

#### State of Kansas vs. E. C. Walker and Lillian Harman

**Section 3, Pages 61 - 78** 

Documents from State of Kansas vs. E. C. Walker and Lillian Harman.

Moses Harman (1830-1910) was a free-thought journalist who lived in northeast Kansas from 1879 to 1896. In 1880 he began publishing a paper in Valley Falls to champion his liberal beliefs, including separation between the state and organized religion and legal equality for men and women. In 1883 it was renamed Lucifer the Lightbearer. E. C. Walker of Valley Falls was the co-editor.

On September 20, 1886, Harman presided over a marriage ceremony between Walker and Harman's 16 year old daughter Lillian, without a clergyman or justice of the peace present. The couple were arrested for living together as man and wife without being legally married and received short jail sentences, which were extended when they refused to pay the court costs.

Harman and Walker appealed their case to the Kansas Supreme Court and the Court's opinion, issued March 4, 1887, affirmed their conviction by the Jefferson County criminal court and instructed the couple to follow the requirements for a legal marriage. This is the Kansas Supreme Court case file, which includes: Appellants briefs, Supreme Court syllabus & opinion by Judge Johnston, original court complaint from the Jefferson County District Court County district court papers; the decision, appeal, and newspaper clippings.

Date: 1887

Callnumber: Supreme Court. Appellate Court. Case file #4312, State of Kansas vs. E. C. Walker and Lillian

Harman

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	good in Komsas, Huce the absence of a
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(32)	
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11	mistrice, garage of a construction of
15	Lest, but a min for companionship a
16	Lione, as a family; if it-was not the concep=
17	-tion of lascivious minds suking only
18	unlawful sexual gratification without
19	regard to home or progung; then it was
20	an agreement- to become histand + wife, &
91	no agrument as to future actions nor rights
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23	legal effect- an a marriage. Mither because
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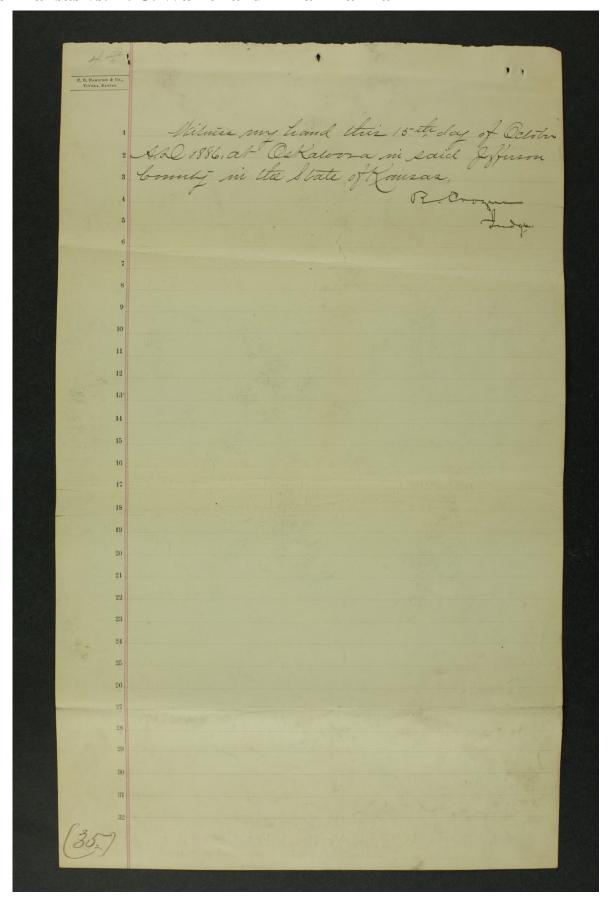


