

# WOMEN'S SUFFRAGE JOURNAL.

EDITED BY LYDIA E. BECKER.

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### WOMEN HOUSEHOLDERS' DECLARATION.

A desire has been felt to form a record of a permanent kind of the demand of women, otherwise legally qualified, to exercise the Parliamentary franchise. When the names of such women are appended to petitions to the House of Commons, they are usually mixed up with those of the men and women who are not householders, and when once the petition has been laid on the table of the House of Commons the signatures become the property of Parliament, and are no longer accessible for reference. It is therefore proposed that women who possess the qualification for the Parliamentary vote should, in addition to signing petitions to Parliament, send in their names to be appended to the declaration to be preserved in the offices of the Central Committee of the National Society for Women's suffrage, as a standing protest against the deprivation of the Parliamentary franchise attached to the household or property qualification they possess, and a memorial of the desire and demand of women for the suffrage.

The following is the form of declaration, which it is hoped will become a record of permanent historical and political value:—"We, the undersigned, possessing qualifications which would entitle us, if we were men, to vote in elections for members of Parliament, declare that we consider our exclusion from the privilege on the ground of sex an infraction of the principle that taxation and representation should go together, and we hereby express our desire for an alteration in the laws, which shall enable all women possessing the qualifications now enabling men to vote to exercise the Parliamentary franchise, if they desire so to do."

All friends are requested to send for forms to collect signatures.

Women householders are invited to write (stating name, address, and qualification, and) authorising their names to be attached to the declaration to Miss BECKER, 28, Jackson's Row, Manchester; or to Miss THORNBURY, Secretary of Central Committee, 64, Berners Street, London, W.

### APPEAL OF WOMEN IN FRANCE.

*La Lanterne*, of June 4th, has the following manifesto:—

On nous communique l'appel suivant:—

"FEMMES DE FRANCE.—Tous les travailleurs des mains et de la pensée viennent de s'unir pour protester contre le parti qui trouble la paix publique et demander la mise en vigueur des lois qui expulseront les jésuites de France.

"Nous, femmes, resterons-nous indifférentes? Resterons-nous muettes? On nous accuse de faire cause commune avec les cléricaux, on nous accuse de les appuyer, d'alimenter leur œuvre de mort. Montrons que nous ne sommes pas avec eux. Levons-nous et que d'un bout de la France à l'autre, notre cri de protestation soit entendu. Disons bien haut au monde que nous voulons la liberté, la lumière, l'embrassement de tous les peuples. Que nous ne voulons donner aux ambitieux, aux rois, aux papes, ni nos fils, ni nos frères, ni nos maris. Liguons-nous pour protester contre le carnage de la guerre. L'Hydre noire sera abattue si nous, qu'elle tenait dans ses serres, nous la frappons.

"Femmes de toutes nationalités et de toutes conditions, unissons-nous, faisons une grande manifestation pour réclamer la paix et la République!

"Mmes. Maria Deraismes, Feutré, veuve Feresse-Deraismes, Marie Wattel, A. de Caqueray, Marie Bésecuit, et Hubertine Auclert.

"Pour tous les renseignements, s'adresser à Mlle. Hubertine Auclert, 4, rue des Deux-Gares."

### TAXATION AND REPRESENTATION.

"A Woman Householder" writes from Hendon, under date June 26th, to the *Daily News*, asking if it is not a principle of the English Constitution that taxation and representation go together, and if this principle is not violated by the exclusion of women taxpayers from the Parliamentary franchise? Year after year, she says, she has refused the payment of Queen's taxes, and has allowed her goods to be distrained. The process has just been repeated, and her things had been put up by auction that day (Tuesday). She wonders how much longer it will be before Parliament is able to perceive the simple fact that a man householder and a woman householder, bearing the same burdens, are entitled to the same privileges.

The following paragraph is extracted from *Majfair*:—"More enlightened than even its London model in this country, the University of Calcutta has opened its examinations to females. They are expected to apply for entrance, and ultimately graduate in such numbers that a separate place has been allotted to them, under the supervision of English ladies. This is the result of the success of a 'dark girl graduate,' daughter of a native Christian clergyman, last year. Educated boys demand fairly instructed wives, and a revolution is therefore going on just now in Hindoo society in the great centres of enlightenment, of which this unanimous and most creditable action of the native as well as English members of the Calcutta Senatus is one significant proof."

