody connected with the administration of the criminal law, and with the administration of justice in any form, demonstrates and illustrates it day after day, by circumstance after circumstance, and incident after incident. It is part of the issue in this case. And it is the flimsiest shelter in the world for this prosecutor to shield himself behind the customs of society and prate about his respectability and his wealth upon the witness-stand, as the reason, inferentially, not directly, why he should not be assailed.

Then, gentlemen, follows the alleged libelous article. Now let us see, so far as the prosecution is concerned, how far we agree and how far we differ. Mr. L. C. Challis—This man, some time since, had a suit with the Pacific Mail Company, in which his character was attacked, but in which he came off victorious. Well, gentlemen, I don't know that there is anything libelous in that; but there was something in that connection that suggested itself to me. It may have been an oversight of his counsel. I should have thought so but for the fact that I know the ability and consummate tact of my friends on the other side, and that they never overlook anything. You may be assured that, no matter what else may be said or done in this case, or what may be neglected by the counsel for the defense, my ingenious and able friends on the other side will not neglect anything. He did have a suit with the Pacific Mail Company; he testified to it; he was not so sure whether he came off victorious or not, but he thinks he did, and when he speaks of it he speaks of it as one of "Challis' victories." I sincerely trust he won't speak of this case in the same way. I hope so for the cause of public justice and of public decency. He did have a suit with the Pacific Mail Company, and, in his estimation of it, he was successful; therefore, thus far there is no difficulty about it. Well, whether his character was attacked or not I don't know; that is the allegation of the article. But it is alleged that he came off victorious, and the inference might be that if he did, that was a vindication. But as he seems to be in some doubt about it, from the tenor of his testimony, it probably was a two-sided story, and the Pacific Mail Company might not consider it so much of a victory as he does. If his character was attacked in that instance, it is not so certain about the complete vindication as it otherwise might have been, for my friends never asked him the question. Now think about that. It has been his wont since to point to his snowy shirt-front and say: "I came off with a reputation as spotless as this linen." Now, gentlemen, there is nothing libelous thus far in all that is charged in the article. First, it is to his credit if he had a snowy shirt-front, because it indicates that he is particular about his personal habits; and second, if he pointed to it, as his shirt-front covered what is generally supposed, metaphorically, to be the seat of purity, and that sort of thing, it was very proper that he should say to himself that he came out with his reputation as spotless as linen. And what is the allegation of this part of the article? "O, immaculate Challis! Had you been treated after the manner of women; had it been the custom to assail men in the courts as women are assailed, where would your immaculate highness have found yourself?"

Well, if the story of the French ball had come up in the Pacific Mail Company suit, and if Mr. Challis had sworn in that trial or if it had been proven that he invited strange young women in short skirts and low-neck dresses with masks on, women that he had never seen before, to a third-story box at a French ball, for *curiosity*—that is what he invited them there for, gentlemen, *curiosity*—why, if the same test were applied to men in courts of justice as is applied to women, this man might probably have been affected in his suit with the Pacific Mail Company much more than he was, and he might have had the doubt as to his complete triumph removed from his mind by the result. Now, down to that point there isn't anything libelous in this article. "We know a lady—we have her name and can command her affidavit at any moment—who attended *incog.* the French ball at the Academy of Music." There is no doubt about that. Mrs. Woodhull didn't write this article; the publication states that the writer knew a lady and could have her affidavit at any time, who went there *incog.*, and Mr. Challis swears that

the writer tells the truth; and Mrs. Woodhull swears that the writer tells the truth. Mrs. Woodhull is the lady; she did attend the French ball; her affidavit was commanded and was given; she attended there in disguise—"incog.," in the abbreviated word of the text—and so as to that portion of the article, and thus far we have not got to anything of a libelous character. "At which, says that high-toned sheet that prates of 'magnificent hussies,' were three thousand of the best men and four thousand of the worst women' in our city."

If that is a highly respectable sheet, there isn't anything libelous there; and there certainly isn't anything of a libelous character in the suggestion, because if its proprietors should be brought to the bar of this court and indicted for libel in the publication of that article, there isn't a gentleman here in this jury-box or in this court-room who doubts but that they could justify the publication, by undoubtedly and undisputedly proving about the four thousand "best men" and three thousand "worst women." As to the suggestion of "magnificent hussies" applied to the "worst women," that is a matter of taste, and it is not proper to discuss the taste of this, or any other newspaper in the use of that expression. If this paper had delved deeply into the matter and gone beyond its sarcastic suggestion of "the best men;" if the "worst women" were "magnificent hussies," I don't know what it would have called the "best men," except it had been "magnificent Challises." [Laughter.]

"Let us see in what measure the best men are better than the worst women. We will give our informant's account in her own language: 'I had never been to one of these places, and for many reasons was desirous of seeing the *modus operandi.*'"

There is no doubt but that thus far there is no dispute about the article, "My sister and myself went closely dominoed." This man swears to that, and the other side certainly adopt that as the truth. "We had a box." Well, they were in a box; that is proven.

"My sister and myself went closely dominoed. We had a box. After a while I saw Mr. Challis and a gentleman with him whom I will call Smith, though his real name is one of the oldest and best in the annals of New York society."

That is proven on both sides of the case; therefore, thus far, there is no dispute about this article.

"We made ourselves known to them, and they joined us, accompanied by two young girls not more than fifteen or sixteen years of age."

Now, with all respect to my friend, his evident misinterpretation of the tenor of that article, it struck me, was so apparent in his examination that I cannot refrain from calling your attention to it. He evidently intended to rely on it as an affirmative fact, that in some salon, in some gentleman's drawing-room on Fifth avenue, in the course of an entertainment of some distinguished or reputable citizen, who was a scion of what is known as our best society, these girls had been introduced to Mr. Challis and Mr. Smith—who is said to be Mr. Maxwell. Now, gentlemen, that is not the tenor of the article at all; and while I don't think that you could for one moment be led to suppose that it was, permit me to call your attention to the context and to the relations of the same: Where was the first class society in which these girls were first met? At the Academy of Music, where, as the article had stated before, were four thousand of the "best men" in New York. Well, "the best society" in the relative term. The apparent and patent meaning and construction of the sense in which the term "best" is used, the evident sarcasm apparent in its use in its connection in both instances, indicates that the one is relative to the other; it follows immediately after this first suggestion, or a short distance below, in the same article. My friend, however, upon his examination of this man, directed his mind to it in such a way as if he desired to intimate that the meaning was that in some entertainment, or drawing-room, as I have stated, of what is termed popularly our "best society."

Now in regard to the drinking of wine? There was the box; the two strange women that picked up the unsuspecting and modest Challis on the floor of the Academy, were in the box with him. It took him, I believe, according to his testimony, an hour to gratify his curiosity; you will remember that. They were in the box with him, and wine was drunk, but only a bottle. Mrs. Woodhull didn't remonstrate, because she wasn't there. Why, what a spirit of divination this lady must have; how extraordinary! Not in that box during that evening, having told that upon this stand which was untrue, and yet detailing with a particularity—not with the same clearness of recollection, because, being only a woman she couldn't be supposed to have the superior order of intellect and gift of memory that Mr. Challis has—but detailing upon the witness-stand clearly, nearly every circumstance detailed by him, and being corroborated by him. Yet she was not in the box. Challis never conversed with her upon the subject. There is no evidence of any collusion or combination between the two sisters present in this case. Where did this lady get her information? Now let us see. Mr. Challis testifies generally that Mrs. Woodhull was not in that box the whole evening—rather a sweeping assertion. What would be your conclusion instantly? Why, that he could not undertake to say anything of that kind unless he were there during the whole evening. But, it appears, he was in and out, away for an hour at a time, and yet he presumes to say that during that whole evening Mrs. Woodhull was not in the box, and all the wine drank by its occupants was only the one bottle about which he testifies. So important a personage, in his own estimation, is this gentleman, that he indignantly repels the idea upon the witness-stand that anybody would dare drink wine, or do anything in that box, unless he were present. There were no wine coolers and no tubs, or anything of the kind there. As if anybody could want a drink of wine but Challis, or in his absence could relish it! As if anybody who had brought a tub or a basket or a bucket or a cooler, or anything you please to call it, would have the audacity to remove it from that box in his



absence! Gentlemen, is it not a pertinent inquiry, if Mrs. Woodhull was not in that box, how did she know that which Mr. Challis has asserted is true? "My effort to influence them was met with an insulting request from the men to let them alone." That I shall refer to hereafter. "You may be sure I followed these girls up, and got their history." From whom was this history obtained? Of course from Mr. Challis, as I shall illustrate. "They had been seduced." Who told that? This complainant may have said it, or it was so common a matter of conversation that it was talked about in his presence by his associates. He doesn't try to get any of his associates here to contradict Mrs. Woodhull's testimony as to that. There is no effort on his part to get the people who were present at Mrs. Woodhull's house in order to demonstrate the untruthfulness of that allegation or any other, as I shall show you presently; but he swaggers in his testimony—metaphorically and figuratively—as if he said: "Gentlemen of the Jury, I am Challis; I need no corroboration; my word is to be the law that shall govern you, and it is not necessary for so respectable and so rich a man as I am to call anybody to corroborate my testimony." There may be an objection to the word scoundrel in this connection—in which it stands in the indictment—and it is a very objectionable word; but the greater and higher feeling that should animate every proper and right-thinking man, is to refrain from committing the acts and doing the things that go to make up and constitute a scoundrel. You and I will not hesitate one moment to apply the term used in this article to Mr. Challis or to Mr. Anybody else, if it shall be proven reliably that he is guilty of the things charged here. "Scoundrel" is, probably, the mildest term that could be suggested in the general order of that sort of characterization.

Then follows the sentence referring to the trophy, etc. As to the use of that expression probably, coolly and calmly as we sit here at this distance of time from November, 1872, or from the date of the writing of that article, surveying this ground critically and examining it as a man would examine a mathematical problem, we might say, as a general matter of taste, it would have been better that that expression should have been left out; that the idea should have been clothed in more delicate words; that some language, whose purport tended to describe that condition, should have been introduced into the article. I may or may not agree with you as to that matter, but that is not the question in this case. There is the charge as against this man in that article, and it is not to be wondered at if a woman, who had heard the story, feeling the wound and the injury and the wrong to her sex, in the white-heat of her indignation against the infamy practiced upon one of her sex, by this prosecutor or anybody else, should have put in that article the words used in the Bible—Deuteronomy xxii. chap.—to describe the act which he is accused of having done or of having said he did. Then the article goes on to say:

"We have not told the half here that we might; but there is sufficient to show the world that when women are debauched there must be two parties to the debauchery; and we would ask why they should not both be held up equally to the scorn of the world instead of being called the 'worst women and best men?'"

I have already referred to that casually. Gentlemen, I fail to find any answer or any defense for a condition of society that permits the woman to be degraded in consequence of her act, and the man to go unwhipped of justice and of punishment.

"This man made his fortune by proving on the late trial that he was a man of good moral character. These children have now no way open before them except the prostitutes road to hell."

As I said before, walk the streets of this city in almost any habitable quarter of it, after nightfall, and hundreds of just such fallen women, hot, probably, from the hands of just such men, are walking hourly "the prostitute's road to hell" referred to in this article. "The way is open for him into the very heart of good society." Certainly; he lives at the Hoffman House; in the broad light of day he walks up and down Broadway, and scans and peers into the faces of the ladies he meets so particularly that when he goes to the French ball for the first time in his life, among the people who act with license there upon the floor, the familiarity of his eye enables him to detect those that he has seen upon Broadway, and some fifteen or sixteen of these young ladies pass in panoramic view before him. So that he knows that every word in that article, so far as that suggestion is concerned, is true; for, in the glitter of that ball-room, these poor abandoned girls to whom he evidently referred as being familiar to his sight upon his travels in Broadway, were, in the glare of the lights of the night, "walking the prostitute's road to hell." The two women who ascended to that box from the floor, were taking, step by step, as they went, the same road.

"Such is the real character of men high in social and financial life. But what of their victims? Suppose in this trial some 'woman of the town' with whom this man is familiar had been introduced as a witness against him, would her evidence have been received? Not a bit of it."

You and I and his Honor and everybody in this court-room know that it would not.

"It would have been impeached as unworthy of belief because of her immoral practices. But he is of the opposite sex, upon whom sexual debauchery produces no demoralizing influences. His oath rendered him immaculate; hers would have added to her degradation the inference of perjury. And this is the justice that is meted out to women, this case being the rule and not the exception."

"Mrs. Woodhull, was your husband alive when you married Col. Blood?" My friend tried, in accordance with the same doctrine referred to and announced in that article, in the estimation of this jury, to work some degradation to this lady, and, if possible, to add in addition to the other testimony, "the inference of perjury." Why, Mrs. Woodhull, or any woman of her intellect, or less than her intellect, would be recreant to her womanhood, recreant to her sex and untrue to her duty, if, with her ability to denounce

just such perversions and abuses of morality, of law and principle, she didn't exert all the power with which God has endowed her in the vindication of the rights of her sex in this particular, and in denunciation of those that wrong them.

"We hold that there can be no service of equal magnitude rendered women beside that of unmasking the sham morality with which men override them." Nor can there be.

Are there virtuous women in this community? Is virtue in women a matter to be protected and maintained by men? Is the chastity and integrity of wives and of sisters, and of daughters of consequence to any of us? Is not it the holiest and highest element that adorns and beautifies our lives? What nobler motive or better incentive in the protection of your unsuspecting and virtuous girls can there be than to point out and to hold up to infamy such men as this, whose very contact is pernicious and dangerous to virtue and chastity? This is the highest sin against society man can commit; and for the preservation of society, for the protection of morality, in order that the atmosphere of purity that surrounds those who are nearer and dearer to us than all others shall be maintained, when there is a vile and vicious being who intrudes his semblance of manhood into that circle for the purpose of poisoning and destroying it, it is the duty of every person who can expose him and his character and his acts, to parade him before the community in order that decent people may shun contact with him. Motive? What higher motive can there be? The man who is a candidate for one of your ordinary public offices puts his character in the scale when he enters the canvass, and the law of the land declares that his character may be criticised and commented upon, and his acts paraded before the community in order that they may judge as to whether he is a competent or fit person to discharge the duties of the office for which he is a candidate. And that is proper and competent, and the law sanctions it and says it is right; and it exists and has its origin in the high principles of morality, and is for the good of society. Then, if that be the case, when a vile man strikes at the very foundation of society itself, when he seeks to taint and corrupt its purest and holiest component part, when his breath is poison and his touch contagion, let the world know through the vehicle of publication the character of the man and the mind of the creature, in order that he may be shunned and avoided, and pure and virtuous women protected from his approach and contamination. Well might the person who wrote this article have added at its conclusion: "And there is no other way in which it can be done but in taking actual examples and holding them up for public inspection. And this we propose to do until there is either a leveling up or down in the widely separated standard of morals for the different sexes, which are now maintained by the man power."

I have referred to that, and indicated precisely and thoroughly that that is the true and the proper way. You will observe that I have been commenting thus at length upon this article, as I said at the outset, in order to direct your attention to the justifiable ends and the good motives actuating its publication. Broadly, my proposition is this: that there can be no more justifiable end, that there can be no better motive actuating or animating the heart and purpose of man or woman, than the protection of society against persons guilty of the offenses laid at the door of this man by the writer of that article. Why, it is something that comes home to every man in this Court-room, to every gentleman upon that jury-box. Cast your memories back over your lives, and there isn't one of you who hasn't known at some period of his life some family whose peace was destroyed, some household whose happiness was broken up forever by the tread of the wily seducer—tainting the virtue that was supposed to have the sanctity and shelter of home about it. There is not one person in this community but has knowledge of some such occurrence; and yet, when anybody shall dare, through the columns of a public newspaper—especially if it be a woman—to point the finger of the community at one man, in order that other homes and other households may be saved, and that virtuous females may be protected from danger in that quarter at least, we are to be met with the suggestion that the motive is bad and the end unjustifiable. All the judges that ever sat on benches, all the lawyers that ever advocated causes, all the legislatures that ever enacted laws, could never come into a court of justice and find a lodgment for such a theory in principle in the breasts of a jury. Their manhood rebels against the thing. Tell me that this is not the holiest and the highest motive that can animate any of us! Tell me that the man who is so vile that he should be shunned by you and by me, shall not be pointed out in order that he may be avoided by all those to whom his presence may bring wrong and suffering, and repentance and remorse! To suggest the proposition is to disprove the theory.

Now, you will remember at the outset of this case, that the issues were framed, this plea was filed and the truth of this article was before you as part of the matter which you were to pass upon. Yet my friends called simply four or five witnesses, the printer, the stereotyper, and the pressman to the stand, to prove that Mrs. Woodhull, Miss Clafin and Col. Blood were the publishers of that paper, and there rested their case. They might have been in somewhat of a dilemma if I had rested my case there also. Whatever might have been the result of this, the complainant would have gone out of this Court-room without even his feeble effort at vindication of himself. Though the truth of this article was alleged, and you were sworn to try it, they didn't call him to affirmatively prove the falsity of this article, which was one of the very issues to be presented. I am perfectly aware that in the shrewdness of the counsel who represent him, they said that the Court will probably say as matter of law—"There is sufficient to go to the jury in this case, and the case must go to the jury"—because the Court has nothing to do with the law in this case; the jury, under the constitutional provisions, are the judges of the law and the facts, and the case would have been submitted to the

jury, and probably the general presumption might have been that it was the duty of the defendants, in consideration of the character of the article, to justify it by evidence. But upon that narrow bridge my friend stood, and there they left their case. The shrewd planning of the General, the conduct of a skillful commander was apparent—just enough to get to the jury and draw the fire of the other side. I don't complain of it. But do you remember that in all this trial they had an injured and an outraged client? Do you remember that their theory is that this is a virtuous and a moral and an upright man, who has been falsely and maliciously assailed in this article? Will you bear in mind that at the very time they stopped the case, broadly and distinctly upon the face of the issue you were sworn to try, was the allegation that this article was true? And wouldn't it have been more consistent with the moral and upright character of Mr. Challis, if, at that stage of the case, in his insulted and injured manhood, and in vindication of his assailed name and honor, he should have insisted on going on the stand and telling this story and demonstrating its falsity? Wouldn't there have been an element of manliness about it that would have lifted it beyond the general character of the course his counsel pursued for him and to which he assented? To force the defense to call this lady to the stand and affirmatively accuse him under oath, with Mr. Challis taking copious notes of her testimony, and at intervals hearing the stenographer read his minutes of what she had said, and cramming himself for his contradiction when he got upon the stand—that is the position of Mr. Challis towards this case. Did you see him, during the progress of this case, when Mrs. Woodhull was being examined, advising his counsel with his own brief, prepared and made up for the occasion? Did you notice him sitting at the foot of the stand and taking notes of Mrs. Woodhull's testimony? Did you see him in conversation with the stenographer, and attentively listening to the reading over of his minutes of the testimony, in order that he, the insulted, maligned and outraged moral man, should cram himself for the work of contradicting this lady? That is the aspect, not in which we present the case, but in which they upon the other side elect, to present the cause of this injured man. How could he recollect his injury without his notes? How could he recall the effect upon his virtue, unless the stenographer helped him? How could he tell how he was outraged, unless he first heard Mrs. Woodhull? This is perfectly natural, and I admire the skill and the art and the delicateness of Mr. Moral Challis! [Laughter.] Before Mrs. Woodhull was called to the stand, you remember that in my opening to you I commented upon the fact that Mr. Knox had failed to call Mr. Challis in his case in chief; and I said that I should produce testimony in behalf of the defense that would force him to the stand, and I think I did. Evidently the gentleman who represents the prosecution had no intention to call him when they closed their case, unless the defense made it warm for his morality, so that he would have to come up with his note-book and vindicate it. And at length he did—I will refer to his vindication shortly.

