

DR. FOOTE'S HEALTH MONTHLY.

ISSUED THE FIRST OF EVERY MONTH
FOR THE PROPRIETORS BY
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Editors:—E. B. FOOTE, Sen., M. D. and E. B. FOOTE, Jr., M. D.

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"The time has come when scientific truth must cease to be the property of the few; when it must be woven into the common life of the world."—*Prof. Agassiz.*

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CONTENTS:

	PAGE
All Sorts of Items.....	1
Our Contributions: Holy Marriage. II. By a Christian Minister	2
Children's Rights, by Rita Belle.....	2
The Institute of Heredity.....	3
Substance of a Discourse on Reform in Berkley Hall, June 5, 1880	4
Major Wingfield on Lawn Tennis Costumes for Ladies.....	5
The Final Decision.....	7
Ho! for Canada!.....	9
What is in a Name; What our Friends can do for us, etc.....	10
Interesting to Stirpicultureists.....	11
Let it Stand for a Month.....	12
THE OUTLOOK: Defense Fund; Letters from Friends on the	12
Situation.....	13
A Friendly Suggestion.....	13
Have we made a Political Mistake; Princeton; A Censorship	14
Impracticable; Mr. Preston and the HEALTH MONTHLY.....	14
Mrs. Elmina D. Slenker on the Situation.....	15

3 This number of The HEALTH MONTHLY, it will be observed, hails from the Dominion of Canada. Under the head of "Ho! for Canada!" the reasons for this change are given.

We beg the indulgence of our readers for occupying so much of our space with our quarrel with the postal department. But it is really no more our cause than it is that of our readers which we desire to vindicate.

We have been so delayed by our controversy with the United States Postal Department that we shall be a week or ten days behind time with our HEALTH MONTHLY this month. We mean to be in the hands of our readers by the first of every month.

Will the American Press

STAND idly by while we are fighting against postal despotism? To-day it is exclusion from the pound rates because a paper and its editors are not sound on the medical and physiological duck; to-morrow it may be because some cotemporary is not sound on the religious or political goose. Will editors kindly look over our present number and after reading what we have to say in our vindication in our editorial columns and under the head of The Outlook, give the postal department the castigation it deserves?

We consulted so good an authority as the Hon. Abram Wakeman, as to our rights in the Post Office, and he gave it as his opinion after looking into all the facts, that we had an unquestioned right to enjoy the pound rates in mailing The MONTHLY. Mr. Wakeman is well acquainted with postal law and postal usage, he having been the favorite Postmaster of New York under the administration of the immortal Lincoln.

The Final Decision.

Comstockism in the Postal Department Triumphant.

The Health Monthly Punished for its Advocacy of Advanced Ideas.

"THE mountain has labored and brought forth a mouse!" We have the final decision of the post office department at Washington, after a lengthy correspondence with our attorneys, numerous interviews between them and the post-office officials, an interview between the editor of the paper and the auditor of the New York post office, etc., etc. All this has been going on since the 20th day of April of the present year, made memorable by the appearance of two comets and by the ominous perihelia of the planets! We are compelled to join hands with what are called the "quack astronomers" and express it as our conviction that the comets, or the perihelia, or both, are quite sufficient to make people act as if they were beside themselves. Read for instance the following documents:

POST OFFICE, NEW YORK CITY, N. Y.

FIRST DIVISION, AUDITOR'S OFFICE, }
August 2, 1881.

Respectfully forwarding to the publishers of DR. FOOTE'S HEALTH MONTHLY the opinion of the Assistant Attorney General on the classification of the above publication, as directed by the First Assistant Postmaster General.

H. G. PEARSON, Postmaster.

OFFICE OF ASSISTANT ATTORNEY GENERAL,
FOR THE POST OFFICE DEPARTMENT, }
WASHINGTON, D. C., July 29, 1881.

SIR: I return herewith all the papers in the case of DR. FOOTE'S HEALTH MONTHLY.

Without entering into an elaborate discussion of the merits of the publication, one or two propositions may be laid down as settled beyond dispute:

First. The proprietors of the paper are interested as proprietors of a business largely advertised in its columns. This fact raises a strong, though by no means a conclusive presumption that the paper is designed primarily for advertising purposes.

Second. The paid-up subscription-list numbers three thousand; the circulation is about twelve thousand; three-fourths of the issue is, therefore, designed for free circulation.

As already remarked, while the fact that the publishers (Murray Hill Publishing Company) are the proprietors of a business extensively advertised in said publication, would not, if standing alone, add to the paper the character of an advertising sheet, yet when that fact is taken in connection with the further consideration, that three-fourths of the issue is for free circulation, I think the conclusion inevitable that the paper is not entitled to pound rates.

It will not do to say that this extraordinarily large issue in excess of the paid-up subscription consists of "sample copies," for while the law does not in terms limit the number of sample copies that may be sent at second-class rates, it does require that the publication shall have a "legitimate subscription list."

What number of subscribers are necessary to constitute a "legitimate list" and what proportion of the numbers issued may be sent as "sample copies," are questions I need not determine. I think it safe to say, however, that a publication advertising largely the business of its proprietors, three-fourths of the numbers of which are sent out as "sample copies," may be classed as a "publication designed primarily for advertising purposes, or for free circulation, or circulation at nominal rates," for it embraces to a considerable extent a part of all of these elements. Very respectfully,

A. A. FREEMAN, Ass't Att'y Gen'l Post Office Dep't.
Hon. J. H. MAHR, Act'g First Ass't P. M. Gen'l.