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THE debate on Mr. TREVELYAN'S resolution respecting the uniform Parliamentary franchise for boroughs and counties affords a fresh illustration of the similarity of the arguments urged by the supporters of that measure of reform to those employed by the advocates of women's suffrage. Mr. TREVELYAN'S speech, in moving the resolution, might be transferred almost bodily to a debate on women's suffrage. "As long," he said, "as a vast grievance affecting more or less three-fifths of the population of the United Kingdom remained undenied and unredressed, there would always be found those who would not be deterred by the fear of being thought tiresome from calling upon the House to make its annual confession that in dealing with the claims of the county householder it did not even profess to be guided by those considerations which influenced its treatment of all other matters."

In dealing with the claims of women, Parliament does not even profess to be guided by the considerations which influence its treatment of the claims of men. Our case, too, is in point of numbers stronger than that pleaded by Mr. TREVELYAN; for our grievance affects one-half of the population of the United Kingdom, who are denied, not merely the actual vote, the possession of the legal qualification for which is an accident of circumstances, and affects a comparatively small proportion of their number, but the capacity to exercise the vote when possessed of the qualification, which is a brand of mental and moral incapacity on the whole sex. The House of Commons and the country may rest assured that so long as this grievance remains unredressed, there will always be found men who will not be deterred by the fear of being thought tiresome from calling upon the House to discuss it year by year, and that the portion of the intelligence, industry, and property of the country which is now shut out from representation will never cease pressing their claim until the justice of the demand is recognised by the Legislature, and embodied in the institutions of the realm.

Mr. TREVELYAN went on to say that "every fresh session of Parliament brought with it a whole crop of reasons in favour of the reform which he advocated. There was hardly a notice of motion placed on the book

of the House, there was hardly a Bill laid upon the table, which did not sensibly affect that larger portion of our population who, standing outside the pale of political privilege, saw matters touching their nearest interests and their highest sentiments discussed without them and arranged for them in an assembly over whose deliberations they had no larger influence than if they were inhabitants of Kamtschatka." Mr. TREVELYAN asked if the Church of England ratepayer in the rural districts was not to be asked in what way the burials question should be settled; whether the Scotch county householders were to see the guardianship of their poor and the management of their highways arranged for them without their own consent. When the House was discussing the Navy Mutiny Bill, would it have been no advantage to it to have been told by the representatives of those classes from whom our ships are manned whether the punishment of flogging was considered by the relatives of our seamen as an attractive or deterrent feature in the service? There was no measure affecting our rural population with regard to which the House would not be the wiser for knowing the wishes and feelings of those for whom it was undertaking to legislate.

So we ask, Are the women members of the Church of England so indifferent to religious matters that they are not to be asked whether the Church is to be disestablished? Are the women who are members of Nonconformist bodies not worthy to be asked whether their consciences and feelings are duly respected and their religious interests fairly dealt with under the existing law? Are the women ratepayers who are called upon to contribute their share towards the maintenance of the poor, to see the laws affecting the guardianship of the poor and the bringing up of the children of the State settled for them without their own consent by laws passed by members who are not responsible to them as ratepayers or as citizens? When the House is discussing the laws respecting the conditions of marriage and divorce would it be no advantage to it to be told by representatives of the class from which wives are chosen whether those conditions which involve the loss of personal independence and of property, and all other civil

rights, are an attractive or deterrent feature in the institution? If unmarried women, who have not assented to the condition which divests them of civil rights, had a voice in determining the conditions of the marriage contract, we should not have a woman making the complaint which was quoted and endorsed by Lord COLERIDGE in the House of Lords, in moving the second reading of the Married Women's Property Bill: "I am sorry to find that the woman who lives unmarried with a man has legal rights and protection which she loses when she marries."