You will remember that the first witness called for the defense was Mr. Barber. Mr. Barber was a friend of his. Mr. Barber said that on the evening of the French ball he went there, and, in company with a gentleman from Titusville—from the "oil regions;" that they had a box. "Mr. Barber, what time did you go to the ball?" "Twelve o'clock." "Who did you go with?" "I went with the gentleman from Titusville." "Mr. Challis, what time did you get to the ball?" "Between nine and ten in the evening—early." "Who did you go with?" "With Mr. Maxwell and Mr. Barber and a gentleman from Titusville"—defect in Mr. Challis' memory No. 1; not that I think he designed in that particular to mislead you, but I only comment upon that in relation to the positive and absolute and unequivocal manner they had of asking questions. "Mr. Barber, did you see any of these matters at the ball?" I forget precisely what his testimony was, but the tenor of it was that he didn't; that he went there at 12 o'clock, etc. "Mr. Barber, you know Mr. Challis?" "Yes." "Did you ever hear any conversation in which the 'red trophy,' suggested in this article, was referred to between Mr. Challis and anybody else?" "Yes, sir." "Where was it?" "Well, it was at the Hoffman House; there were a number of persons present; I heard a gentleman refer to it, and he said that that had gone far enough, and that he would make it a personal matter with any other person who should allude to it again." "Was this before or after the publication?" "Well, I didn't see the publication for months after." Barber is there, in company with him, in the Hoffman House. Barber was his companion the night of the ball; Barber knows him well; Barber was in the habit, according to his testimony, of seeing him quite frequently; Barber is one of his friends, and in order to get his testimony we were compelled to enter the enemy's camp; Barber turns up as his witness, but he is only gotten when we want him, under attachment. Mr. Barber testifies that he was with Mr. Challis and heard him refer to this matter, and that he didn't see the publication for months afterward. Where did he get his information? It had then evidently become so much a matter of twiggling and talk and jesting and bantering among this man's associates and friends that it was distasteful to him; that he had wearied of it, and he had become indignant about it. There was a reference to the subject months before this publication. Certainly Barber saw this publication—inevitably and undoubtedly; his association with Challis shows it. But months before its publication he hears this matter talked over in his presence, when it is worn so threadbare among his associates that he resents it in his weariness of the subject. Could there be a stronger corroboration of Mrs. Woodhull's testimony than that? The matter was talked over before his friend and companion—his associate in the Hoffman House, his companion in the ball-room—and I must say, from the tenor of his testimony, if the comparison is not altogether improper, to my mind a much more conscientious man than this



complainant's testimony indicates him to be. That was about all the testimony of Mr. Barber upon the subject, and then came the testimony of Mr. Cunningham. Mr. Cunningham is called to the stand, and testifies that he was in Mr. Maxwell's office some time—some months, I believe, he said—prior to the publication; that there he heard this matter talked about in Mr. Challis's presence.

This is mentioned, and the explanation from Maxwell or Challis that this was merely red ink, showing that there was something talked of and referred to. Now, gentlemen, I want to show you how inconsistent is the correction of Mr. Cunningham's testimony. Judge Fullerton then subjected him to a rigid examination. "Don't you remember, sir, that you had seen a slip at Maxwell's office of this printed article?" "No, sir." "Do you mean to say you had seen no slip?" "No, sir." He is positive, distinct and direct; he unequivocally denies the fact upon the stand the first day. I don't state it too strongly. Judge Fullerton tried in every possible way to suggest to this man's mind the probability that he had seen a slip of this publication, and that that was the cause of the conversation. "No," said Mr. Cunningham, and gave the reason why, and it was convincing: "I had heard this conversation about the finger three or four months before; I heard it by way of a jest, and I never knew to what it referred until I saw this publication." It is a singular and peculiar circumstance in their theory upon the other side, that he couldn't understand to what it referred from a slip, but he must have a whole newspaper to read it in before he could understand it, three months afterward. Mr. Cunningham goes away, and his testimony, corroborating that of Mr. Barber, had left its proper and legitimate impression upon your minds, which, I hoped, under the general probabilities of his statement, would remain there. But Mr. Cunningham went away, and the intelligent counsel for the prosecution undoubtedly said to Challis, who was shrewd enough to appreciate it himself, "That testimony may affect you seriously—that is damaging." I can't tell what he replied, or that that was said, but evidently it was discussed, because no sooner does the back of Mr. Cunningham turn upon the court-house, than Mr. Challis is upon his heels to refresh his memory—in the enemy's camp with witness number two. And to what extent does Mr. Challis refresh the memory of Mr. Cunningham—a witness with whom he had nothing to do when he had the opportunity of examining him upon the stand—to this: a letter comes to his Honor from the witness stating that he desired to correct his testimony. And to such an extraordinary extent has his memory been refreshed and regenerated, that he comes with his corrected memory written out and hid in his hat, and he walks upon the witness-stand to read it to the jury. [Laughter.] And then he says, his memory being refreshed, that he now recollects that at the time he was at Maxwell's office he saw the slip. I simply asked him, "Who refreshed your memory?" when it appeared that Mr. Challis refreshed it. He said he had seen Mr. Challis; and the result of seeing him—what a remarkable word, *seeing*!—was that away from this court-room, Mr. Challis had refreshed his memory, and he came here with a written correction. But, gentlemen, his memory was not refreshed, and the reason he gave the day before is the indication. When he heard the expression in Maxwell's office months before, he didn't understand the joke. But if he saw the printed slip the joke was apparent, was it not?

The next witness on the stand for the defense was Mrs. Woodhull. I shall simply refer briefly to her testimony. You recollect her story—you remember her demeanor, her manner upon the stand and her manner of giving her testimony. Mrs. Woodhull has, to a certain extent, the ordinary infirmity of memory that attaches itself to all human beings. She has not the extraordinary and admirable memory, for example, of this complainant, but her memory is probably upon a par with the ordinary run of memories, like ours, gentlemen. Mrs. Woodhull testifies that upon this occasion she was at that ball; that she is the lady referred to in that article; that she was there for purposes of information and curiosity.

Mrs. Woodhull was engaged in the advocacy of the doctrines that were enunciated in the forefront of this article; she believed in the doctrine of equal and exact justice to and between all wrong doers, apart from any consideration of sex or any other matter. She recognized that any woman who steps aside or beyond the path ordinarily adopted by women in society, who renders herself conspicuous in any way forfeits to a certain extent, yes, to a very large extent, certain considerations, privileges and rights that appear to appertain to a woman who travels the ordinary and methodical walks of life. Mrs. Woodhull had realized that, and had been brought in conjunction and in observation, and in connection with all the suffering that women through their own faults, if you please, entail upon themselves. And, therefore, with the earnestness of her affirmative nature, she entered into this matter to discuss it, to remedy the abuses, to do away with the infamous injustice of permitting men to go scott-free who have committed crimes of a certain character while their victims are left to suffer. I don't care what her doctrines may be upon other subjects—I don't care what may be the opinion generally entertained by anybody with relation to her peculiar views upon the construction of society, and upon the relations that people bear socially toward each other—they may not be yours and they may not be mine, and they may not be his Honor's or my friend's—I am very free to say that certainly I do not accord to her any acquiescence of mine in very many of them. I do not hesitate to say that I believe, as to the general sentiment of this jury who are trying this case, that if there be any prejudice directed to these two ladies, that prejudice against them arises from that cause. But I do say, no matter how far and how widely apart you and I and she may be upon these theories; no matter if it be your case, as it is mine, to have been reared in a way that teaches one to regard the sanctity of the marriage relation, and to consider it the holiest of holy sacraments; no matter if it be in antagonism to all the religious and moral culture of

my life and of yours, I believe her to be honest in the pursuit of her principles; no matter what our views may be concerning them. In her advocacy of justice to her sex, in the determination and the enunciation of the determination to bring home to society, and to the law-making powers, the realization that it is against good morals and good laws, that it is in antagonism to the divine principles of that moral code upon which all our laws are founded, that there should be immunity and freedom for the man who sins, and that the woman who is his victim shall be punished, she is right. "Punish both or punish none" is the only just theory, and the only just doctrine; and I am sure that every gentleman in this jury-box accords the affirmative answer to that suggestion. Whatever may be the degree of moral turpitude in the woman, as the woman and man combined must commit the act from which it results, let the same consequence fall upon both. Ostracize the woman from society if you will and if it is your law, but let the man who led her astray be ostracized and driven out with her. If you receive the man in his impurity, receive the woman in hers. If the man can reform and wash his moral clothing clean, give the woman a chance, under the same circumstances, to experience the reformation she so much needs. That was the doctrine and that was the sentiment, may it please your Honor, which you probably forgot upon the next day—probably your mind was busied with some other matter in connection with this case—that was the sentiment that caused the commotion in the courtroom that your Honor rebuked, and no reference to any doctrines, enunciated or declared, in any other portion of this paper.

*The Court.*—If I understand you I shall most emphatically announce it again in the same way I did the other day, and in a stronger manner.

*Mr. Brooke.*—I certainly do not understand your Honor, and you cannot understand me. I do not think that it would ever come from you, your Honor, to any jury on the face of the earth, that you would, in the language of this lady, declare it to be the sentiment and principle of morality and law, that if two persons, being man and woman, commit the same crime, that the man shall be free and the woman punished.

*The Court.*—That is not the point. I shall charge this jury that whether the alleged libelous matter is true or false, if they believe the motive and end of its publication was simply to reform Mr. Challis and make him a better man, there has never been a law—common, statutory or constitutional—which authorizes me to suggest to the jury, or that under the obligation of their oaths they should find, that the publication under those circumstances was from good motives or justifiable ends.

*Mr. Brooke.*—I except to your Honor's statement to the jury, and shall except to it when you so charge. I submit to your Honor and I submit to the jury, who are the judges of the law, that the provisions of the law, uniformly and ever since the truth was permitted to be given in evidence, has been this and this only; and the only question you can try in this case, gentlemen, is the question of what the motives of these defendants were toward Mr. L. C. Challis. This is not an obscene libel, not a profane libel, not a blasphemous libel, not a libel of a public character, but a libel charged in an indictment upon an individual; and in the broad language that his Honor puts it, I shall contend before you, submitting the law and the facts to you, that if the motives of these ladies were good towards Mr. Challis, and you so find them, that that is the most complete defense that could be offered under the Constitution.

*The Court.*—It is fair to you before you close to say, that if I do not forget it, I shall illustrate what I mean in this way: I shall suppose to the jury that the most sincere anti-tobaccoist, or the man who most sincerely believes that smoking tobacco is morally and physically wrong and a great evil, and is injuring everybody that does it—if that man goes into the street and happens to meet a man with a cigar in his mouth, if he knocks it out of his mouth violently, and perhaps a tooth with it, the law presumes that act to be malicious, and he can't come into this court and plead as a defense that he is morally opposed to the use of tobacco, and that he did it to save the man from smoking and to cure his vice. That is exactly the illustration I shall use, and I shall put it to the jury to answer in view of their oaths whether this is not applicable to the case; I shall tell them that the same principle applies.

*Mr. Brooke.*—I shall except to that. I am very much obliged to his Honor for intimating in this way his illustration and the charge he proposes to give to you.

*The Court.*—I say if I don't forget it. I have so many other things to think of that I may forget it.

*Mr. Brooke.*—If your Honor does forget it the jury will not. I shall discuss that because the law gives me a right to, and the law makes you the sole judges of the law and the fact in the case. I say, gentlemen, that his Honor's illustration is exactly true, and if a man is an anti-tobaccoist from principle and believes it to be an immoral thing, and he were to walk along the street and should see a fellow-citizen who did not indulge in the same belief, but who was smoking a cigar, and he should violently knock it out of his mouth and should knock one of his teeth down his throat, he would be guilty of an assault and the law would punish him.

*The Court.*—He would be without the tooth being knocked out.

*Mr. Brooke.*—It is not necessary to knock out a tooth in order that a man be guilty of an assault. But, gentlemen, that is not applicable to this case at all, and I will show you very plainly why. The law does not permit a man to commit an assault because he has a moral reason and principle prompting him to oppose what his neighbor does. The law does not say that because I believe conscientiously in one way, and my neighbor believes in another, that if he illustrates his belief and I assault him, that my moral conviction is a defense. If the law did say so, then under the law I could present that defense and show that on the trial. But the Constitution, being the law of libel, does say that if I publish an article concerning Mr. Challis, or Mr. Anybody

else, accusing him of certain things, and I do prove the truth and good motive and the justifiable end—for publishing what? Not a general dissertation upon men that may be generally immoral—but in publishing an article concerning that man, that then the jury must acquit the defendants.

*The Court.*—Excuse me now; I shall charge the jury much more favorably for the defendants than you state the case on this point. I shall charge them that this provision of the Constitution never meant and does not mean that in no case can a jury acquit on a criminal prosecution for libel, unless they find the matter published to be true. There are many cases in which they can and would be authorized to acquit without finding it to be true.

*Mr. Brooke.*—Gentlemen, so far as Mrs. Woodhull's testimony is concerned, you will remember that she was asked concerning these matters; she said that she was confused by the lapse of time, and by her suffering consequent upon these persecutions, since November, 1872; that she had been ill, that she had been harassed, that she could not pretend to recollect words, sentences, circumstances, relations, and distinct conversations in their exact relations to time and place, but that she could give the substance of the conversations and the matters substantially referred to in them; as talked about and assented to and adopted and acquiesced in by him.

Now, without going into details, you will remember that in every material particular point in this article and alleged in this indictment, Mrs. Woodhull distinctly and emphatically detailed the reason and the truthfulness of the assertions of the article itself. Whether it be true it is for you to find what better evidence of its truth could she have had than the communication of this alleged truth from this man himself. Who was the person most likely to know the circumstances? Who could communicate to her under surroundings that would more thoroughly indicate that she could rely upon the communication than this man? These are the results of the information obtained from this man, and as the results of that information—being the standard of the morals illustrated by his acts as described by himself to her—Mrs. Woodhull makes them the subject of this denunciatory article. Therefore, when you take it that her motive was to reform this man, or to do good to society and make people shudder at the recognition of such men, and avoid them upon that ground, there is undoubtedly the proof of a motive lawful in every particular. You will remember my friend's cross-examination of her, how in every particular he went into the subject of this conversation, time and place and circumstances, how ingenious his questions were framed, how he varied his points and shifted his ground and returned to it, and went over it in a different way, until Mrs. Woodhull finally suggested to him, "You are evidently trying to confound and confuse me," and how Mrs. Woodhull gave him the substance of those conversations, their occasion and surroundings, and the place where the conversations occurred.

Now, just at this point let me suggest this: Suppose that you were in the position of this man, wrongfully accused, feeling that you had been outraged and defamed, and conversations were referred to as having occurred in the presence of a number of people, what would you do? Seek those people to refute and contradict the statement of the witness who swore to the conversation; or would you sit, like the witness, quietly down and rely upon the testimony you alone could give, when other persons could, if the matter detailed were false, go upon the witness-stand and show its falsity, and promote your vindication? Mrs. Woodhull was asked again and again, "What did he say?" "Was he there?" "Where was he?" "What do you know about him?" "Well, I can't say precisely which one it was that said it. The prosecutor was no more to me than any of the others. I was paying attention to the sentiments of the people I was with." But what does he do? Said Judge Fullerton: "I ask you for a fish and you give me a serpent." Why, she had nothing but this to give. Give me a serpent! That was not the proper suggestion to come from the Judge upon the question of Mrs. Woodhull's motives. Mrs. Woodhull was not assuming to say that the prosecutor said all these things personally, but she described him as part and parcel of the association in which they were said, and they were indorsed and advocated and acquiesced in by him. He contributed his portion, and his friends, who bought the sixty dollars' worth of wine at a certain time and place, I suppose also contributed their portion to the conversation.

You will remember the examination in relation to the divorce and to Mrs. Woodhull's marriage. You will remember that at the outset of that portion of the investigation I objected, because I considered it then, and consider it now, immaterial. I also objected in order that I might thus pointedly have an opportunity at the close of this case to call your attention to the truthfulness of the article in which this alleged libel occurs, with respect to that very matter.

"Q. Were you married before that?—that is, before marrying Col. Blood?" "A. I was." "Q. Was your first husband living when you were married to Mr. Blood?" I objected to that, and Mr. Fullerton then said: "I propose that this jury shall know who this witness is." Now, show something that in the ordinary and general acceptance of society's code of laws indicates that she had stepped beyond the boundary in her association with her husband even, and that will show who she is. Why? Because, being a woman, "I propose that the jury shall visit the sins and shame referred to in this article upon her; and for that I add to her testimony the inference of perjury." That was the reason. The very suggestion of the learned counsel in that connection is the best indication and illustration of the truth of the doctrine there enunciated. Notwithstanding my objection, the witness said: "I should imagine the world knows by this time. My whole history, which I am proud of, has been published in every paper in the universe, and in every language. It is very well known that I lived with my first husband eleven years; he never drew a sober breath during that time, and he is the father of my idiot boy. I was divorced from him; I was divorced at the time I married Col. Blood."