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21 made; "no therefor, the court charged the 25 Jarry in writing an frecour, "no the 26 following are all of the mistructions given 27 by the court to the Jury upon the brial 28 of this action; 29 30 " The State or Walker ct-ol; 3 31 " 1st The defendants are to be presumed 32 1. To be sinocust mill they are from to be		2:	3 = al retusals as the same were respectively
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11 1 1 1 The defendants are to be presumed 10 be		2	s of this action's
11 1 1 1 The defendants are to be presumed 10 be			19
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(33)	N In S	THE REAL PROPERTY.	1-1 in the second to be
(333)			32 1.10 he mnocim mun men are ground to
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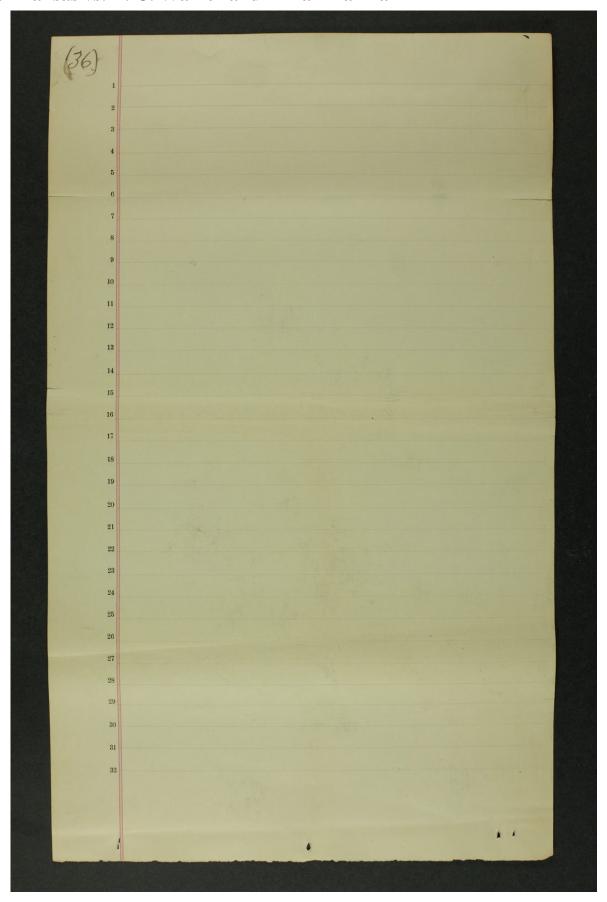


Marie Control	
(34)	
(047)	quiles beyond a reasonable doubt
	2 mg the defendants at the time alleg =
2	= Id in the information on in this state
3	-six me no surfrancion of me une sodie
4	agreed to live together as hest and Estile
5	without having a license to be Marriel
6	In without - harring a marriage solement
	= yed by a Judge, Justice of the peace or
	licensed minister of the goopel of in
	pursuance of such agreement- lived together
	in this County, they would be quelty of
11	the offense, charged in the information
12	and there were the only instructions
13	given upon the trial of this action.
16	To the giring of which instructions 2 Jack
15	of them art to each autinous to not of each
16	of them, the defindants at the time Junity
17	Exceerelly duly excepted,
18	and now on this 15th day of October Add.
19	1891 Single the day of Constitutes.
90	1886. being at the same lines of said bout-at
	which said verdict was returned and
	Judgement rendered. Come said defindants
	by their accounty and presents to the Court
23	Their foregoing bill of exceptions. 4 pay
	that the same may be allowed, signed
	" filed as part of the record in this action
	which is accordingly done; and it is ordered
	that the foregoing bill of exceptions be
	"Tites hereby alroad as a true bill of
	exceptions, and signed accordingly; and
30	that it be filed and he air become a part
31	of the records in this case as provided
32	by law. Within my hand