With tenfold more reason do we affirm of the women population what Mr. TREVELYAN affirmed of the rural population, that "there was no measure affecting them with regard to which the House would not be the wiser for knowing the wishes and feelings of those for whom it was undertaking to legislate," for men have more knowledge of the wishes and feelings of men than they possibly can have of those of women. We ask with respect to the women population the question which Mr. TREVELYAN asked of the rural population, "Were they to have no voice in the question of peace or war, or was their part in the business for ever to be confined to sending their sons to be shot and giving their money to be squandered?" We say with him that "this is not the time when they should shrink from asserting the doctrine on which the creed of the party was founded, the doctrine that taxation should be accompanied by representation. Hon. gentlemen opposite, when they were in a minority, had never wearied of asserting their conditions and fighting their battles under every form of discouragement with a consistency that won their respectful admiration. They, too, had their share of that national courage and constancy, and he trusted that the division would show that Liberal members, under every turn of fortune, were resolved on being true to Liberal principles."

Lord EDMOND FITZMAURICE, in commenting on the observations of Mr. GOLDNEY, used words which are exactly applicable to the case of women. He said that the hon. member for Chippenham "seemed to think that if they wanted to promote the interests of the agricultural labourers, the best thing they could do was not to give them votes." This was exactly what Mr. HANBURY said about the interests of women. Lord EDMOND FITZMAURICE went on to say that "he thought the very reverse was the fact. So long as they did not enfranchise the agricultural householder, proper attention would not be paid to his concerns. The interests of the rural population were neglected simply because members were not bound

to them as the county members were to the tenant farmers. But if the rural householders were enfranchised, members would be obliged to look after their interests." This is exactly what Mr. JACOB BRIGHT said about the comparative attention given by the House of Commons to the concerns of women and of men.

The alarmist objections to the County Franchise Bill bear a remarkable resemblance to those brought against the Women's Suffrage Bill. There was the grand bugbear of "ulterior objects." Lord EMLYN quoted a resolution passed at a meeting in a place called the Frying Pan, to the effect that "the area of cultivable land should be extended and parks limited; that game should be confined to closes and parks, and the Game Laws abolished; that all poor pastures should be broken up; that unpaid magistrates should be removed; securities taken for the highest cultivation of the land, thus finding remuneration for labour, as well as cheap food for the people." Lord EMLYN said that "if those proposals were to be included in Mr. TREVELYAN'S Bill, it would certainly be a very comprehensive one." Certainly, any Bill for the extension of the franchise would be a very comprehensive one indeed, if it were held to include not only the conditions on which the franchise was to be exercised, but every proposal for future legislation which might at any time be urged on the consideration of Parliament by the representatives of the newly-enfranchised electors. In one of the debates on the Women's Suffrage Bill, Mr. NEWDEGATE complained that "the misguided ladies who carry on this agitation are urged on by those who entertain ulterior views." But these hypothetical "ulterior views," whether of the rural or of the women population of this country, form no part of the question of the justice of enfranchising either class. Some of the "ulterior views" may be wild and impracticable, others may be just and reasonable. The time for discussing these proposals will be when they shall be made by the accredited representatives of those concerned; and the only security for wise discrimination and just judgment will be that the Legislature shall be responsible to all whose interests are affected by its decisions in regard to them.

Mr. Serjeant SPINKS gave utterance to a sentiment which we commend to the consideration of those timid Liberals who fear that the enfranchisement of women would militate against the interests of the party. The hon. and learned member for Oldham, who is himself a Conservative, supported Mr. TREVELYAN'S resolutions, and said in reference to the excluded householders, "Even

if such people would turn against Conservative principles, justice ought to be done." The same hon. member supports the claim for the admission of women householders to the franchise, although it is supposed that in his constituency the women are mostly Liberals.

Mr. E. STANHOPE, in opposing the resolutions, used many of the stock objections to women's suffrage. He said "the principles enunciated by many of the supporters of the proposed change would go a great deal farther than household suffrage." "Some of the propositions laid down appeared to him to apply not only to the right of men, but of women, to be admitted to that House." "It was alleged that they (the agricultural labourers) were not represented in that House." "He altogether challenged that statement." "The honourable members who sat for counties were as pleased as anybody else could be at the improvement which had occurred in the condition of that class." "But the hon. member for the Border Burghs went further, and tried to make out a case of special grievance. He (Mr. STANHOPE) admitted that if it could be shown that there were wrongs under which the agricultural labourer suffered, and for which Parliament was unable or unwilling to provide a remedy, there was a case for their immediate enfranchisement." Mr. E. STANHOPE is in this admission more liberal to the agricultural labourers than Mr. JOHN BRIGHT is to women, for Mr. BRIGHT stated in the House of Commons, in the debate on Mr. FORSYTH'S measure, that the fact that there may be some particular injustice of which women have a right to complain was no sufficient argument for the proposition in the Bill. Mr. E. STANHOPE continued his objections to Mr. TREVELYAN'S resolutions by saying that the noble lord the member for Carmarthen county "had pointed out the dangerous character of the proposals these men were venturing to urge on behalf, as they alleged, of agricultural labourers, and had shown that they were endeavouring to make a war between classes." That objection seems a plagiarism from a passage in Mr. JOHN BRIGHT'S speech against the enfranchisement of women. Mr. STANHOPE continued, "they had heard the enfranchisement of the agricultural labourers urged on grounds of sentiment, and for other reasons, but he did not think the proposal had ever been supported on the ground that it would be likely to increase the usefulness of the House." Here, again, we seem to recognise in this objection an old friend with a new face, and we notice the same vagueness in the expression "usefulness of the House" which we find in the utterances of those who object to women's