There is the result of my friend's. Judge Fullerton's, effort to show to this jury who, in his language, "this woman is." Whatever effect it may have had upon her testimony in this case my friend is welcome to. You and I will probably not soon forget the manner of the witness as she detailed the story. Then, gentlemen, there came a suggestion and offer upon the part of the defendants to show a contemplated visit to Ludlow-street Jail, which was excluded. The fact that there was such a visit appeared, I think, upon the testimony on both sides. I have no comment to make upon that, except that it was rather extraordinary that this injured and outraged gentleman should have been there at that time. I do not desire to comment upon his reason for going there. The fact is that while these persons were confined in this jail they were visited by him in their room or cell. "Why did he go?" You will remember how earnestly his counsel said that he *abhorred* the defendants; that even at this late day, when he has had the reflection of nearly eighteen months, when that lapse of time has given him an opportunity to cool off, you will remember that his counsel, in expressing his sentiments, said to you yesterday that he *abhorred* and *despised* them—meaning these defendants—or words to that effect. The degree of his abhorrence and the heat of hate must have been much stronger immediately after he had consigned them to Ludlow-street Jail. I can't imagine what motive could take this gentleman, entertaining this sort of feeling, to that place to see them, when they were in confinement under his process, on his charge. You may, but I cannot. Now, that was the testimony of Mrs. Woodhull. There are two or three articles in this paper that have also been offered in evidence, one of which is a long one.

*The Court.*—One article and a portion of another.

*Mr. Brooke.*—Yes. One article commences on page eight, and requests the public to remember concerning the suspension of the paper, the reason for the suspension, and gives a detailed statement of the sufferings of Mrs. Woodhull in consequence of the advocacy of her doctrines, and of what she had presumed to advocate in this paper—how she was ostracised and driven from hotel to hotel. You remember too well her description of that upon the stand to need any recital of it from me. That article is in, and I don't know that there may not be some reason for it, because it incorporates an extract concerning "an attack made upon us"—is the language of the article—"by Henry C. Bowen, June, 1871," it is a reply to that attack, and it is offered, I suppose, for the purpose of getting that in. The next article is headed "The Beecher-Tilton Scandal Case," in which certain matters are referred to where a reporter interviewed Mrs. Woodhull with reference to Mr. Beecher. What was the motive in offering that article? To show the motive in the publication of the article upon which this indictment is founded? What possible association could there be between this prosecutor and Henry Ward Beecher? [Laughter.] Was it because my friends upon the other side feared the general atmosphere of their client, and wanted to tack him as a satellite to the general good reputation of Mr. Beecher? Did they want him to go to this jury under the protection of Mr. Henry Ward Beecher, or under the shadow of his wings? Why was it? Why, to prejudice this jury against these defendants. What had the motive expressed in that article to do with the motive suggested in the other? It was simply to get into this jury-box that which has never been proved, and that which, in the only investigation concerning it ever made in a court of justice, resulted in the acquittal of these defendants—and to drag that article in, in order that under the shadow of the reputation of Mr. Henry Ward Beecher in this community, there should be some sentimental association with this prosecutor. As an admirer of Mr. Beecher, I protest against it. There is no reliance upon the ability of this man to tear down the allegation of truth; no faith in the credit this jury will give to him; rather shattered in the contemplation of his assumed morality, and fearful that the world won't regard it in the light in which they press it; fearful of the apparent truth and candor of Mrs. Woodhull and of her intelligence; fearful of the extraordinary memory of their witness, they want something to bolster him up with this jury, and so "we will poison the minds of the jury with a prejudice engendered by the publishing of that article referring to Mr. Beecher." I said when it was offered, and I say now, as a matter of law, in my judgment, although overruled by his Honor, and I submit, as I am bound to do—I say now and contend that in law it was inapplicable. I believe now as I believed then, that it was inadmissible, upon the ground that it did not serve to illustrate motive. What had the general views of Mrs. Woodhull upon subjects such as the article refers to, to do with the motive in publishing this article? Of what use was it to you what Mrs. Woodhull's advocacy of the sentiments and doctrines of so-called "Free Love" meant? Of what use was it to know what her general principles with regard to social government were? You are inquiring exactly and only, under your oaths, of the truth or falsity and of the motives of the publication of the article referred to in this indictment, and nothing else. That seems to me to be too apparent to need dwelling upon further. When the time comes that Mr. Beecher or anybody else shall object to the introduction of this article in the public prints, then this lady will stand or fall by her ability to vindicate what is there written. But when this complainant comes with an article charging him with gross irregularities, can there be any reason for the introduction by this prosecution of the testimony contained in the Beecher article, except it be the hope that somebody upon the jury, some one, or all probably, knowing Mr. Henry Ward Beecher's reputation and social standing and general character, will be prejudiced against these defendants—not for publishing matter about this man, but inasmuch as they have dared to assert anything that affects Mr. Beecher—following it still further out, hoping that the reasoning from that prejudice will be, "If they say this about Mr. Beecher, which our prejudice won't allow us to believe, is it not likely that what they say about this complainant is not true?" That, gentlemen, is traveling a little outside of the record, to produce an effect that I don't think this arti-

cle ought to, or will, have in this case. But when the article was read, you will remember that his Honor expressed certain views very decidedly—and I say it with all respect and deference, sensible of the unbounded and unlimited respect I have for his Honor as a judicial officer and my admiration for him as a man—I say it with all candor, and as it is my duty to say it in behalf of these defendants—it seems to me that he indicated the fact that he had imbibed a prejudice as against them from the doctrines that had been read, as interpreted by him. It is very natural that such prejudices should exist with us all. The fact that his Honor maintains and holds a judicial position does not exempt him from the ordinary susceptibilities of nature. I am not complaining of it or finding fault about it; but I am asking his Honor, and I am asking you, gentlemen of the jury, if there is any such prejudice arising from that or any other cause, that has crept insidiously into your minds during the progress of this case, that in the deliberation of your jury-room shall not influence your verdict?

Then there are the witnesses in rebuttal. You remember Mr. Mouquin, the restaurant keeper of the French ball upon that night, and Mr. Kingsland, of the Academy of Music, one of the officers of the trustees, who were brought to the stand for the purpose of proving that Mrs. Woodhull's testimony with reference to the wine could not be true, because it was contrary to the rules and regulations of the Academy of Music to sell wine anywhere except in the restaurant and wine-room, and that under no circumstances would it be permitted to be taken to the boxes. That was all very good as far as it went, but upon what theory my friend thought it necessary to call these gentlemen and then to call this complainant and Mr. Barber afterward to contradict them, I don't know. It was first proven by Mr. Mouquin and Mr. Kingsland, that the probabilities were that no wine could have been taken there, and therefore the inference was that Mrs. Woodhull hadn't told the exact truth; and then they bring others who swear that they drank wine there in that box. I don't know what there was in my friend's mind as to the harmony of the testimony, and therefore I pass by the evidence of those two gentlemen, and I come to the great embodiment of what in law is termed a *negative pregnant*, Challis. [Laughter.] "Mr. Challis, Mrs. Woodhull has sworn so and so; is it true?" "No." "Well, Mrs. Woodhull says thus and so; is it so?" "No." "Then Mrs. Woodhull stated that in a conversation you said so and so; did you?" "No; it is all false." Why, my friend belittles his witness; his ability is certainly beyond that; he is a man who can prepare briefs; a man who understands stenographer's notes; a man who can prompt his counsel occasionally. He should have done his intellectual attainments more credit with this jury than that. My friend crams all the meat into his question, loads it with a suggestive negative reply, and this complainant shoots off the negation with a little flourish: "It is all false." Let me show you the character of the questions put to him. He describes the introduction and the affirmative part of it substantially, as Mrs. Woodhull said. I don't know whether it makes any particular difference whether he was introduced upon the floor or in the box. Mrs. Woodhull's story is natural, and it is not probable that she and her sister would have been separated, being then together that evening, and that Mrs. Woodhull would have been strolling around the floor alone, even if she were closely dominated, and seeking to avoid recognition. The probability is that the statement of Mrs. Woodhull, so far as that is concerned, is true; but that is immaterial. "Q. At any time in the evening did you invite Mrs. Woodhull to enter that box? A. I did not. Q. You heard her testimony in that respect? A. I did. Q. And in that respect she is mistaken? A. What she stated is not true." Then he says that he went to the house about a month after the night of the ball. "Q. After leaving the Academy, as you have stated, when you last saw Mrs. Woodhull, when did you next see her to converse with her? A. I think about a month after. Q. Where? A. At her house on Thirty-eighth street." Now, you will remember that this man became a correspondent, according to his own testimony, of Miss Claflin, as he said Miss Claflin wrote to him three or four or five times, and that he wrote to her upon one occasion. Well, on the 22d of February, about five weeks after the ball, he had progressed so fast in his correspondence that he had got to calling Miss Claflin "dear Jennie," and referred with affectionate familiarity in his note to the lady he had never seen but once up to this time, as "Vicky." "I congratulate you and 'Vicky' upon your success"—dated Feb. 22—that is the exact language of the note, and it indicates that he had been in their society prior to the 22d; had attended Mrs. Woodhull's lecture and knew all about the matter, and was a visitor at the house. While I am upon that point, it is proper to state that when we offered this note in evidence, "I congratulate you and Vicky," Challis had sworn, and sworn well, that he had never seen this lady to have any conversation with her except upon two occasions, and only for five minutes at that. Well, the remarkable ease and grace and general enviable surroundings of Mr. C., and his deportment, were strikingly illustrated in that note. He says he met Mrs. Woodhull once upon the floor of the Academy for a few minutes, and in a month after he converses with her for five minutes, formally, upon her return from Brooklyn, I think he said, and writes to her sister, "I congratulate you and Vicky." If that is not a surprising degree of familiarity to grow up in so short a time, then I can think of none that would be so. I don't wonder that my friend needed the assistance of the Beecher article to help this complainant's testimony through. My friend sees that "Vicky" is in the note, and he doesn't exactly like the effect that it might have upon the testimony. My friend is an experienced and able lawyer, and knows that sometimes straws show which way the wind blows in law suits, as well as outside, where the wind blows literally. My friend said: "In your conversations with Miss Claflin about her sister, what did she call her?" "Well, she always spoke of her as 'Vicky,'" and my friend shook his head with a self-satisfied air.

Now let us see, gentlemen, If my friend had a friend who

spoke of his sister by her first name, abbreviated; for example, suppose her name was Jennie, and he had seen the lady once, would he be likely to write to her sister or brother, and say with regard to any matter which had taken place, "I congratulate you and Jennie?" [Laughter.] Oh, no, gentlemen! In the classic language of Centre street, "That's too thin." [Laughter.] This witness then speaks of the small box that contained four seats—that was on his examination in chief—and my friend was very particular to inquire about this box. Mrs. Woodhull had described one with seven or eight persons in it.

*Mr. Knox.*—Eleven, if you please.

*Mr. Brooke.*—Make it eleven then. I don't think she mentioned any specific number, but my friend was very particular to ask Mr. Kingsland and Mr. Mouquin about the size of the box, and they found that the box they located had four seats. The evident inference was to impress upon the jury that this was a small box that would only hold four. This complainant comes back to the stand the second time and says there were seven; so that there was a considerable number of people standing and sitting about the box. How did Mrs. Woodhull know it? Did she divine it; did this man tell her? Or is not her statement true, and fair, and honest, and correct, that she was there and saw it? You will remember, also, in what a wholesale manner this complainant speaks; he swears sweepingly of what occurred in this box, although he was in and out and away; there at one time, at another time looking for young ladies to pick him up so that he could send them to the box; and at another time entertaining the young ladies who had thus made his acquaintance; and yet, with a sweeping assertion, he testifies that he knows all that went on in that box that evening; that Mrs. Woodhull was not there the whole evening; that she couldn't have been there without his knowing it; he swears to it positively; there is no equivocation about it; no explanation; he swears positively that there was no wine there that evening. The complainant and his friends were out when they were in the box; there were seven there. What a prophetic and peculiarly-inspired waiter, if it were a waiter, they must have had who could look into the box when they were out and know they were coming, and seeing five and anticipating their return, bring seven glasses! They came there and drank their wine, and the wine and the glasses were there when they came. Whether this man had partaken of any other bottle of wine that evening or not is not known; but the thirst that was in the throat of one man who ordered the wine was of the same character as that of this individual, or of Mr. Barber, or Mr. Maxwell, or whoever else was in that box. So for all that Mr. Challis knows or can say, there might have been one or twenty bottles there; there might have been one, ten, or a dozen coolers there. This witness was particular about his statements and distinct in his recollection. Mrs. Woodhull approaches it stating that she had been confused by the circumstances that had occurred, and that the lapse of time had evidently taken matters out of her memory, for at that time this person was of no consequence to her, and she gives you generally her recollection of what occurred that night. Challis dissects it and divides it, taking the benefit of Mrs. Woodhull's testimony, and negatives it all in a wholesale manner.

RECESS.

Gentlemen, there is one portion of the testimony to which I desire to refer to again now—the article offered in evidence, said to be illustrative of the motive in the publication of this article. You will recollect that there were some general views read in the article, and some that were referred to in an interlocutory sort of way by his Honor as to the doctrines enunciated. Now I desire to call your attention to the explanation of that matter from the testimony of Mrs. Woodhull. My friend, Judge Fullerton, asked her, "You do not believe in the sanctity of the marriage relation?" "I do not believe in the sanctity of the marriage law as now made by men, women having no voice in it whatever." I might here remark, in illustration, that the Legislature of Iowa, in accordance with the general sentiment of the community, by an almost unanimous voice, have recently passed in both Houses modifications of the law that probably may meet what Mrs. Woodhull intended to suggest by that answer. "You think a woman has a right at will to leave her husband and go with somebody else?" "If her will takes her away from a man, she surely ought to go." "And live with another?" "I haven't any right to state what she should do after that—what she thinks she ought to do in truth and honor to her own womanhood and body." "Notwithstanding she has one living husband, she may go and live with another man?" "I do not honor the law to-day that binds women to men for money." "Answer my question." "I have answered it in that manner." "She has a right, if her desires prompt her to do it, to go and live with somebody else other than her husband?" "If she does not love the man that the world has called her husband, and hates him and desires to leave him, most assuredly. I hold that any man or woman, whether married or unmarried, who consorts for anything but love, is a prostitute." "And has a right to break it off at will?" "I hold there is nothing to break it but hate; when they hate each other it is thereby already broken." "That is your doctrine?" "Yes, sir; that is my doctrine."

*The Court.*—Since you have referred to that, I will state that I understand that doctrine to be this: If a woman ceases to love—I will use that respectable word—ceases to love her husband, or if the husband ceases to love the wife, notwithstanding the law of the land and the holy marriage ceremony, she or he has a right to leave, and, like birds in the trees, choose another mate. That is as I understand it.

*Mr. Brooke.*—Then your Honor certainly misunderstands it—there isn't anything in the testimony that indicates that that is the doctrine.

*The Court.*—I don't think it very important to the case what the doctrine is.

*Mr. Brooke.*—I think it extremely important.

(Continued on page 8.)



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NEW YORK, SATURDAY, APRIL 4, 1874.

## TO OUR FRIENDS AND SUBSCRIBERS.

Having now passed safely through the ordeal of a trial in which our personal liberties were at issue, may we not ask all who are in any manner whatever interested either in us personally or in the doctrines advocated in the WEEKLY to come forward to its support. All the hard-earned money of our recent lecture tours of one hundred or more nights has been exhausted in securing a successful defense. Therefore we ask, with a certainty of ready response, that our friends and readers will at once see the necessity of standing by us in the present exigency. Renew your subscriptions and send in new subscribers should be your pleasure not less than it is your duty, since it is your battle which we have fought and won.

## SYMPATHY AND ASSISTANCE.

The numerous and varied kinds of letters of congratulation which are pouring in upon us, now that we have been vindicated of the charge of libel, are peculiarly flattering, and were we at all given to susceptibility in that direction, we might indeed feel that our trials and vexations are more than repaid. But while viewing this side of the picture, we cannot forget that there was another side, and that this other was pressed for our experience by all the powers known to fanatical resentment and hypocritical pretense, backed by money in any amount. Had they succeeded, what then? We fear it would have closed many lips and stopped many pens. There are a great many people in the world who at heart are reformers, but who are not sufficiently devoted to it to be willing to incommode themselves in its behalf; many who think reform good and who are glad to see it go forward and willing to permit it to do so, provided always that it costs them nothing of social position, business influence, or pecuniary comfort.

Having been for so long a time in the habit of speaking and acting without regard to any of these things; of boldly, perhaps baldly, defining our position upon any and all mooted questions, we are in danger, no doubt, of too little consideration for this class of people whose reform notions are always controlled by their politic scruples. Indeed, we fear that we do not give sufficient credit to their associations, habits and inherited weaknesses, and that sometimes we feel that they ought to come out more boldly and positively, when in reality they deserve the highest commendation for maintaining even the slightly radical position which they do occupy.

It is for these reasons that we are often debarred from remarks which we should otherwise make. We remember that each person is a legitimate result of everything that has had an influence in molding his character or his body, and that if he be to define his most radical and deepest thought, it is but to state the power to do so, and that he probably expresses it at less expense of feeling than does he who occupies a half as advanced a position.

This consideration should ever make all reformers who recognize its philosophy very charitable in their judgment upon those who, as they think, fail to do their full duty in the support of any movement in whose objects they profess to have an interest.

Notwithstanding all this, however, those who stand as the advanced guard, as it were, to receive the heaviest onsets of the enemy, and who, from lack of support, are frequently upon the point of being compelled to fall back from their position to others of greater safety or of less risk, cannot help feeling that too much has been won, and at too great a sacrifice, to permit it to be yielded while there is a hope unexpended. They conceive it to be a part of their duty, as such advanced guard, to call, lustily, if it need be, upon those further in the rear to come forward to their support before support will cease to avail. Feeling that they are fighting the battle for the world behind them, they realize that if the world knew the importance to themselves of their success, support of whatever kind, whether of personal influence or of physical comfort, would not be wanting.

We do not write these words as a basis upon which to make any complaint regarding the failure of the friends of social reform to sufficiently sustain the movement to secure it, but the rather to acknowledge the large amount of gratuitous sustenance it has received, and without which it had been compelled to cease its efforts long since. In this regard we feel constrained to say that we believe no great reformatory movement ever before inaugurated ever received so generous and unselfish maintenance as has this. Hundreds of persons have made large sacrifices in many directions, and others have contributed as they could to help on the cause which is destined ultimately not only to emancipate woman from her sexual servitude, but, through such emancipation, to regenerate the world; for the old prophecy is yet unfulfilled, "The seed of the woman shall bruise the serpent's head." It is only through woman that this salvation, this destruction of the old serpent, the devil, can come; and it can never come through her until she shall be elevated to her proper sphere as Queen in the domain of sex—until she shall own and command her own sexual functions, and be forever removed from even the seeming necessity of bartering them for physical support, either for life, as is now too frequently the case in marriage, or temporarily and promiscuously, as in so-called prostitution.