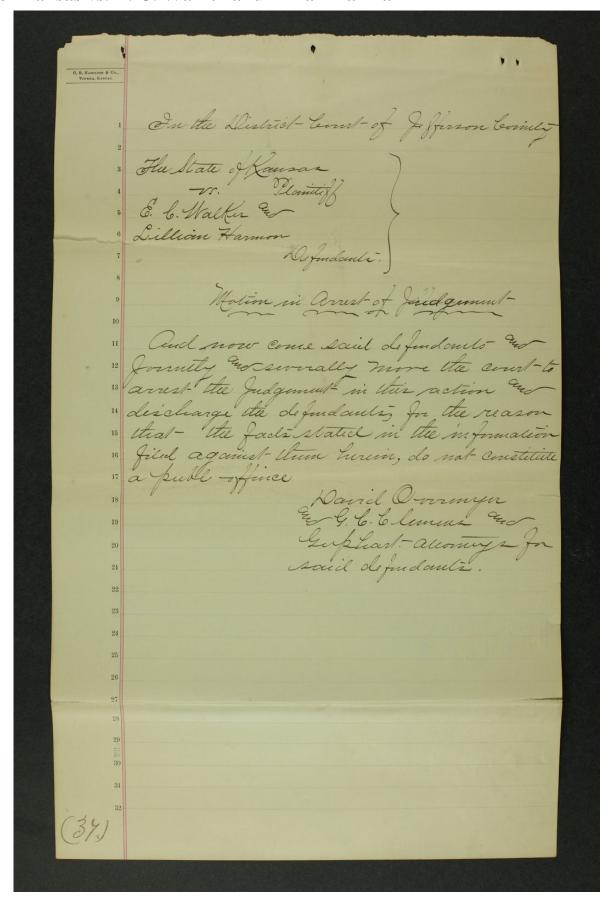




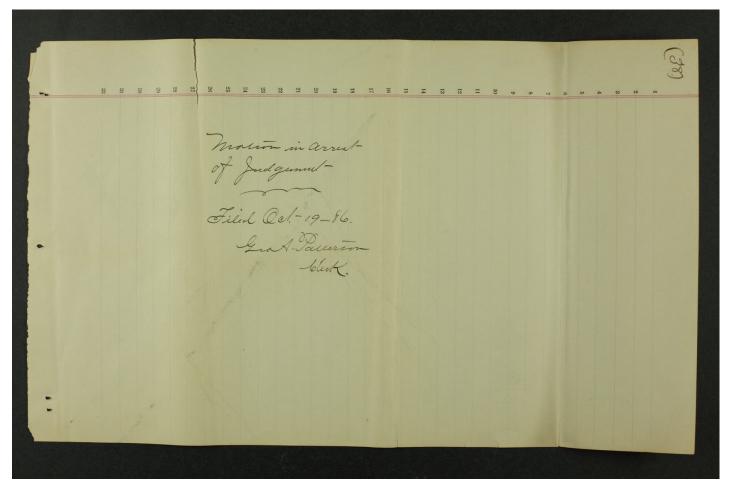




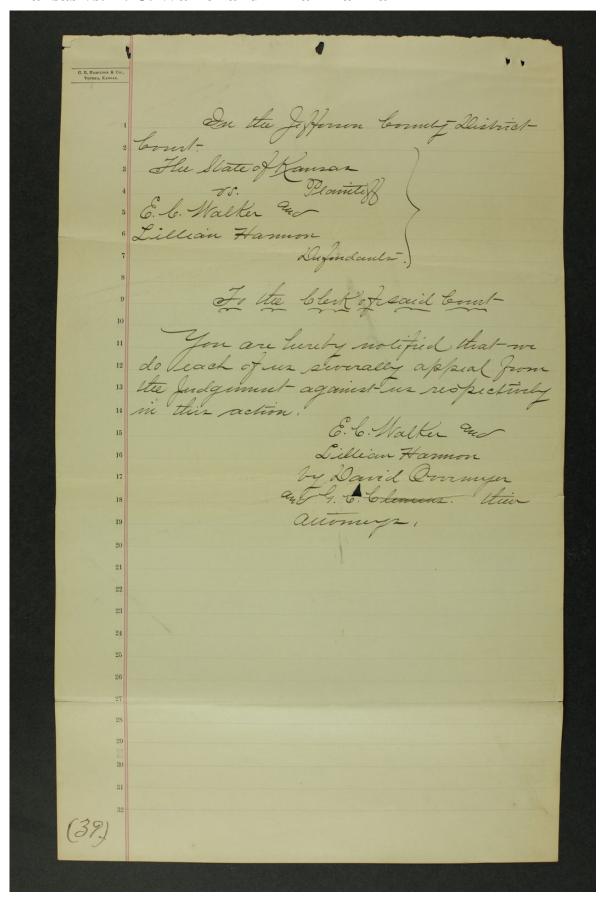




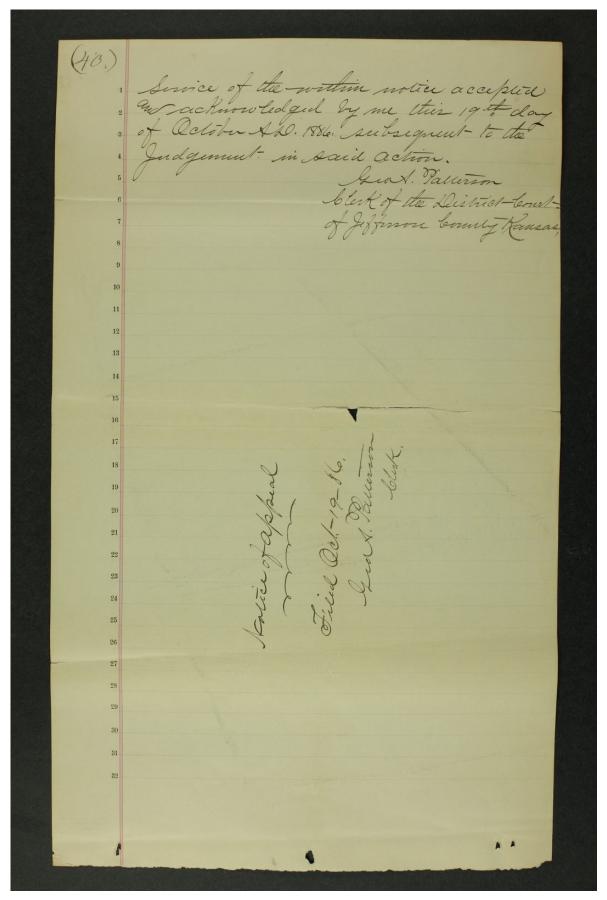




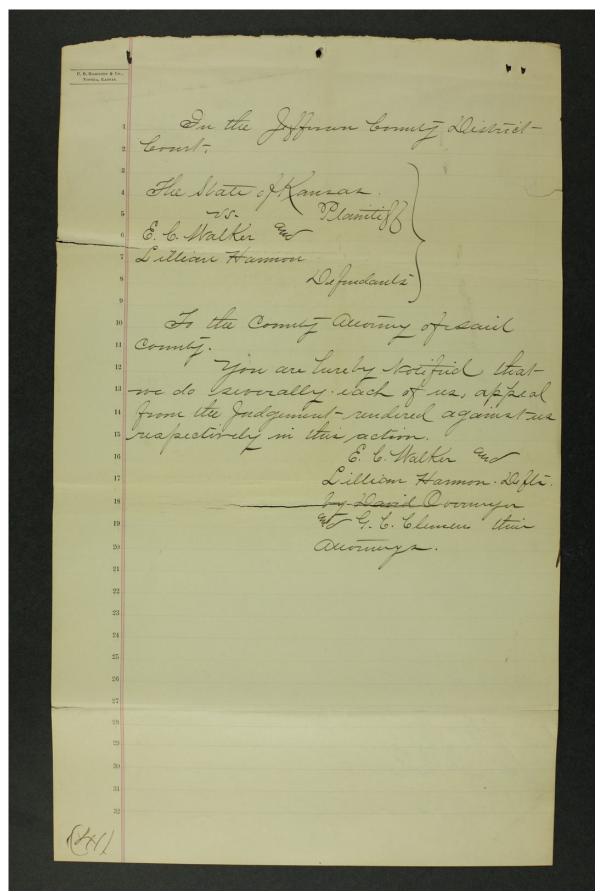




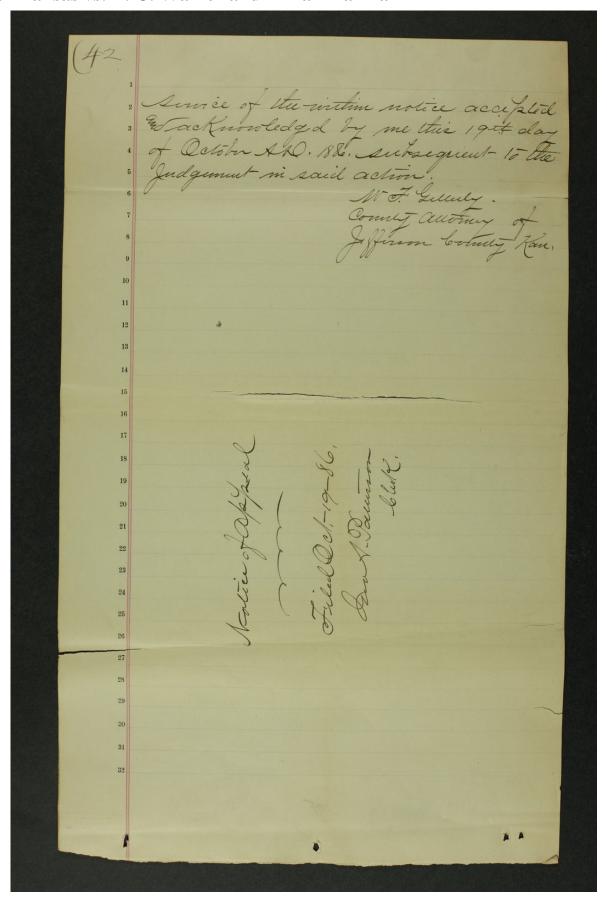














	b.
O. B. Hamilton & Co., Topeka, Kansas.	
	70 0, 162
	The State of James
2	E. b. Walker and Plaintiff
3	E. b. Walker Eng
4	Lillian Hamm
5	De findants.
	· cajmicitude
7	This Care Came on regularly for trial
8	The plantiff of pearer by M. F. Gillely .
9	25 L. A. Myern. Eng. The defindants of peared
10	ni Jamon 30 by David Overnyer 3 9. 6. 6 lemen.
11	By Marshall Suphart their attomery.
12	The defendants were duly arraigned & stead
13	mat family. a trial was then had, A Jung
	-was duly impamilled and sure to try the
	orchion, of his hearing the widence and arguments
	of coursel and bring instructed by the bourt
	the Jung returned their vordict - in words and
18	figures following to with 5.
19	Verdect-;
20	Me, the Jung sing amilled & Swom in the above
21	entitled case, do upon ner rather find the De fordaule
	July. P. C. Vandeare
99	Fremon,
20	
24	The defindanta the filed their Mertion to set
	aside said-verdid- to for a new trial-which
	motion was by the bond; heard, to overled
27	to which ruling the defendants the excepted.
26	The defendants the filed their motion in
29	arrest of Judgement which was by the boust
3	heard an runded to which ruling the defind=
	- ants then exception.
3	Therespon it was by the court considered
(43)	For the second s