To secure this end is our demand, and whatever we do points positively in this direction. In our estimation, there is scarcely anything else worthy of an earnest soul's attention. Concealed within the range of its prophetic vision is all of which seers have prophesied and poets sung; and as its beauties and glories are from time to time revealed to human minds, they will join the grand army which is already not only organized, but which is marching, quietly it may be, yet certainly, to ultimate victory. Nor can we doubt that this victory is near at hand, when those who are enrolled in the grand army, and in the advance, are fighting each and every opposing force, are safely entrenched in the hearts of the people, which furnish a never-failing "basis of supplies," both of love and of all other needs.

## A COMPETENT AND JUST ESTIMATE.

It will be generally remembered by the readers of the WEEKLY that, at various times since the publication of our issue of the 2d of November, 1872, it has been stated in its columns, that for its own sake the public press, generally, ought to have sustained instead of denounced us for that publication. It was a step beyond anything that had ever been made in moralistic journalism—a departure which had either been feared or avoided, carefully, by the entire craft, and yet it seemed to us to be one of the most important and necessary functions of journalism. It had come to be almost universally understood that men could practice any degree of sexual debauchery with perfect immunity from the public scorn. If any debauchery came to light in such a way as to make police recognition necessary, the women involved were the only ones whose names were given to the public, while the men were safely shielded behind the mask of their respectability.

One of the probable reasons that this course has been possible for so great a length of time is, because men have almost the complete control of the press. We had ample illustration of this fact in the early part of our experience. It was found necessary for the press to condemn us, since, not to do so, was, in the words of the Editor-in-chief of one of the great city dailies, "to encourage them to publish the remainder of the five hundred biographies, and who can tell which of us may be the next." This reason was sufficiently potent to ensure a lengthy editorial in nearly all of the papers, not only of the city, but, following their lead, in the country press as well. There were honorable exceptions to this, however, wherein our course was ably and zealously defended. But the general press persistently refused even to state the issue that was really involved, notwithstanding that it was repeatedly pointed out in the WEEKLY.

This has, however, changed somewhat for the better, since this issue was so pointedly expressed by the statement of the jury given after rendering the verdict. There are instances where journals have also stated the issue very clearly, and we are glad that, at last, something simulating to justice is beginning to be tendered the departure that we had made. We clip the following from the Rochester (N. Y.)

*Democrat and Chronicle:*

The verdict of the jury in the case of Challis against Woodhull and

others is generally commended by the press, as it should be. "The press," says the New York *Commercial Advertiser*, "have reason to be grateful to this jury for sustaining, without fear or favor, the inalienable rights of newspapers in the exercise of their prerogative to note and comment upon occurrences of interest to the public, or whose suppression shall be injurious to public morals. Such a precedent as this can hardly be overestimated in its value, as establishing exactly the more important features of the libel."

—and the following from the Jersey City *Evening Journal*:

The verdict in the case of the Woodhull-Claflin-Challis libel suit will give general satisfaction, not because the public sentiment is in accord with the peculiar ideas of the women who were defendants, but because the man Challis deserved no sympathy and the sisters had been persecuted with unusual ferocity. The New York *Times* says that the jury discredited the testimony of Challis altogether, and we should not wonder if they did. The manner in which many of the proceedings in the courts against Mrs. Woodhull and Miss Claflin have been initiated and conducted, has been simply atrocious, and in the interest of fair play we are glad that the verdict in this case was one of acquittal. It evidently didn't please the Judge, but that is of little moment. It suited the jury, and will be generally approved by an impartial public, or rather by a public which is certainly not prejudiced in favor of the defendants.

After the battle is fought and won, it is quite easy to see and acknowledge the service rendered; but we cannot help thinking how much easier the battle might have been made for us, had those in whose interest it was being fought come to our support from time to time. As it was, we had the Church, the State, and the United States in combination against us, to deprive us, not as the records of this case will show, of the right to criticize personal acts of the male sex, but of the right to do so when holding to social theories upon which such acts have a bearing, which theories are at variance with the so-called popular practices. This was the issue set up by the prosecution which the Court attempted to enforce, but which the jury would not countenance, and this is the meaning of the verdict—"Not Guilty."

## OUR LECTURE ENGAGEMENTS.

To our friends and correspondents in various places who are expecting daily to hear from us as to the dates when we shall be able to fill our engagements to lecture, we desire to explain, as follows: When we were acquitted upon the criminal charge of libel, our friends, who were not conversant with the case, probably thought that we were entirely free from the meshes of the law; but it was not and is not yet so. It will be remembered that we were held to bail in the sum of five thousand dollars each upon a civil suit for damages set down at fifty thousand dollars upon the same charge, upon which the criminal indictments were founded. This civil suit still holds and is being pressed by the complainant, who evidently is not gratified at the result of the criminal part of the prosecution, and hopes probably, but upon what grounds we are at a loss to conjecture, for better success in the civil suits, which were originally instituted, as we believe, merely to increase the total amount of our bail to such a sum as it would be impossible for us to obtain; but upon which the prosecution now falls back, having been beaten in the other courts. At the time, upon the beginning of our trial, when we were consigned to The Tombs by a surrender of our bail on the part of one of our bondsmen, whom recent events had poisoned, this particular bail was also vitiated and we were obliged, upon the acquittal, to furnish new securities, having until Monday the 23d instant to do so, in the meantime being honorably held within the limits of the County of New York.

For some reason unknown to us, this suit for damages has been transferred from the Supreme Court, where it was originally brought, to the Marine Court. In this Court a motion is to be made and argued by the prosecution to have the case set down, out of order, upon the calendar for an early trial. When this is determined we shall be able to inform our correspondents as to the probability of filling our engagements at an early date or otherwise. We cannot leave the city under the present conditions, nor until they are changed. We came home breaking our engagements to fight the battle out; and if the enemy are not satisfied with the situation as it has been since the recent trial, and desire to renew it upon a new base, why, we have nothing left to do except to also renew the defense, not entirely certain, however, that we shall remain always upon the defense, when there is so good and so inviting a field in which to begin offensive operations. "Whom the Gods would destroy they first make mad" may be still true; but it shall not be so upon our side of this matter.

## VINELAND LEADING THE ADVANCE.

It is gratifying to us to be able to say that whenever there is any special need upon us, it is met with unsought supplies from various sources. Though successful in our recent encounter with the enemy in the State Courts, it was not attained without the expenditure of all the power of whatever kind that we possessed. Our friends in the country, comprehending all this, rally to the rescue, Vineland in this instance leading off, as will be seen from the following letter:

"VINELAND, February 15, 1874.

"Dear Victoria—When it became known among us, you, friends here, that you were really going to be brought to trial upon a criminal indictment, we began to canvass the question of supporting you, let the event be what it might. There are at least a few people in the world who are willing to stand by you as the representative of the principles which you so ably advance and defend, because they believe not only that you are honest and fearless in so doing, believing"



them necessary to the purification of the human race, both morally and physically, but because they also believe with you that the redemption of the world must come through an enlightened freedom, in which each person must be a law unto himself or herself, rather than through an ignorant prohibition, which offers all manner of escapes and indulgences.

"And when your trial really began, and day after day the papers brought us news of the vindictive bitterness with which the prosecution was being urged, based, as was clearly to be seen, upon your social theories rather than upon the crime with which you were charged, we felt still more strongly the necessity of doing something to aid you. Last Sunday was the day named when an effort should be made, and our able and earnest friend, Miss Nellie L. Davis, was selected to present the object in view, which she did in a most satisfactory manner indeed. When she began her remarks by reading Dr. Coonley's telegram (of the evening before) announcing your victorious acquittal, which had not been made known generally among the people, a tremendous and prolonged *encore* went up from the hearts of those assembled such as had never before shock Plum Street House. As the result of the appeal and of the relief movement I inclose you fifty dollars, with the hope that it may be but one among many that may flow in to you as a recognition, in part, for the intrepid manner with which you have faced and beaten such fearful odds as were evidently pitted against you upon this occasion; as well as for the fearless way in which you have thus far carried the banner of social reformation. In behalf of your friends,

JOHN GAGE."

To our Vineland friends, one and all, to Portia and John Gage and Nellie Davis specially, we desire to return our heartfelt thanks, not only for the inclosure of fifty dollars, which we can assure them was very acceptable, but also for the sentiments expressed, which were the basis of the contributions. We felt that we have neither labored or suffered in vain when such letters are received from such friends. They not only make our recent suffering light, but they also encourage us to go forward on our way with renewed strength both of body and soul, and an enlarged confidence that our efforts are not without effect. We feel, and we say it in none but the most reverent spirit, that we are fighting the battle for all womanhood, and our souls are rejoiced almost beyond measure when we realize that there are some grand souls who appreciate that fact, and regard us not as the mere seekers for a vulgar notoriety, but as earnestly engaged in what we believe to be a great and much-needed movement. We can only once more assure our friends everywhere that we know that it is impossible that anything, except a greater sexual purity and morality and a more profound happiness than has ever yet blessed the world, can result from the recognition and adoption of the principles which we advocate. Did we not know this, our voices would cease to be heard and our pens to move at once and forever.

#### MEDICAL LITERATURE.

We have at sundry times complained about the ignoring by medical writers of the vital questions involved in the physiology and pathology of the sexual functions of the race. We believe and have so argued that it is to this failure on the part of physicians to make known what their experiences must have taught them that is to be attributed most, if not all, of the debauched sexual conditions of the people. As physiologists, they know just what is demanded by the sexual natures of both sexes; and as physicians, they know how fearfully short of meeting this demand the present social system falls. They have, however, failed utterly to either point out the facts or to propose remedies. And thus have the people been left to go on in their ignorance, constantly degrading that part of their natures upon which the real health of the whole man depends, until now there is scarcely such a thing as natural sexuality known among them.

Undoubtedly the reason that this ignorance has been perpetuated by the medical fraternity is because the popular theology of the past down to the present has held that any treatment in a popular manner of any subject connected with the sexual organs must perforce be obscene, and tend to the creation of lewd thoughts in the minds of readers, and especially in the young. This unfortunate circumstance has without doubt consigned many a youth to a lifelong death and many a wife to an early grave. We hold that the sexual organs, as they are the most important part of the human frame, are the furthest removed from anything that can possibly be called obscene, and that they ought to be, and by really virtuous men and women will be, held in divinest regard. The obscenity and vulgarity that is generally conceded to attach to them is not in them, but in the mind of the person who so regards them. He or she who blushes at the mention or the consideration of sex in any form, has at some time in life committed some sexual act of which to be ashamed. We hold this to be a universal rule, and one that will be so recognized in the near future by the intelligent of both sexes.

We are aware that Dr. Foote of this city, some years since, published a book entitled, "Medical Common Sense," which has had quite an extensive circulation, and has exerted a very wide and salutary influence; but this work was not of that character which gives it the authority of medical

science. But this cannot be said of a very recent work on "The Reproductive Organs," by Prof. John M. Scudder, of the Cincinnati Eclectic Medical College, who is widely and favorably known among all classes of practice, both as a student of large research in everything pertaining to medicine and surgery and their practice, and as a successful practitioner and professor. His social status is also unquestioned, and he therefore may be regarded as an authority upon whatever he may speak or write.

It is true, however, that Dr. Scudder in this work has only broken ice, but he has said sufficient to indicate that he intends to say more; it is also true that the connections in which what he does say stands, will prevent the work from obtaining anything like a popular circulation.

It nevertheless is equally good as an authority, and will be remembered in the future as the advance which led to the full exposition of the whole subject of sexuality from a scientific standpoint. For our part we thank Dr. Scudder for the courage that made it possible for him to lay down the few fundamental propositions regarding the science of sex contained in his new work. None but a physician of the reformed school could have been induced to have written for the public such truths as are contained in the following quotations from the book in question:

"We are met at the threshold of this investigation by moralists who say: 'It is not wise to discuss this subject; it is impure and can but lead to impurity.' While it is patent that the social evil runs riot and that the *whole people are influenced to some extent by sexual vice.*"

"With these moralists, everything is good that is *covered* by the marital relation; everything is evil outside of it. This mantle gives unbridled license to their passions, *frequently* at the expense of health, happiness, even life of their helpless wives."

"Our civilization has within it, and as an essential part of it, the germ of prostitution and all sexual vice. Our education, habits and methods of life tend to the undue development of sexual passion, and of necessity entail prostitution when marriage is not possible or sufficient. We forgive the man all sexual sins *inside* or outside of the marital relation, yet deny to woman the chance of repentance, and to the child, born out of wedlock, the name, protection and support of its father."

"The first law of our being, always operative, is *that, as any function of the body or mind is exercised it gains strength.*"

"The mental and physical gymnasts of Greece and Rome had abundant procreative power."

"As the physical development and life of the species must be to a considerable extent dependent upon the integrity of the procreative function and its right use, we can see how society at large *has a right of inquiry* into those evils and the use of the means for their correction."

"Under the marital relation men and women are for years accustomed to the frequent performance of this act. The spinal cord becomes accustomed to it and now, if from death or some other cause there is an arrest of its performance health invariably suffers."

"If the act is complete so that both the mind and the body are satisfied no disease arises though there be frequent repetition. But if it be incomplete the organ being irritated merely, and the mind not satisfied, then disease will surely follow." "There is no doubt that the proper gratification of the function is conducive to health and longevity, or that its abuse leads to disease and shortens life."

"The wife should not lose control of her person in marriage. It is hers to rule supreme in this regard. This is a law of life, and in no species is it violated except in man."

"If fine clothes and accessories make fine people; if for them they risk honesty and fair dealing, take advantage of their neighbors, sell their sons or daughters in marriage, why should we blame the woman who sells her favors for what the world thinks so desirable? Make labor honorable, and pay women for their work, and we will have removed the last cause."

"Male prostitution is regarded as rather honorable than otherwise. A fast life is spoken of as rather a good antecedent in a man, and sowing wild oats as rather an agreeable advertisement. Such a man moves in good society, is received in moral families, is intimate with virtuous women, is courted by the church, and marries. But the woman who has sown her wild oats—God help her!—can never return to society, can never earn bread by honest labor, is of necessity an outcast."

Such are the words of a great and learned physician and large-hearted gentleman. They do not come from the pen of a "rattle-brained reformer who magnifies mole-hills of marital unhappiness into mountains of sexual vice." There has never been a word written in the WEEKLY upon these subjects that is not justified now by these meagre extracts, which are but the merest samples of that in which the book abounds. The book itself is a valuable one for any family, and ought to be in the hands of every reformer. We presume it may be had by application to either Prof. John M. Scudder, its author, or to Wiltach, Baldwin & Co., its publishers, Cincinnati, Ohio. Its price we do not know.

#### MR. BROOKE'S ARGUMENT.

We have no need to apologize to our readers for presenting *in extenso* the very able and learned "summing up" of Mr. Brooke in our defense in the recent trial for libel. We feel sure that all of them will read it with deep interest. It furnishes a concise digest of the whole case, of which but lit-

tle has been said in these columns since the publication of the article upon which the complaint was founded. The speech was pronounced by all who heard it as unique and unapproachable, and advanced Mr. Brooke's reputation as an advocate largely among all classes. We bespeak for it a careful and critical perusal.

#### SPENCER vs. SPENCER AGAIN!

##### No. III.

The principle reached in the closing remarks in the last WEEKLY under this heading, is still more directly involved in Mr. Spencer's next sentence as follows: "Already the correlative theory is becoming so definite and positive that you meet with the notion, uttered as though it were an unquestionable truth, that criminals are society's failures."

Now, are not criminals "society's failures?" Mr. Spencer teaches the doctrine of evolution; or the theory that each succeeding effect or fact is a natural and legitimate or necessary result of one or more facts, themselves results, which preceded it. Every act of every individual, the criminal included, consists of three separate factors—the subject, the object and the act itself. No criminal act ever committed was so committed simply and merely because a desire arose spontaneously in the mind of the person to commit it. The criminal in the first instance is himself a bundle of results, over no single one of which can it be said he has supreme control. He is the result, first, of the conditions under which he was conceived, which involved all the traits of character of the father which could be transmitted; secondly, of gestation, involving all the traits of character which the mother impresses upon the mind in embryo; thirdly, of rearing and education before maturity; and fourthly, of the circumstances by which at the time of, or immediately antecedent to the act, he was surrounded. Now, who shall be bold enough to dare to affirm that an act committed under all these preceding circumstances is not a "society's failure" rather than an individual's crime? When people acknowledge, as they must when they think of the subject, that any other person than the so-called criminal, in his exact condition both as regards antecedent and present circumstances, involving all these to which we have just alluded, such person would inevitably commit the same crime (which is saying substantially that all persons under like conditions would commit the same crime), we say when these facts are pressed home upon those who are now so bitter upon the criminal, they will be more honest in their judgments and more sympathetic with his misfortunes, to which he was led by a variety of circumstances over none of which he had, to say the most, any more than a relative control. It is useless and childish to object to this line of argumentation that it destroys individual responsibility. If it be true and destroys it, then it ought to be destroyed, so that a practice founded upon truth may take its place. If the truth, as established by facts, destroy the time-honored tradition of personal responsibility, which is an offshoot of the long ago exploded doctrine of free-will, then it is impossible not to conclude that to the community and not the individual is where we must look to right the failures which are made by individuals.

The question then arises: How is the community to do this? Nothing is more clear than is the only method by which communities are to be made better. They must be composed of better individuals. Better individuals can only result from an improved method of begetting children, and by their better education and training. It is strictly within the province of the community to open the way for all these reforms. The science of sexuality must be inquired into until it is established and everybody made acquainted with its teachings, and the best methods of rearing children introduced regardless of all considerations other than their best interests, or what will make them the best citizens. It does not matter if such methods should even deteriorate the present generation of fathers (which is the bugbear raised by Mr. Spencer), if the future of the children will be thereby enhanced. It is a "maudlin philanthropy," so announced by Mr. Spencer himself, to ignore remote results on account of present circumstances; the remote results, in this instance, being the future welfare of children grown to maturity, and that of the society of which they are to be members; while the present circumstances are the fulfillment of supposed duties, on the part of the fathers, to the end that their moral characters shall be promoted, let the results to the future of children and society be what they may. We will not insult the perceptions of our readers by supposing that they require any further elucidation on this point, and so pass to the next, as follows:

"Presently it will be seen that, since good bodily development as well as good mental development is a pre-requisite to good citizenship (for without it the citizen cannot maintain himself and so avoid doing wrong), society is responsible, also, for the proper feeding and clothing of children; indeed, in school-board discussions, there is already an occasional admission that no logically defensible halting-place can be found between the two," says Mr. Spencer.

Unquestionably, there is no logically-defensible halting-place between these two propositions. Having admitted either, the other follows as a matter of course. The only question, then, is: Which takes the precedence in point of importance? We contend that proper feeding and clothing for children is of great moment, while mental developmen-



is but secondary, since without food and clothing education would be of little good. To hold otherwise, is to hold to the inconsistencies so long and so vainly practiced by Churchianity, that of caring for the future welfare of the soul, while the body is left to take care of itself; just as though the soul could be saved for "heaven," while the body is being damned in "hell." It is unnecessary to present further argument upon the "bodily-development" part of this proposition. Having shown clearly that society is responsible, or should be, for the good mental development of children, it necessarily follows that it is also responsible for their good physical development. We only need to allude to the fact that the practices of society (in a bad way, we admit, but, nevertheless, so much so as to favor an admission of the principle involved) are now in accord with this proposition. When parents, either from sickness or other disability, do not or cannot find clothes and educate their children, the community provides a poor or almshouse. In almost every town there is such an institution, thus showing that, in the extreme situations, society is responsible for its members. If this is so, when parents fail altogether to provide for their children, and it is right as a principle, why is it not also correct as a principle to do so in instances where the failure is only partial? If parents can only half feed, clothe and educate their children, as is now true of half the children, why should not the community perform the other half, and thus have all children fully fed, clothed and educated, as is the more fortunate class now? These are the vital questions hidden beneath Mr. Spencer's badinage, and in them are involved the deepest and broadest interests of children and the future condition and welfare of society.

But Mr. Spencer dismisses the paragraph in question by the following extraordinary sentence:

"And so we are progressing toward the wonderful notion, here and there finding tacit expression, that people are to marry when they feel inclined, and other people are to take the consequences," just as if this is not absolutely the practice. Who objects, now, when the man worn out by his sexual debaucheries and poisoned throughout by his sexual impurities and their consequent diseases, leads to the altar a girl almost saintly in her moral and sexual purity? Does the justice or the parson who is to perform the farcical act of attempting to make "one out of two?" Do the parents, or do the public or private teachers of the community declare against it? Or, again, do medical authorities attempt to frown down such horrid iniquity? No; none of these seem to think they have any responsibility in these matters—a legitimate sequence to Mr. Spencer's theory of individual responsibility in matters that pertain to or affect the public interest; and thus "people marry when they feel inclined, and other people suffer the consequences."

In place of this an entirely different theory should prevail. Not that we would prevent, arbitrarily, anybody from marrying. But we would have such general sources of information and, moreover, have it such a disgrace, that nobody would hereafter dare to insult public interest by begetting children to curse themselves and society. We would have every girl taught before she arrives at the marriageable age, that she can make the children she is to bear just what they ought to be—a blessing to themselves and society, and to hold herself sexually pure from all men, her husband included, sexual impurity meaning undesired sexual commerce; and, moreover, again we would have the world individually rise to that altitude where the real Christian virtue is displayed of loving "thy neighbor as thyself," which includes his children as well as your own. If these doctrines and theories will undermine the foundation of society disadvantageously, as the "respectables" assert that our movements will do, why then we are willing to admit that we must continue to labor to thus undermine them, and confess that we shall be glad if our labor shall be crowned by the tumbling of society into all the anarchy and confusion that can result from the leading and practice of such doctrines and theories. We hope, however, that Mr. Spencer will soon find that he cannot develop and establish a science of sociology by dodging the issues involved in the sexual question, as he appears to desire to do now.

#### THE RULE OF THUMB.

The Rule of Three is an important rule, but the Rule of Thumb being more used, is of far greater importance. By it may be learned the reason why a thousand men should labor in a store or in a coal mine or factory, in order to augment the profits of the half-a-dozen owners of the same. The real cause why legislators do not make and governments do not enforce laws for the protection of uncared-for children in their communities, is because the Rule of Thumb is with them more potent than their charity or their duty. The many uses to which it can be applied are not forgotten, however, in our public schools. Few scholars who attend them know the difference between a harrow and a pitchfork, or between a gouge and a chisel. Ask them to tell you how many yards of three-quarter carpet it will take to cover your parlor, or even to measure how many feet of moulding there are in your front door, and most likely you will receive an "incorrect answer; but question them on interest for money, barter, brokerage, exchange, etc.—Mammon's half of the arithmetic—and you will most likely find them at home in all studies necessary to a knowledge of the use of the Rule of Thumb.

We might enlarge upon this topic by mentioning a few instances in which this important rule has been applied. If you ask why the base of the peach basket has been gradually decreased until how it can stand "solus" is a mystery, or why the ton of coal has been reduced two hundred and forty pounds by retailers, in spite of constitutional or Congressional fixing, the answer must be, "these changes are manipulated by the Rule of Thumb. If you ask to know why bankers' discount is higher than other discount, the answer must be the same. If you inquire why brokers sometimes demand and obtain two per cent. a month for the use of money, when the law of this State (New York) limits, or rather proposes to limit, all usance within its jurisdiction to seven per cent. per annum, the reply still is, "it is done by the Rule of Thumb." In all probability our Washington so-called legislators plastered the backs of the national paper currency with the repudiation label, and the Supreme Court decreed the same to be a legal tender by the same high authority. But the most brilliant instance of its power in Washington was shown in the creation of the National Banking system. By it the property of wealthy investors in our National Banks, less five per cent., was doubled instantly. If our readers seek to know how all these juggling operations have been performed, there is but one answer: it is Thumb, Thumb, Thumb all over, to the end of the chapter.

#### HOT WORK.

Every day the spiritual war that is raging around us is defining the positions of the real combatants. Every hour its issues are being limited and rendered more clear. On the one hand stand the Spiritualists, the asserters of absolute freedom on matters of faith; and on the other, the Catholics, the defenders of absolute authority. The noble army of Protestant Jeremy Diddler's (or doubters), who endeavor to maintain themselves between these two extremes, are rapidly becoming disintegrated and must soon cease to exist. The heat of the conflict may now be said to be surging around hell. If eternal torture in a lake of fire be the doom of sinners, the "auto de fe's," or burning of heretics, is right and merciful. In the case of the suffering sinner it is only about half an hour added to an eternity of similar torture, and the public exhibition of its horrors may deter others from daring to rebel against the authority of a Church that claims the power of consigning them to so terrible a doom. It is, therefore, no wonder that the great Jesuit, Father Garesche, thinks that the time is fitting to unfurl this black banner and terrify his opponents into submission. We are, therefore, not astonished at finding his "Sermon on Hell" in the *Sunday Democrat* of this city, and have no objection to lay before our readers the "paradise" to which he affirms that the merciful (?) deity he worships consigns multitudes of the children he has created. The following extracts from his discourse are submitted for re-consideration:

##### "ETERNAL ANGUISH.

"In the pool of fire, the swollen billows of living flame shall roll on forever and ever, burying beneath them the burning and agonizing victims of Almighty wrath. There every sense shall suffer its own peculiar torment."

##### "THE EYES DAMNED.

"But those eyes, after the Judgment Day, will witness the couch of fire on which the sinner must toss, in wailing and woe, for all eternity."

##### "THE EARS DAMNED.

"The frightful swearing and abominable curses of the damned are enough to make the blood curdle in the veins of the reprobates themselves, doomed as they are to listen for eternity to those dismal wails that form the chorus of devils in that abyss of woe."

##### "THE NOSE DAMNED.

"Would that we could perceive the delicacy of a virgin's chaste, unsullied virtue! Then, if we did, the poorest beggar that walks the street and serves his God would be dearer to us than the haughtiest queen steeped in the ordure of hell!"

##### "THE TONGUE DAMNED.

"And oh! that tongue which you told me you could not keep back from cursing—that tongue, that sharp weapon which you drove through the heart that loved you—that tongue, filthy with its foul expressions and nasty language, is now protruding from the mouth, a living, quivering flame of fire!"

These anathemas read something like the curse of St. Ernulphus, which is applied from the hair on the head to the toe-nails. But the father does not leave his hearers without detailing, also, what may be termed

##### "A SPECIAL PROVIDENCE.

"There lived a queen once, who, before being crowned, saw that she would have to give up the religion which her conscience told her was the true one, and she made this agreement with the tempter: 'If I must abandon my hopes of salvation, give me forty years to rule as queen.' Just forty years did that unfortunate woman reign. Just as the forty years expired, she, the imperious, overbearing monarch, died—died on the ground! She was crawling with white maggots before she was dead, and the courtiers recoiled in horror at the ghastly sight of a royal queen already in the grasp of the devil, and trembling on the brink of hell. At length, she gasped her last and was lost among the rest of the ruined souls."

##### "THE CROSS IN HELL.

"That cross which once the sinner kissed and now he curses. And there it sways to and fro, the pendulum of eternal ages as they come and go forever! And, as the sinner watches it, his brain goes whirling and whirling, and he hears, as in a maddening dream, the everlasting ticking—tick! tick! tick! And then, in characters of blazing flame, he sees the burning scroll and reads these flaming words as the pendulum swings from side to side: 'Forever! forever! never! never! Forever to be in company with the damned! Forever lost! Never to be saved! Forever, forever plunged down beneath that rolling ocean of fire! Never, never to rise above that accursed atmosphere of hell!'"

Although no church can equal the Catholic in the force and solidity of its anathemas, some Protestant Churches there are which are endeavoring to imitate it. These are

Catholic at heart, and should go where they belong. That this is so can be seen in the following extracts from the sermon of Elder Styles, the revivalist, which was delivered in the Sullivan-street Methodist Church, March 19, 1874. We are indebted to the *New York Sun* for the extracts:

"You, young man, who are a sinner to-night, the flames of hell are reaching for you. A bed of flaming sulphur shall be your eternal resting-place. You are hearty now, your eyes shine, and you are proud. Never mind; the icy hand of death shall touch you all the same."

The first part of this paragraph is rather dashed by the introduction of "ice" in its conclusion. It throws cold water upon the sulphur lake, and is out of place. Besides, it is overdone; the jaunty, ill-concealed desire for the death of the sinner is not commendable, even in the most rabid Christian. Here is another clipping; it savors of a spirit by no means praiseworthy:

"Suppose that an epidemic should follow this winter's revival, as is usually the case; suppose it should be the cholera, and you should die of it. Through eternity you would remember your choice to-night of hell."

Can it be possible that in this age such absurd fulminations of fallible mortals should be heeded? Can it be possible that foolish people should deem themselves in power to hurl the thunderbolts of Jove? Can it be possible that any human beings, with the past before them, can be so weak as to be moved with such impotent tirades? We pause for a reply.

How different is the doctrine of the Spiritualist! The meanest and most cruel murderer that ever cursed the earth did no more than he was created to perform. He will remove his infirmities by painful labor in other spheres. The "Most Merciful" has created none to eternally damn them. Shall we then do evil and suffer penance? Surely not. Rather let us work our way forward in this sphere, for there are painful evidences that there are lower as well as upper spheres in the places appointed for our second life. As the great Nazarene ordained, "we judge not," leaving that to the people who foolishly assume to be his followers. Enough for us that our belief teaches us to do our duty to our fellow-men; and on that, and that alone, rests our hope of advancement.

Surely the weary world, so long cursed with credal religions, which divide rather than unite mankind, ought to leap to listen to the new voice. The Brahmin fakir, the Catholic or Methodist and the Mohammedan howling derisorily, are all sprouts from the same arrogant tree. The first exposes his stigmata, or, like St. Anthony, has his repose disturbed by dreams of beautiful women; the second, in our camp-meetings, beholds the Nazarene and sees the marks of the nails in his feet and hands; and the third wanders in his ecstasy to the first or seventh heaven, and lays his head in the lap of Mohammed. Yet all these dare to make light of the Spiritualist, who believes in nothing regarding the future but what, in a sane state, he can either hear, see or feel. Never mind, let the ball roll on; progression is the order of the day. As with the body, so with the mind; the childish follies of the past will pass away, and a step nearer to the (at present) unknown will soon be taken by the world.

#### HOW ABOUT INFALLIBILITY?

Between the Papacy and Freemasonry there has long been war. Anathema after anathema has been issued from the Vatican denouncing all secret societies without the pale of the Church. If the following leader be correct, which is taken from the *Lynchburg Republican*, of Virginia, a change has come over the spirit of Pio Nono, and the decree against "secret societies" is modified in the case of the Granges:

"Conscientious members of the Catholic Church have heretofore refused to join the patrons of husbandry—except in spirit—because the rules of their Church forbid the joining of any secret society whatever. Priests and bishops have often urged their flocks not to identify with the Granges—excellent as they are—until permission could be obtained from the Pope."

"His Holiness not long ago received the petition of a Minnesota legislator who wished to be 'a granger and with the grangers stand.' This conscientious man first consulted Father Ireland of St. Paul, who in turn referred him to the bishop of the diocese. Neither could do more than to recommend the petitioner to appeal to Rome. In laying the case before the Holy Father, he stated, at length, the objects contemplated by the order, and the means by which it proposed to accomplish them. The reply of Pius XI. 'allows the petitioner to join the Grange of Patrons of Husbandry, if he find therein nothing conflicting with his conscience or the creed of the Catholic Church.'

"This decision takes the order out of the rule that applies to other secret societies, and leaves every Catholic free to join a grange if he considers it morally and religiously unobjectionable. It has brought a large accession of strength to the Order in Minnesota."

What can be the reason for this retrogression? Such a reversal of action could not have been arrived at without grave discussion of the matter by the College of Cardinals. Does it not look as if the Church meant to strive to again base itself on the good-will of the people, instead of relying upon the governments as it has done during the past five centuries? Is the "divine right of kings" to become with it a myth of the past to be succeeded by the "diviner right of the peoples?" By the assertion of the claim of infallibility, the Pope, though a prisoner in Rome, is virtually placed above all the Kaisers in the world, and they know it; consequently the concordats of the past are waste-papers or parchments, and he cannot look for friendship from monarchical governments. What then? There is only one course he can take, to affiliate as much as possible with republican governments and court the good-will of the peoples. Is not that the key to the change in the above instance?



(Continued from page 7.)

*The Court.*—It appears to me that that is the result.

*Mr. Brooke.*—As your Honor has manifested a very decided opinion about this that might be calculated in the manner of its expression, without your Honor so intending, to mislead the minds of the jury, I will refer to the testimony again in detail. "You think a woman has a right at will to leave her husband and go with somebody else?" "If her will takes her away from a man, she surely ought to go." "And live with another?" "I haven't any right to state what she should do after that—what she thinks she ought to do in truth and honor to her own womanhood and body." Now I submit that your Honor is clearly mistaken.

*The Court.*—Irrespective of the law of the land?

*Mr. Brooke.*—There isn't a suggestion of that. On the contrary, she said distinctly that she opposed the law, and it is a fair inference that her testimony meant that her struggle was to procure an alteration in the law of the land. There isn't a suggestion in one of these articles, there isn't a tittle of testimony in this case, that this lady said that she advocated a violation of any law of the land. But, upon this subject as upon any other—there are laws upon our statute books to-day which your Honor enforces, against the policy of which you do not hesitate to express an opinion. There are laws upon our statute books that for certain reasons, it is generally conceded ought not to exist; yet they are there. To the policy, the reason and the morality of any law, and the motive that actuates its enforcement, it is the right of every citizen to canvass and to object. But there is no suggestion in this testimony, nor any suggestion in this case, that this lady advocates, counsels or advises a violation of the law. She simply believing—precisely as you and I believe with respect to many laws—that the marriage laws should be modified, expresses that belief. You will remember that upon the statute books of this nation, within a few years, there existed what was termed the Fugitive Slave Law, that culminated in the war between the two sections of the country, the North and South. Persons doubted the policy of that law, and advocated not only the abolition of it, but even its violation.

*The Court.*—Since you have introduced the subject so pointedly toward me and the position I occupy, and in view of this large assembly and my duty as a magistrate and officer of the law, I have a right to say that if I understand that doctrine, if practically carried into success, if practically advocated so as to be executed, it would be destructive of the legal and holy ordinance of marriage, of the family institution, of its duties and obligations, of the provisions for the protection and education of children. We are living under a government founded on or originating in the Christian religion, and if this doctrine was practically carried out, by destroying the marriage obligations, and institutions recognized and commanded by Jesus Christ and destroying the family institution, the result would be that this nation recognizing the Christian religion as the common law of England does, would be carried back and reduced to the condition of the people of the Sandwich Islands, when they were first discovered. [Applause by one elderly man which was not suppressed].

*Mr. Brooke.*—I have no desire to meet any views of your Honor upon that question, and for a very simple reason. I have already stated cursorily, during the course of my address to you, gentlemen of the jury, in behalf of these defendants, that I didn't advocate the doctrines enunciated by Mrs. Woodhull upon this question. I think I have already stated that they are repugnant to the general principles of my religious education and faith. I have already stated that I was educated in a faith in which marriage was esteemed the holiest of all sacraments; therefore, for that reason I could not under any circumstances give my approval to the general views declared by this lady. But I accord to her motive the same desire of purity emanating from the same pure and moral instincts that I arrogate to myself in the advocacy of my views. We may all differ in the general construction of the moral code and in the general avenues and walks of religious doctrines and principles and dogmas; yet we must all trace back to the one first cause the element of morality, the element of religious morality that underlies and actuates, and moves and cements society, and is the foundation of its government and of its laws. Mrs. Woodhull may possibly not have the opinion and the support of the majority of persons with regard to her peculiar views, but just as you and I have the right—untrammelled by any one's interference, unaffected by anybody's prejudice or belief—to cling to and hold to ours, I ask you, in common justice and humanity, if this lady is to be proscribed because she has the womanhood to hold to hers? What difference is it to me what the faith of anybody may be? I remain firm in mine; I believe in it, and it is beyond the power of any logician or of any argument to move me. Shall I say that I must arrogate to myself this right, and, before a jury of her countrymen, uphold or acquiesce in the doctrine that she shall be branded for exercising the same right and privilege? It is the glory of our government, it is the cementing tie of our institutions, it is the keystone of our freedom, that there is no trammeling of any man's opinions, whether upon the subject of religion or morals, provided he prescribes his life and subscribes his acts to the general doctrines that underlie the principles of morality and government.

Now, in any abstract view of the case, put the question to your own minds, you who have the experience ordinary with men of your vocations in life—ask yourselves the question: Are there not certain experiences and certain circumstances that come into your daily lives, of men and women of whom you have daily knowledge, who, under the ceremonial of a marriage sacrament, if you please, live in discord and hate with each other? Where is the reason that any man or woman should not be permitted, in view of that existing fact, to come upon this stand and say, "I have canvassed this matter, and it is my belief, no matter what yours may be, that persons thus assuming to live in the bonds of love, in the holiest state cognizable by law or recognizable by religion, pretending to conform to the outward forms and semblances of this holy condition, and yet in their hearts

living a life of deceit and hypocrisy, are doing wrong?" Is there any reason why persons who are freed in their religious education from what they consider the duties of a general system, should not arise in communities and advocate some alteration in the law in this regard? Because, gentlemen, remember the law pays no respect to your religious convictions or to mine upon this subject. The law is not made to meet our peculiar moral views individually, but the law is the general instrument enacted for the harmonious government of the whole. No matter what our views may be, the sacred element described by his Honor does not enter into the law, for both in England and in this country, and repeatedly in the decisions in this State from its foundation under the English law for centuries, in the interpretation of the rights of parties in marriage, and in the recent laws of nearly every State in this Union, they have gone step by step, further and further, and enunciated and declared that that which was announced as a solemn obligation and declared by at least one church to be a holy sacrament, marriage, is merely a contract. Now, with respect to the law and its conditions, as the sacred obligation is stripped away in the interpretation given to marriage by the law, has not this lady a right to declare that she is in favor of a modification of the law? She certainly is not open to the charge of teaching pernicious doctrines when she states that men and women should be true to the professions they make before God and man. You and I will all agree as to that. As to when that unfortunate hour comes to decide what is the duty of man or woman, we might part company with Mrs. Woodhull and her doctrine. But the plain theory announced here is that if hate instead of love is the characteristic and general feeling of the domestic circle, that that which is founded in hate and exhibited in hypocrisy can have no morality as its foundation, and the law should there step in and remedy it. That is the beginning and the end of this argument. I introduced it at this stage, although his Honor says he does not see why, for the purpose of illustrating the explanation of Mrs. Woodhull in the general matters referred to in the article, and for the purpose of illustrating the prejudice that was sought to be sown in this jury-box by its introduction, and the utter absence of relevancy to the charge contained in this indictment.

Now, gentlemen, to return to this complainant, and very briefly, you will remember his testimony as to his meeting these females on the floor; I need not recapitulate that. He is a moral and virtuous man; a man who seeks vindication at the hands of this jury. What is his testimony? Why, at the Academy of Music, being the occupant of a box in the third story, he sallies out with Mr. Maxwell, his friend to take an observation upon the floor, and, the result is, that he there, for the first time, makes the acquaintance of two young ladies in very short skirts and low-neck dresses, and in consequence of what is said, as he suggests, out of motives of curiosity, invites them, or his companion invites them, to the box. Gentlemen, is that true? Now I ask you to examine that statement upon its face. You would imagine that this gentleman was at some moral gathering, that he was at some prayer-meeting, that he was at some place, the object of which was to have ceremonies elevating to the morals and the sentiments of the people, not at the French ball. I don't know whether any one of you, gentlemen, have attended a French ball, I never did, but I have heard descriptions of the scenes there enacted for some years, and I take the general report of the *World*, as interpolated in this article, that it is a place for the congregation of magnificent hussies—the "worst women" and the "best men." Why do they go there? Why did this complainant go there? Do you know where he lives, gentlemen? He lives at the Hoffman House, and he has lived there for five or six years. You have been in and out of the Hoffman House—it is the resort of the men about town; it is the place where the gentlemen who walk up and down Broadway every day, stop to see the women on their passage up and down the street. It is the place where all the sharp, smart, fast things of the city are canvassed and known. It is the place where the city bloods congregate. They are well informed upon French balls and upon other French institutions in the city [laughter]; and this man had been a boarder there for years prior to January, 1872, and he knew all about the French ball. He went to the French ball from no motive of curiosity. He accosted these women, and invited them to the box for no motives of curiosity. He is a gentleman of taste; his appearance is in evidence before you. He is "the glass of fashion and the mould of form;" he is like Michael Cassio, "a man framed to make women false." [Laughter.] There he is, gentleman; there he is. He went to the French ball that night with the eye and the taste of a connoisseur, and in the sort of *blase* manner that you can imagine belongs to gentlemen of his appearance and respectability and his superior personal attractions, which you remember he tried to impress on Mrs. Ballard, he walked around the floor, and he selected two ladies upon whom his eye fell. No other ladies did he invite to that box. There were fifteen or sixteen others that he had been in the habit of meeting on Broadway, with whom he had no special acquaintance, but whom he recognized, at whom he looked and looked at repeatedly, and remembered them from thus meeting them, but out of all the gathering he selected these two and they went up to the box; not he and Mr. Maxwell joining them on the floor when they were accosted, and walking around with them to see the sights and the costumes that were exhibited; not saying, delicately, as he would to a lady to whom he was introduced, "Will you take my arm and accompany me to my box?" but, "I have got a box up in the third story—box R; you go up that pair of stairs and around"—you can imagine they must have had some direction—"you go up there and we will come up in a little while." Naturally that must have been the conversation from the result, because the two women got to the box, and he and Maxwell came up in a little while, and sat there sipping wine with the ladies; the masks are removed, and he remains in their society for some hours. Now, gentlemen, didn't this witness intend to mislead you, upon that stand;

when he swore that his motive was curiosity? Is it anything extraordinary to ask you to believe that the man who was out on this sort of enterprise upon this evening—attending the French ball, where notoriously all the *demi-monde* congregate—is it asking you too much to believe that he went there for purposes of assignation? Why have a box in the third story, where he would be private? Why select two women and send them up to his box? For purposes of assignation, and no other. Why, to your intelligence and mine it is an insult to suggest anything else. That was his object and that was his motive. And the same motive that prompted him thus to make upon the floor the assignation for the box, prompted him, probably, afterward, to make the arrangement with the two girls, that resulted, in his way, in the "good time" he described to Mrs. Woodhull, at Mollie De Forde's, in Thirty-third street. My friend was very particular about this part of his examination. He said to him, "Have you ever seen those two young ladies since?" "Never but one of them." "You have seen one of them since?" "Yes." "How often?" "Five or six times,"—he was not certain. "Where?" "Well, three or four times on Broadway and two or three times *elsewhere*," and my friend, with the agility of a legal acrobat, immediately turned his attention to some other point in his examination, and never questioned him again as to the precise location of "elsewhere." "Well, gentlemen, where is *elsewhere*?" Where is it? Can you tell? Where do men generally meet women who pick them up at French balls? strangers, and go to their boxes—where do they meet them outside when they describe their meetings as "elsewhere?" Was it Mollie De Forde's? Where was the place likely to be the meeting spot of this man and these ladies? Ladies—"young girls" in the description of Mrs. Woodhull; "bawds" in the description of this witness and of Barber. Where do men meet bawds? "Elsewhere." The only explanation of "elsewhere" is found in the general history of his association with these women and in their evident character as told from that stand. My learned friend didn't pursue that inquiry. The witness evidently had not anticipated that he would be asked that question, otherwise he would have summoned that remarkable memory of his for a particularly detailed reply. But the question took him by surprise, and he answered it without reflection. My friend apparently saw that he had put his foot in it, and not knowing to what it might lead, he left it and wafted off to another branch of the examination. That was his answer, gentlemen; you will remember it. My friends, as I said before, are shrewd and able gentlemen; they have no superiors at the bar of this city, or at the bar of any other city; they are gentlemen whose well-known reputations and characters have won for them a position second to none in this country. It would not be a fair thing, and it would not be a suggestion that could possibly be entertained, were I to state that they had possibly overlooked or neglected any part of this subject, but they know precisely from the intimation of a word in an answer where the pinch comes, and they then display their ability by suddenly shifting their ground, and never did my friends display more ability in suddenly shifting their ground than they did in this matter. "Elsewhere!" Mr. Challis, you ought not to have said that. [Laughter.] Would it be too great a stretch of imagination to ask you to believe that "Elsewhere" meant a private house of assignation—meant the place where \$60 were spent for wines by gentlemen of large means and interests from Kansas—meant Mollie De Forde's, that "Elsewhere" meant the bawdy house. I think not.

Now, you will remember that this complainant was asked how many times he saw Mrs. Woodhull. I have referred to that already, but I desire to call your attention to it in connection with another witness. He never had any conversation with her except once for five minutes, and Miss Clafin wrote him frequent letters. Just at that point when he was asked about how he came to go to Mrs. Woodhull's house, he interpolated the story about writing the letter, and then he immediately started off in a general assertion of his familiarity with Miss Clafin's handwriting. He had taken his cue too soon—he had mistaken the place in his examination. Miss Clafin did write him some letters, he said. Where were they? I can't produce them. "Have you any letters?" "Oh, yes; I have one; I have a letter which I kept and I offer it now because it may have some effect upon the jury in this case." If she wrote me four or five other letters indicating our relations, and which if produced would illustrate to this jury the reason and the motive for writing this one, I would say that I destroyed those and only produced this one which in my judgment will aid my cause. This letter was produced, and what is it? Miss Clafin is upon the eve of her lecture; she has applied for the Academy of Music and is doubtful of success in getting it, and desires assistance and co-operation from the persons who probably had suggested to her to appear upon the rostrum, and if necessary they would in some way assist her through. Miss Clafin, in that condition of mind, incloses a ticket of the lecture to this gentleman and asks him for two hundred dollars contribution. Now, upon that flimsy pretext does the prosecution in this case hinge a probable motive for the writing of this article. Mr. Challis does not reply, and he is visited by Miss Clafin, as he says, at the office of some brokers down town, and the two hundred dollars is again the subject of conversation in that little room—you remember the relative distances between the persons there, as he described them when he was on the stand. Mr. Challis does not respond with the two hundred dollars, but evidently he did not regard it as an intention or design to get money from him improperly. He recognized it as what he knew it was. How is this illustrated? Why, though he had received this letter and this visit evidently before the lecture—because Miss Clafin would not have come to him for money after the lecture was over—he doesn't remember anything about the time. Where is the illustration that he never regarded it or thought of it otherwise, until he introduced this letter into the prosecution, to indicate motive? He went to the lecture, he accepted the invitation, or he acquiesced in the suggestion of Miss Clafin and went to the



lecture at the Academy of Music, and the same night wrote the congratulatory letter, "I congratulate you and Vickie." Isn't that letter of his, perfect evidence that up to that time he had never even thought of any motive other than that about which Miss Claflin testified? Where, then, is the motive that he would have you infer? Nowhere, except in his own mind. But he tucked this letter in his pocket and the others he destroyed when there was no reason for it. In five or six days, as he testifies, he received letter No. 2, with a slip attached, which slip was a copy of the publication charged in this indictment as libelous. Subsequently he burned the slip but he preserved the letter. It is as follows: "Mr. C. when you try to humiliate a woman by talking aloud so every one can join you in laughter after she departs, remember that she can be aroused to retort, though not in a graceful manner. Because I have shown traits of character which I myself despise in any one which are tattling and repeating, and which are foreign to my nature until bewildered by misplaced confidence, I am under everlasting obligations for the lesson received." Does any gentleman in this jury-box believe that with malice in her heart and knowing this man was her foe, this lady, or any woman of sense, would have put such a sentence in this note—would have put herself in black and white, admitting and confessing traits of character which she despised! That letter is said to have contained a slip of this publication. If Miss Claflin wrote that letter, is there anything in the contents of it to indicate its relation to any slip, or the setting up of this alleged libelous article? Not a reference to it in any way—not a threat, not a word, not a syllable to indicate any such association; not an expression of feeling having the slightest reference by any possible construction to this libelous article. The slip, which is said by Mr. Challis and by him alone to have been in existence, is burned up, and this letter remains safely in his custody undestroyed until this trial, to be shown to you under his explanation, that you may extract from it something of the motive he would have you find for this publication. Burn up the slip!—this man who treasured the letter of Miss Claflin and the ticket in the very envelope in which they were sent, who swore upon the stand to the envelope and paper and handwriting; this careful, cautious man, when the very thing and the only thing that could illustrate the motive upon the trial of this case was in his possession; burned or destroyed it! Bosh! gentlemen, it is a story that indicates its own falsity. It is a story to which no man who reasons about the capacities and intelligencies of those he was addressing would for one moment lend himself to consider. Why? From the perseverance of this gentleman in this prosecution; from the careful preparation of his side of the case, made by himself, apart from his able counsel, by the cautious and ingenious manner of his approach, by the immediate tracing up of witnesses, who do his side of the case probable harm;—do you believe for one moment that if any such slip had been in the possession of such a man he ever would have destroyed it? Isn't it an insult to your sense to ask you to accept any such testimony? "Is that the handwriting of Miss Claflin?" "Yes." "Do you swear positively that that is the handwriting of Miss Claflin?" "Yes." Is there a gentleman in that jury-box who would go on that witness-stand and swear thus positively to the handwriting of his most intimate friend, except it may be some one with whom he is in daily communication? If you had only seen your friend write in March, 1872, two years ago, and then only once, and had received certain letters from him, amounting altogether to four or five within the space of three or four weeks, would you or any gentleman who valued the sanctity of his obligation, go upon that witness-stand and at this distance of time swear with the positiveness of this man to the identification of his writing? I think not. Then, the remaining portion of his testimony indicates, not the motive of the defendants, but the motive of this complainant, and bears directly upon the question of his credibility.

At the time when this case was called in the Oyer and Terminer but was postponed, and this prosecutor was present and on the alert, he was asked, referring to that occasion, "Do you remember at that time saying, respecting these two defendants, 'These damned bitches, I intend to send them up, anyhow?'" He didn't remember it; he didn't say it; he didn't believe he said it; he asserted in substance affirmatively that he didn't say it. "When you went to the house of Mrs. Woodhull were you drunk or were you sober upon certain occasions?" "I never went there drunk." "Did you go there at a certain time when you were so much under the influence of liquor, with liquor in your pocket and about your person, that you had to be put to bed, and that you discharged the contents of your stomach upon the bed and floor, which had to be cleaned after you in the morning?" "Objected to." Anything may be said about the reputation or character of these ladies—any question asked—but don't touch Challis. Challis is too pure and too good. My friend objected; don't assail this gentleman—this is a landed proprietor in Kansas; a gentleman who speculates in Wall street, a man who lives at "the Hoffman," a gentleman who ornaments Broadway with his walks up and down—"don't say anything about him; I object." The question was answered, however. Mr. Challis denied it distinctly. "No, not a word of truth in it; I never was there under the influence of liquor. I went there once only with a pint of champagne." Now, I want to call your attention to this witness—his ingenuity is apparent—there is a little of the truth injected here and there in his testimony to give color to his story. In the box at the Academy of Music, it was a bottle of wine; on his visit to this house it was a pint of champagne.

Mr. Barber was then called. "Mr. Barber, you were at the French ball?" "Yes, sir,"—and he details the circumstances, stating that he went there at twelve o'clock. Now, these women were in the box, and what was the character of their conversation? Mrs. Woodhull said it was very vulgar, that it was of a lewd order. Gentlemen, you don't require the most obscene and filthiest expressions, the low and abandoned talk of the shameless courtesan or the low

blackguard of the town, to indicate vulgarity and lewdness to you? When Mrs. Woodhull was asked the tenor of that conversation and its character, and what she meant by its being vulgar and lewd, she said it was vulgar and unrefined—not that it was obscene and gross, although the language that was put into her mouth, and which she afterward explained to Mr. Fullerton, was "gross language." Mr. Challis, says nothing was done except that which was consistent with the deportment of a gentleman in every particular. Mr. Barber, Mr. Challis' companion would not say that. He said "Well, it was not a conversation that I would be likely to have with a lady, or that ladies would be likely to have with a gentleman. It was a masquerade, and these were strange women from the floor—ladies don't do that sort of thing to begin with. These were strange women and 'ladies,' said Barber, 'don't come up into the third story boxes of gentlemen. There was a licence; it was a conversation that I should judge would be likely to occur with that character of women at a French ball.'" Mr. Barber was truthful and fair when he told what you and I and all of us know from the surroundings to have been true; Mr. Challis strains it. Although Challis was with these women in that box, he said he was in society where the most genteel and delicate and refined deportment was the characteristic behavior of all the party. Mr. Barber had no motive or interest in this matter, and on his cross-examination as a witness for Mr. Challis, he told the story as it was. Now, gentlemen, you can possibly imagine what the French ball was like and what the character of the conversation was with these women. Then my friend called Mr. Algernon Sullivan to the stand, who, at the time this complaint was originally made, was the Assistant District Attorney, and Mr. Justice Fowler, before whom the complaint was originally taken. Now, while I don't seek to complain of anything, the evident bearing of the inference to be drawn from that evidence was an unfair one to Mrs. Woodhull. "Mr. Sullivan, do you recollect upon that occasion whether Mrs. Woodhull swore to the matters in that box, whether she told the story about her being there?" Well, Mr. Sullivan thought a moment and said, "I don't recollect that she did, or that she said anything about lewd talk in that box. I don't know that she did. I cannot recollect that she did." "Or that she said anything about the wine and the plying of the women with it in the box, and her remonstrance?" "Well, I can't recollect that she did." "Justice Fowler, did Mrs. Woodhull say thus and so?" "No, I think not." To Mr. Sullivan and Justice Fowler, I said: "Was her attention called to that?" "No, sir." "Did the justice who heard the case, or you, as Assistant District Attorney, or Mr. Howe, the counsel for the defense, question her upon those matters or ask her to describe it?" "No, sir." "And she made no description?" "No, sir; not that I recollect." Mr. Justice Fowler said the same. Mr. Moulton was the next witness called to corroborate the story. Mr. Moulton, the stenographer, whose business it was to indite the words uttered by the witnesses as they fell from their lips, is asked the question: "Did she say thus and so?" "Not pointedly"—and he was going on to explain, when my friend puts another question and the attention of the witness is distracted for a moment. When he came to the cross-examination, I asked, "What do you mean by 'not pointedly?'" "Well, she did mention it in some way." "Mr. Moulton, do you recollect Mrs. Woodhull saying this in answer to a question: 'I told him that I was astounded to see there what the world called prostitutes in dominoes. I was detailing to him the debauchery going on in this box. He said most men were licensed at those scenes of debauchery. You are mistaken in your vocation. You must make no war against men in this thing; they protect you; the moment you attempt to make a public exposition of this thing they will crush you.' Do you remember that testimony, and did you transcribe it from her lips?"

Mr. Knox.—If the Court please, I have no objection to my friend reading anything inside or outside of the case, provided I have the same liberty.

Mr. Brooke.—This is in evidence here.

Mr. Knox.—No, it was ruled out.

Mr. Brooke.—My recollection is just the opposite. I am willing to leave it to the stenographer, but I don't care how that may be.

His answer was: "I remember it distinctly." When that witness left the stand, I offered in evidence the testimony of Mr. Maxwell. Who was Mr. Maxwell? The companion of Challis at that ball that night; his associate, and, according to this evidence, the man who walked the floor with him when the two girls were met—the man who went back with him to the box to join them when they were sent there—the man who was part and parcel of all the scenes that ensued—the man with whom Challis went to the ball, his friend. Mr. Challis alleges that this testimony upon the part of the defense is untrue. Here is his own chosen companion at the French ball; upon what principle of honesty or fairness, and in accordance with what suggestion of probable truth, can it come from the lips of that man, or from the mouth of his counsel, to object to the admission of that testimony? Examined in this case at its inception, with regard to the very article, what is there in this case that excludes it. I might go beyond the case and say much, but I will confine myself to the evidence here. Look at this man, and the surroundings and the probabilities—where is the reason for the exclusion of the testimony of Mr. Maxwell? Is what this lady said false? Who knows it so well as his boon companion, his confederate, his friend, the man who joined him when they were picked up by these young women of twenty? Who knows it so well? Why, is it not fair to this jury that that testimony should go before it? It is offered by the defense. If you (turning to the prosecution) can contradict it, I open the door to the contradiction by offering the testimony of his companion. There is another illustration of the difficulty that awaited us upon the trial of this cause. You have called these witnesses to the stand to testify that Mrs. Woodhull did not in her examination refer to the occurrences in that office as said to have been seen by herself on the night of the ball, and the witnesses have testified that her attention was not

called to it. I offer the testimony of Mrs. Woodhull to this jury to show to what particular branches of this case her attention was directed and what her counsel asked her. This is no skilled, alert lawyer, no person experienced in the machinery of courts of justice, no person alive to the particular importance of every question; this is a woman, dragged to the bar of a criminal court as a defendant, and an examination in the case is had that is to consign her to jail or set her free, and she is represented and directed by counsel. In all fairness to this jury let that examination go before it. The prosecution assails it—they say that she refrained from testifying to certain things, and they want this jury to infer from this that her testimony upon that particular was false upon this trial. If they want them to have the truth of this matter, give the jury all the light there is to be had. I reach over to my friend and ask him, "give me from your custody the official return to this Court of Mrs. Woodhull's testimony, and I will offer it to this jury." "I object," and his Honor excludes it. "I object." Touch Challis on the raw and his counsel is alive in a moment. Attempt to display a motive upon his part and want of reliability to be attached to his testimony; attempt to show Challis as Challis really is, and his counsel shelter him behind the technicalities of the law and ask the Court to exclude it. Now, gentlemen, didn't you want to see that testimony? Wouldn't it have been an enlightenment to you? Wouldn't it have illustrated the weight and force of this testimony that thus insidiously was being injected into that jury-box by these able gentlemen to poison the current and force of Mrs. Woodhull's testimony? Wouldn't it have been the best illustration as to whether she did or did not testify so and so? Why keep it out? It is the testimony of a defendant in her examination taken against herself. I ask, in the name of common justice, why shut it out? Because just so much light as Mr. Challis wants to come into this jury-box through his counsel they wish to let in and no more; and that is the whole tenor of this prosecution.

Now, gentlemen, you recollect the testimony of Mrs. Ballard, that Mr. Challis's attention was called to that, and Mr. Challis testified that he, as a well-minded citizen, went to Mrs. Ballard and said: "There is terrible vulgarity in this case; I would much rather that no report should go into the papers; subdue it; leave out the vulgarity." Challis is the censor over the public press guarding the morals of the community. "Don't put in this terrible vulgarity." It shocked Mr. Challis dreadfully, and he didn't want it published. He knew that the *Sunday Mercury* was a sensational paper, and he did not want to be displayed as a part of the machinery of a trial of this sort. Mrs. Ballard comes to the stand and contradicts him; she is a journalist; was present in Court during the testimony of Challis, and heard his testimony, and she said: "In the conversation he had with me he said nothing derogatory to the journal I was on. He said particularly that the *Sunday Mercury* had a very extensive circulation, and complimented the paper rather than otherwise."

Q. Did he say anything as to the vulgarity of the thing? A. I don't think he did.

Q. As near as you can will you give us his conversation with you? A. I cannot give it verbatim.

Q. The substance? A. In the first place he introduced himself. I said, "How do you do?" He then said, "You know there is a great deal in the way a thing is written, whether it elicits the sympathies or prejudices of the people." Mr. Challis at that early hour in the history of the case was on the alert, as he has been throughout this trial to elicit and arouse the prejudices of the people who are to sit in judgement upon this case, "And if you will write this in such a way." I cannot repeat his expression, but it conveyed the idea to me that I should describe him. [Objected to.] "If I would write it in such a way as to make the people think well of him." Why, no man or woman could do that, Mr. Challis. [Laughter.] What an extraordinary appreciation of this lady's ability he must have had to imagine that she could do that; after the trial of this case and exposure of these habits, write anything to make decent people think well of Mr. Challis! [Laughter.] The person will immortalize himself who does it. "He said something about appearance, and I thought that he meant to say something about his being a handsome man." [Laughter.] Well, he is, gentlemen—"and all that sort of thing; that I might depend upon him to any extent, for anything in the future; I cannot say his words exactly, but this was the substance and meaning." Now, that was just as diametrically opposite to the statement of Mr. Challis as two statements could possibly be, as was also the statement of Mr. McDermott.

Now, with regard to these two letters, they are, upon the consent of counsel, to go out with you. Miss Claflin was called to the stand and testified that she wrote one of the letters. Gentlemen, look at the two letters! Here is the one about the two hundred dollars. Miss Claflin said of course she wrote that. As to the other letter, it is vague, and refers to nothing in particular, and she says it is not in her handwriting. It is not within the ordinary experience of any man that a woman of her brains would be likely to write such a letter. She says it is not in her handwriting; and yet if there were any incentive to vary from the truth, the other letter is the one that she would have said she didn't write! This letter amounts to nothing, even when Challis attaches the printed slip to it; and it amounts to less than nothing when Challis burns the slip. Miss Claflin says, "Certainly that looks like my handwriting." I want to show you the extraordinary care in getting up this letter. Miss Claflin's letter is written in blue ink at about the same date as this other letter. Here is Miss Claflin's envelope in blue ink, showing that that is the ordinary kind of ink that she uses; but here is this letter on entirely different paper, and written in black ink, evidently written at a different time and place from the envelope, for that is written in blue ink. Miss Claflin says, "Certainly, that looks like my writing." "Did you ever write it?" "No." "Is it your handwriting?" "No; I never wrote it, or never saw it or read it before." "Did you ever send this man a slip?" "No." "Mrs. Woodhull, did you ever cause a slip to be sent, or know of such a thing being done?" "No." "Did you send one to Maxwell?" "No." "Did you dis-



tribute these slips anywhere?" "No," Mr. Challis swore that he showed this around to four or five, or half a dozen, or a dozen, perhaps, of his friends, and the production of this slip, or of testimony in regard to it, was a vital matter on the question of motive. Where are the friends to whom he showed it? Have you heard their testimony? I think not.

Then Miss Claflin was assailed in the same manner as Mrs. Woodhull had been. It was asked of her, among other things, whether she ever assumed the name of Miss Tennessee. Of course she was known as Miss Tennessee when she was a young woman and first commenced to make a livelihood for herself. She believed she had certain gifts which opened the way to her to lead a professional life. She was known as Miss Tennessee. When asked what her business was in Chicago, in Cincinnati and other places, she said "clairvoyance and doctoring magnetically." Q. Fortune-telling at all? A. "Yes. Some people termed it fortune-telling, but I called it clairvoyance." Gentlemen, of course they do. As to any theory of belief or disbelief in what is termed clairvoyance I have no desire to enter into the discussion. Some of the ablest scientific minds of the world have and do still believe in it. One of the ablest articles ever penned in regard to it emanated from the pen of one of the most profound scientists in the world. Some of the brightest intellects that have ever adorned any department of learning have acknowledged a belief in it. It is far beyond your ken or mine, so far as this case is concerned. "Miss Claflin, were you ever indicted for manslaughter in Illinois?"—Cruel thing! "Mrs. Woodhull, when you were married to Colonel Blood was your first husband alive?" "I want to show what kind of woman this is?" "Miss Claflin, were you ever indicted for manslaughter?" Every newspaper scandal of the last five years is hashed up into this case, and thrust into this jury-box to poison your minds against these defendants. Why, the law opens the door wide to my friend. This indictment was found in Dec., 1872, and they have had sixteen months in which to obtain copies of the records which they might have produced here, and excluded this lady from the witness-stand if such were the case. But after sixteen months have elapsed, nothing is said about this thing until near the close, when she is asked, "Were you ever indicted for manslaughter?" When a witness lies in any material matter, the law says, "Contradict him by competent testimony." When a witness's character in the community in which he or she resides is so infamous as to render him or her unworthy of belief upon oath, produce the people that know them and their general reputation, and let the jury say from that general reputation that they will disregard the evidence. When a witness has committed an infamous crime, the law prohibits him or her from swearing upon the stand. When you produce the record and identify the witness, the law will then exclude the witness; but not from any insinuation such as is thrust in here—not by the side-door that goes into the jury-box, and through which prejudice walks, are these defendants to be convicted. You have sworn to try this case by the evidence—that is your obligation; and by the evidence alone I am sure you will try it.

The next witness called is Mrs. Miles, and she testifies that she resided with her sisters, Mrs. Woodhull and Miss Claflin, in Thirty-eighth street. Q. Do you remember Challis's visits to that house? A. Yes. Q. About how often and how long an interval usually elapsed between his calls? A. He called frequently. Q. For about how long a period? A. Well, two or three times a week for three or four weeks, perhaps, or longer; I don't exactly remember the time. Q. Who would he inquire for upon the occasions of his visits? A. Well, it was for Mrs. Woodhull always; I don't remember of his ever asking for anybody else. There is the explanation of the phrase, "I congratulate you and Vickey." Q. About how many times did you see him in conversation with Mrs. Woodhull? A. Several times. Q. About how many times can you tell? A. Say a dozen times. Q. How long would he usually remain when he came? A. Well, he would stay quite a long time; perhaps ten or eleven o'clock or so; he was never seemingly in a hurry to go away. Q. Was Mrs. Woodhull usually in the parlor conversing with him or he conversing with her? A. Yes, sir. This is a direct contradiction of that man's statement. It is too palpably absurd on its face to be believed one moment, that in all these visits to this house, and in all his communications with this family he never spoke to Mrs. Woodhull but once, and then only for five minutes. It is preposterous and absurd. "Did this man ever come there drunk?" "Objected to." His Honor said that was unimportant; but I consider it entirely different, because I thought it was necessary that this jury should say, if I should prove that this man in the first place had told an untruth; and, in the second place, as an independent fact that he went there in such a state of beastly intoxication, whether it might not have so clouded his mind that his recollection of conversations would not be reliable." Q. Did Mr. Challis ever come to your house in such a state of intoxication that you were compelled to put him to bed, where, in consequence of his drunkenness, he vomited upon the bed and floor? Objected to and ruled out. "Don't touch Mr. Challis on the raw again by questioning his drunkenness; open the door for anything against Mrs. Woodhull and Miss Claflin—ask them any questions whatever about their morality—but when you pinch my client I'll object;" and the Court shuts the door. Why did not this man court the investigation? What is the inference? A witness unassailed and unassailable comes in this matter to detail a fact that may affect your consideration of the defendant's testimony and he shuts it out by an appeal to the technical rulings of the law, which have not been applied to these defendants once during this trial. What is the reason? Why does he do it? If it is not true he has nothing to fear, but if it is true he has everything to fear, and the technical rule that shelters him protects him from exposure. That has been the practice in this case throughout.

Gentlemen, this is an unholy crusade on the part of this man. Look at it; at the opening of this case the District-Attorney's assistant, able and competent, as I said in my opening, to discharge all the duties of his position; the officer re-

cognized and provided by law; the officer whom you by your votes and your voices constituted to be your representative in the prosecution of the criminal pleas of this county; an officer whose superior in ability has rarely held official position, able and learned in the law—neither him nor any one from that office is the prosecutor here. This prosecution is not representing the interests of the people, with indifference to these defendants—with as much disregard for persons and the distinctions between them as the law presumes; treating these defendants as it does the poor shelterless, ragged vagabond, prompted by want to commit a crime, walking to and from that box, day after day since you were impaneled—not the officer, indifferent between the people and the defendant, only vindicating the outraged law, and pressing the conviction of wrongdoers upon you; but searching the city through and through, and from among all the eminent men of this bar importing into this case as his private representative, who? Fullerton and Knox. Where is the poor housekeeper or storekeeper whose place was entered at night and robbed of some small or trifling thing by some vagabond; the casual passenger on a railway car whose pocket was picked; the man who was outraged on the public highway by a ruffian, who sits within the railings of that court, in broad-cloth, with two eminent counsel his representatives, evidently to the disgust of the public officer who, when the jury is impaneled, retires from the case and does not again make an appearance? Where is the reason, gentlemen? Can its explanation be found in the testimony of this man: "I am in no business; I am a rich man; I am a landed proprietor, with large interests in Kansas?" Is it an effort to have you illustrate in the person of Challis the theory and experience of the great master-mind, "Plate sin with gold, and the strong lance of justice hurtless breaks. Arm it in rags, a pigmy's straw doth pierce it." Is it for the purpose of illustrating that theory and that principle that that citizen, who is no more in the eye of the law than any one of the people in this community, swaggers into this charmed circle of authority, accompanied by his private counsel, armed with a long array of legal authorities? And coming into this court thus prepared and armed, his counsel ask you to do what? To believe that the people of the State of New York have been outraged in consequence of a violation of the law? Do they, as the public representatives of the whole mass of the people of the State, with no personal interests, no relation of lawyer and client, but simply as public officers in the discharge of a public duty, ask for a vindication of the law? No. "I will keep my venom within me; I will make good my threat in the Court of Oyer and Terminer. 'These damned bitches, I will send them up anyhow.'" What a beautiful finale for that beautifully constructed sentence was the word *anyhow*. If he had said "everyhow" he would have been more comprehensive. "I will employ able counsel; I will stimulate them to act in my behalf; I will get gentlemen of known position and character and ability and integrity in the community; I will get that ability with my wealth; I will, when the District Attorney has been excluded, press my venom through these able counsel, and, not caring a rush for the outraged law, work my revenge upon whom? Upon some man who can stand up with him face to face and look him in the eye and resent his assaults in a manly way? No, "I find two women who have stepped aside from the ordinary walks of womanhood and who have thereby engendered a prejudice against themselves in the community. I will use this machinery belonging to the people. I, Challis, will do this to revenge myself upon these two women, and with the ability that I have the wealth to command, I will crush them out." Can twelve men be found in this community who will minister to this spirit of this man? I ask you, gentlemen, not to take my argument; look at this case on both sides for yourselves. When I suggested to his Honor, that Mr. Howe, my colleague, was engaged in another court, he said I must go on, and I was satisfied. I went on relying on the integrity of my case, in the truth of my testimony and in the falsity and venom of this prosecutor. We went on, and here we have been day after day with the private counsel, following this case step by step. I ask if you ever served a day in all you lives upon a jury in a criminal court, if in this term you have served upon a panel, in a case where private counsel sat in the District Attorney's inclosure alone with the prosecuting witnesses, to press a case to a conviction? Disabuse your minds of any assumption or any belief that this is a case between the people and these defendants. This is a fight, a malignant and bitter one, actuated by motives of revenge as shown in the expressions of this man as detailed from the lips of witnesses from that witness box; actuated by motives expressed by his counsel, in the description of his abhorrence and detestation for these ladies. This is a fight upon the part of that man resulting from his venom and for revenge, and he knows it; and you, gentlemen, may disabuse your minds of any other consideration in this case.

I have but a few more words to say. I call your attention to the ordinary and usual machinery for the administration of criminal law. His Honor in ordinary cases, though not in a case of libel, directs the jury as to the law in respect to any matter that shall be tried before it. The counsel on one side present the cause of the action and the counsel upon the other present the answer. But there is a third element, which the experience of ages has determined is the grand shelter and protection of innocence and the great terror of guilt—not under the surveillance, not under the dominion, not under the control of court and counsel. Is every case, civil or criminal, tried under the law, the jury

are the sole judges of the facts, and are responsible to their own consciences alone for their finding. The law regarding libel has, in the wisdom of enlightened legislation, extended this principle even farther. The justification by proving the truth of an alleged libel is as old as the code of Justinian, and the doctrine was never changed or altered until the days of the Star Chamber. In the history of the British jurisprudence down to the formation of the Constitution of this State, there had been decisions after decisions with respect to how far the truth in elucidation of the malice of parties, if not as a defense, should be given to the jury. But a broader spirit came in vogue. Communities and men by experience have come to recognize the policy and the justice of still further amending the law regarding libel. If a person outrage society and is dangerous and inimical to its interests in any particular, and his acts are of such a character that he should be excluded and ostracized, persons have a right, for the general protection of society, to publish his acts, only being responsible for their truth and want of malice in the publication.

Gentlemen, this case is before you; you have heard all of the testimony. Let me ask you, by way of parenthesis, is there a man within the sound of my voice who would introduce that man Challis into his house; that would permit him, with the records of this case upon him, to associate with any female he held dear? I think not. And this is a test of whether the truth and the right is upon his side or not.

Now, gentlemen, the law has said, in the provision of the Constitution, that you alone have to be the arbitrators between the people and these defendants, not only of the facts—there it is your province always—but that you are to be the judges of the law as applicable to the facts. The law is defined so clearly and distinctly for your administration that there can be no misconception. First, that the article is true; second, that it is not published with malicious motives; third, that the ends which the defendants had in view were justifiable. If you find those things in the facts, you are solely to apply those principles of law to the case, and determine it independent of any other consideration. The policy of this law is evident. In all the history and past experience regarding libels, it has been demonstrated that no man can be free from prejudice. It is a natural element of our nature. I find no fault with any man who has his prejudices—I entertain mine; but the law desires to shield other people from the effect of my prejudices, and to shield me from the effect of theirs. The law sees that a man cannot shed the coat of his nature, and become something that he is not; that he might carry his prejudices into the District Attorney's office, into the place of the counsel for the defense, into the judge's elevated chair, therefore the law has said in its wisdom and in the experience of ages, "We will guard against all of these possibilities. There is nothing so likely to engender prejudice as libel, nothing so likely to divide the community, and there is more safety for justice in twelve men than in one. We will close every avenue in this particular class of cases for the exercise of prejudice, and invest the whole power to dispose of both the law and the facts in twelve jurymen." So that it matters not what may be the opinion of any person on earth with respect to the law and its application to the facts in this case, you are the judges under the constitutional provision. To you I commit it; and I ask you that in your even-handed justice you may command this Challis (chalice) back to his lips; that your verdict may be a just decision obtained by a close examination of all the testimony in this case, as in truth and in honor it seems to me it should be, as under the moral weight of this testimony it must be, a verdict of "Not guilty" as to each and every one of these defendants. [Applause.]

#### PRODUCERS PLUNDERED.

Under our present system of (miscalled) political economy, producers or wealth-creators are delivered over to the tender mercies of landlords, railroad directors, speculators and traffickers. Their oppression, under the iron rule of the aforesaid parties, ranges in exact proportion to their poverty. In addition to the shelter, transit and money robberies committed by the three first-mentioned of these classes, the last—the traffickers—have of late years undertaken to fill up the cup of the suffering toilers by attacking their health and lives. Not content with defrauding them with short weights and lawless measures—the very food of the worker is now in most instances doctored with drugs, and their drink is, in almost all instances, poisoned either with *cocculus indicus*, fusil oil, prussic acid or strychnine.

These crimes we do not attribute to their performers, as individuals, but expose them in condemnation of that wretched system (miscalled) political economy, which of necessity, by its shameless competition, manufactures villains. Of course there can be no other cure for the evils complained of than the destruction of that which has generated them.

The Industrial Reform will not be complete until the land is free, and no toll is assessed upon the food of the people save the claim of the laborers who produce it. Until money is shorn of its present legal powers, and usury or interest has no status in our courts. Until our laws take no cognizance of simple money transactions, and recognize money only when used in its proper capacity, as a medium of exchange for labor. Until the craft of the speculator perishes for lack of nourishment, and distributors, both of men and goods, are strictly limited in their gains, and their positions strictly defined and circumscribed as agents, and not masters of the millions of the producing public.



## BUSINESS EDITORIALS.

## W. F. JAMIESON

Will speak in Boston for the First Primary Council, Harmony Hall, 18½ Boylston street, the three last Sundays in April; at Lynn, Mass., the Sundays of May; at Salem, Mass., Friday evenings of May. Will receive a few more week-evening engagements for April and May. Address, care of *Banner of Light*, Boston, Mass.

## DR. H. P. FAIRFIELD

Will speak in Springfield, Mass., during the month of April. He would like to make other engagements. Address, Box 972, Springfield, Mass.

## A GOOD TOILET SOAP.

A good article for the toilet is a very desirable thing, especially when so much that is sold as such is unfit to use. We have used X. Basin's Poncine Soap for the last ten years, and find it immeasurably superior to any other we have ever tried. There is no foreign article that, in our estimation, can compare with this home manufacture. It is evidently composed of the very best materials, and contains a peculiarly pleasant detergent quality and perfume, which are present in no other sand soap sold. Nor is it, like foreign soaps, so high in price as to put it beyond common use, but in every particular it is indicated to meet the popular demand. Those who once use it will never consent to do without it.

Gentlemen and ladies of liberal views desiring to obtain board in a pleasant home in Brooklyn after the 1st of May, are requested to address for particulars, terms, etc., H. A. Beach, Room 21, No. 33 Park Row, N. Y. city.

## PLATFORM OF THE "REFORM LEADER," PUBLISHED AT OSKALOOSA, IOWA.

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- Arbitration between individuals in preference to legal litigation.
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- Less laws and less legislation.
- No religious amendment to the Constitution.
- Mutual rights, mutual interests and mutual responsibilities.

More liberality between those who differ in religion and politics.—*We should not think our opponents are dishonest for differing with us—It is more important to promote good men and measures than to be a blind partisan in bad company.*

And be it ever ours to advocate and defend the interests and rights of the Farmers, Mechanics and Laboring Men of the country, on whose shoulders the great National debt now rests, and by the sweat of whose brows it must be paid.

And be it ours, also, to labor to bring about a BETTER STATE OF FEELING between the antagonistic elements of the country, and in every possible manner endeavor to heal the bleeding wound inflicted on the body politic.

But be it ours never to fear to express an opinion on any question of public interest.

Farmers, mechanics and laboring-men, to you we appeal! This paper will fight your battles of *anti-monopoly*. Will you support it? The power of all the rulers and representatives of the whole community is held principally in your hands. Will you support men who from time to time disregard your rights and interests, nor scarcely speak to those from whom their power emanates? Many of you and your intelligent sons are well qualified to fill the numerous offices now improperly given to white fingered demagogues. Will you support a paper that will contend for your rights, and in every possible manner endeavor to promote your interests?

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WILL Judge A. J. W. Carter call at our office for a letter which has been intrusted to our care, or send us an address to which we can forward it?

D. W. Hull will be glad to make engagements every Sunday in the vicinity of Chicago. Will also attend funerals when desired. Keeps all kinds of reform books for sale.

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## WARREN CHASE

Address him at Council Bluffs, Iowa, till March 29th; after that, Colfax, Jasper Co., Iowa, till further notice. He will receive subscriptions for the WEEKLY and for our pamphlets.

## "THE GREAT SENSATION."

We have just been shown for the first time a copy of this new book. We have received a great many letters of inquiry regarding it, which, from want of knowledge, we could not answer. We are now prepared to say that it is all that its publishers claim for it, and a book that every person interested at all in the great social movement now in progress in this country should have. It will be a necessary volume in every library of the immediate future. Those who desire to do so can order it through this office. It will be promptly transmitted on the receipt of its subscription price, \$2.50.

ROBERT G. ECCLES' engagements are as follows: Salem, Ohio, March 24th to 29th; Wilmet, O., 30th to April 4th; Norwalk, O., 5th to 11th. After this date engagements solicited from the West. Address R. G. Eccles, Tenth street, Kansas City, Mo.

PROCEEDINGS OF THE TENTH ANNUAL CONVENTION OF THE AMERICAN ASSOCIATION OF SPIRITUALISTS. 12m, pp. 266.

THE ELIXIR OF LIFE; OR, WHY DO WE DIE? 8vo, pp. 24. An ORATION delivered before the above-named CONVENTION, at GROW'S OPERA HOUSE, CHICAGO, by VICTORIA C. WOODHULL, September 18, 1873.

The above "Report of the Proceedings of the Tenth Annual Convention of the American Association of Spiritualists," is an accurate and impartial account of what was said and done at the above convention. The speeches are presented to the public word for word as they came to us from the hands of the able reporter employed by the convention. The orations of the members, on both sides, discussing the question of "Free Love," or rather "Personal Sovereignty," are worthy of the serious attention not only of all Spiritualists but of the community at large.

In proof that we have not overstated the merits of the work, we respectfully submit the generous testimony of Judge Edmund S. Holbrook, who so ably defended the position of the conservative Spiritualists at the above convention:

"I have seen the report you have published of the doings and sayings of the Chicago Convention, and I take pleasure in saying that, in the publication of such a report, so full, so accurate and impartial as it is, you have done a work worthy of high commendation. Some could not be at this convention, either for want of time or means; but now, such of them as may choose to read, can almost imagine that they were there; and though they may not attain whatever there may be in personal presence, in the eye, and the ear, and in soul-communication, yet whatever of principle has been evolved they may well discover and understand; and also, as I hope, they may profit thereby."

Price of the "Proceedings" and the "Elixir of Life" 50 cents; or the "Elixir of Life" alone 25 cents. Orders for the same addressed to Woodhull & Claflin, P. O. box 3,791, will be promptly filled.

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The First Primary Council of Boston, of the Universal Association of Spiritualists, meets every Thursday evening, at Harmony Hall, 18½ Boylston street. Seats free.

JOHN HARDY, Cor. Sec'y.

## THE WORD,

A Monthly Journal of Reform—Regarding the subjection of Labor, of Woman, and the Prevalence of War as unnatural evils, induced by false claims to obedience and service; favors the Abolition of the State, of Property in Land and its kindred resources, of speculative income and all other means whereby Intrusion acquires wealth and power at the expense of Useful People. Since labor is the source of wealth, and creates all values equitably vendible, the Word (not by restrictive methods, but through Liberation and Reciprocity) seeks the extinction of interest, rent, dividends and profit, except as they represent work done; the abolition of railway, telegraphic, banking, trades union and other corporations charging more than actual cost for values furnished, and the repudiation of all so-called debts, the principal whereof has been paid in the form of interest.

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MEDICAL SCIENCE—AN IMPOSITION.—In these days when it has come to be understood that there is no such thing as science in medicine, that all practice is experiment merely, it is well for the people to know where to find reliable magnetic treatment. For such we confidently refer the afflicted to Dr. R. P. Fellows, of Vineland, N. J. We would say to those who are unable to visit the doctor in person to send \$1 for his *Magnetized Pellets*. The sick are being healed by these Pellets who have heretofore been in perfect despair.

FARMINGTON, MICH., March 18, 1874.

Dear Weekly.—The Michigan, "Oakland county, Association of Spiritualists," will hold their first quarterly meeting of this year, at Milford, on Saturday and Sunday, April 11 and 12. The speaker, Mrs. Laura Cuppy Smith.

NORTON LAPHAM, Pres.

E. L. ROBERTS, Cor. Sec.

MISS NELLIE L. DAVIS, in answer to calls received from the Pacific coast will go West next autumn. Friends along the route, desiring one or more lectures, can secure her services by addressing her at North Billerica, Middlesex Co., Mass.

## MRS. F. A. LOGAN.

This earnest worker in the reforms of the day, has been speaking of late in Ogden, Utah, to large and appreciative audiences and proposes visiting California soon. Parties along the line of the C. P. R. R. desiring her services will address her immediately at Ogden, Utah.

Send Austin Kent one dollar for his book and pamphlets on Free Love and Marriage. He has been sixteen years physically helpless, confined to his bed and chair, is poor and needs the money. You may be even more benefited by reading one of the boldest, deepest, strongest, clearest and most logical writers. You are hardly well posted on this subject till you have read Mr. Kent. You who are able add another dollar or more as charity. His address, AUSTIN KENT, Stockholm, St. Lawrence Co., N. Y., Box 44.

## MR. MADOX,

Of the Internationals, will hold himself ready to lecture before workingmen's organizations and lyceums throughout the country; subjects, "The Political Economy of the Internationals," "The Suspension of our Industries—the Cause and Remedy," "The Currency and Finance." He will also organize Sections of the Secret Order of U. O. I. Address, G. W. MADOX, Sec. U. O. I., 42 John st., N. Y. City.

MOSES HULL will lecture in Chicago before Primary Council No. 1 of Ill. of the Universal Association of Spiritualists during the month of March.

## CARD.

A LADY contemplating starting an Educational Institution for Youth would like to meet with a party with means that would be willing to invest that way for the good of rising generations. Site a short distance up the Hudson. It can be made a paying Institution. \$5,000 is needed immediately to make a beginning. Address, Anna Wilson, No. 7 Jane Street, New York.

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## PROSPECTUS.

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It advocates, as parts of the new government—

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2. A new land system in which every individual will be entitled to the free use of a proper proportion of the land.
3. A new industrial system, in which each individual will remain possessed of all his or her productions.
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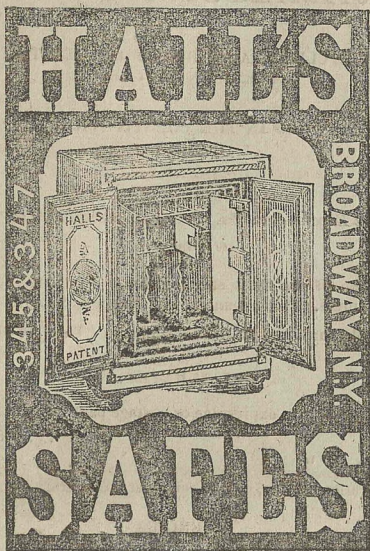
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STATIONS.	Express.	Express Mail.	STATIONS.	Express.	Express Mail.
Lv 23d Street, N. Y.....	8.30 A. M.	10.45 A. M.	Lv 23d Street, N. Y.....	6.45 P. M.	7.00 P. M.
" Chambers street.....	8.40 "	10.45 "	" Chambers street.....	7.00 "	7.15 "
" Jersey City.....	9.15 "	11.15 "	" Jersey City.....	7.30 "	7.45 "
" Susquehanna.....	3.40 P. M.	8.12 P. M.	" Susquehanna.....	3.45 A. M.	3.55 "
" Binghampton.....	4.40 "	9.20 "	" Binghampton.....	3.55 "	4.05 "
" Elmira.....	6.30 "	12.16 A. M.	" Elmira.....	5.35 "	5.45 "
" Homellsville.....	8.30 "	1.50 "	" Homellsville.....	7.40 "	7.50 "
" Buffalo.....	12.05 A. M.	8.10 "	" Buffalo.....	11.45 "	11.55 "
Ar Suspension Bridge.....	1.00 "	10.00 "	Ar Suspension Bridge.....	12.27 P. M.	12.37 P. M.
Lv Suspension Bridge.....	1.10 A. M.	1.35 P. M.	Lv Suspension Bridge.....	1.35 "	1.50 P. M.
Ar St. Catharines.....	1.35 "	2.00 "	Ar St. Catharines.....	2.00 "	2.15 "
" Hamilton.....	2.45 "	2.55 "	" Hamilton.....	2.55 "	3.10 "
" Harrisburg.....	3.53 "	3.53 "	" Harrisburg.....	3.53 "	4.08 "
" London.....	5.25 A. M.	5.55 "	" London.....	5.55 "	6.10 A. M.
" Chatham.....	7.55 "	8.12 "	" Chatham.....	8.12 "	8.27 "
" Detroit.....	9.40 "	10.00 "	" Detroit.....	10.00 "	10.15 "
Lv Detroit.....	9.40 "	10.10 "	Lv Detroit.....	10.10 "	10.25 "
Ar Wayne.....	10.21 "	10.21 "	Ar Wayne.....	11.25 "	11.35 "
" Ypsilanti.....	10.45 "	11.25 P. M.	" Ypsilanti.....	11.25 "	11.35 "
" Ann Arbor.....	11.00 "	11.43 "	" Ann Arbor.....	11.43 "	11.58 "
" Jackson.....	12.15 P. M.	1.00 A. M.	" Jackson.....	1.00 A. M.	1.15 "
" Marshall.....	1.15 "	1.15 "	" Marshall.....	1.15 "	1.30 P. M.
" Battle Creek.....	2.03 "	AIR LINE.	" Battle Creek.....	AIR LINE.	2.25 "
" Kalamazoo.....	2.55 "	4.40 A. M.	" Kalamazoo.....	4.40 A. M.	4.55 "
" Niles.....	4.32 P. M.	4.40 A. M.	" Niles.....	4.40 A. M.	4.55 "
" New Buffalo.....	5.25 "	5.45 "	" New Buffalo.....	5.45 "	5.55 "
" Michigan City.....	5.45 "	5.45 "	" Michigan City.....	5.45 "	5.55 "
" Calumet.....	7.18 "	7.47 "	" Calumet.....	7.47 "	7.57 "
" Chicago.....	8.00 "	8.00 "	" Chicago.....	8.00 "	8.15 "
Ar Milwaukee.....	9.30 A. M.	1.50 A. M.	Ar Milwaukee.....	11.50 A. M.	5.30 A. M.
Ar Prairie du Chein.....	9.55 P. M.	1.50 A. M.	Ar Prairie du Chein.....	1.50 A. M.	5.55 P. M.
Ar La Crosse.....	11.50 P. M.	7.05 A. M.	Ar La Crosse.....	7.05 A. M.	7.05 A. M.
Ar St. Paul.....	6.15 P. M.	7.00 A. M.	Ar St. Paul.....	7.00 A. M.	7.00 A. M.
Ar St. Louis.....	8.15 A. M.	8.15 P. M.	Ar St. Louis.....	8.15 P. M.	8.15 P. M.
Ar Sedalia.....	5.40 P. M.	6.50 A. M.	Ar Sedalia.....	6.50 A. M.	6.50 A. M.
" Denison.....	8.09 "	8.00 "	" Denison.....	8.00 "	8.00 "
" Galveston.....	10.45 "	10.00 "	" Galveston.....	10.00 "	10.00 "
Ar Bismarck.....	11.00 P. M.	12.01 P. M.	Ar Bismarck.....	12.01 P. M.	12.01 P. M.
" Columbus.....	5.00 A. M.	6.30 "	" Columbus.....	6.30 "	6.30 "
" Little Rock.....	7.30 P. M.	7.30 P. M.	" Little Rock.....	7.30 P. M.	7.30 P. M.
Ar Burlington.....	8.50 A. M.	7.00 P. M.	Ar Burlington.....	7.00 P. M.	7.00 P. M.
" Omaha.....	11.00 P. M.	7.45 A. M.	" Omaha.....	7.45 A. M.	7.45 A. M.
" Cheyenne.....	11.00 P. M.	12.50 P. M.	" Cheyenne.....	12.50 P. M.	12.50 P. M.
" Ogden.....	11.00 "	5.30 "	" Ogden.....	5.30 "	5.30 "
" San Francisco.....	11.00 "	8.30 "	" San Francisco.....	8.30 "	8.30 "
Ar Galesburg.....	6.40 A. M.	4.45 P. M.	Ar Galesburg.....	4.45 P. M.	4.45 P. M.
" Quincy.....	11.15 "	9.45 "	" Quincy.....	9.45 "	9.45 "
" St. Joseph.....	10.00 "	8.10 A. M.	" St. Joseph.....	8.10 A. M.	8.10 A. M.
" Kansas City.....	10.40 P. M.	9.25 "	" Kansas City.....	9.25 "	9.25 "
" Atchison.....	11.00 "	11.17 "	" Atchison.....	11.17 "	11.17 "
" Leavenworth.....	12.10 "	12.40 noon.	" Leavenworth.....	12.40 noon.	12.40 noon.
" Denver.....	7.00 A. M.	7.00 A. M.	" Denver.....	7.00 A. M.	7.00 A. M.

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