suffrage. The term "usefulness of the House" may mean either usefulness to those whose interests are already represented in it, or usefulness to those who are now excluded from representation, and the speakers usually omit to explain in which of these two senses they desire the term "usefulness of the House" to be understood.

One stock objection to women's suffrage does not appear to have been furnished up for the occasion of the discussion of the County Franchise Bill, namely, that the agricultural labourer was not sufficiently educated for the franchise. We infer from this that honourable members consider that however illiterate a man may be, the mere fact that he is a man constitutes in itself a sufficient education for the franchise; while the mere fact of being a woman is in itself such a disqualification, that no amount of education can bring a feminine intellect up to the level of the comprehension of political interests. Or we may adopt the theory advanced, we believe, by Mr. BERESFORD HOPE, that men obtain a political education in the pothouse, and coupling this with the fact that the authorities do not neglect to make abundant provision of these educational institutions in all parts of the rural as well as the urban districts, we may arrive at the explanation of the tacit admission of the House of Commons that the agricultural labourer is sufficiently educated to possess the franchise.

These stock objections resemble in another way those urged against women's suffrage, in that they were sufficient to ensure the rejection of the proposal by a large majority. But the supporters of the measure do not consider that this circumstance affords them any cause for discouragement, and the friends of women's suffrage may have a like conviction, that it is only through repeated defeats and persistent agitation that political progress is made in this country, that in the end a good cause, bravely and fairly advocated, cannot fail to find acceptance in the mind and will of the people, and that sooner or later justice will be done.

At the meeting of the Royal Agricultural Society, held last month in Liverpool, prizes for the best managed farms in Lancashire, Cheshire, Denbighshire, and Flintshire, were awarded in two sections, "Arable farms, with at least two-thirds of their area under rotation of cropping," and dairy or stock farms. Under the first section the prize of £50 for the best managed farm of 150 acres and upwards was awarded to Mrs. ELLEN BIRCH, of Netherton, Aintree, near Liverpool. Other prizes of £40 and £20 were awarded to men for farms of less extent; and in the second

section, dairy farms, the first prize of £50 was divided between two men farmers, so that Mrs. BIRCH carries off undivided the principal honour of the day. Yet this lady, whose capacity for managing her farm has just received such unimpeachable testimony, is denied representation for the property and the taxation she contributes to the wealth of the country, and is stigmatised by the law as unfit to exercise the Parliamentary suffrage. There are men calling themselves Radical reformers, and occupying a prominent place in the leadership of the Liberal party, who would perpetuate this injustice, and who would deny to the person who has shown her capacity for managing a large farm, the capacity to give a vote in a Parliamentary election which they would allow to the meanest and most ignorant of the labourers whom she employs.

NOTHING is more common than to hear, when the subject of women's suffrage is mentioned, a pompous reference to the extreme and (as it would seem) almost superstitious reverence wherewith men now regard women—a reverence which, it is implied, will vanish the moment that the idol "descends into the arena of politics." If there be women disposed to put faith in this alleged masculine veneration for the sex in general (we say nothing of the genuine respect of individual men for individual women), we recommend them to study the articles and correspondence which have been going on for the last two months in the various medical journals respecting the admission of women to the medical degrees of London University. As "Truth" remarked, in commenting on them in an article entitled the "Chivalry of the Lancet," if an old Roman patrician had spoken his mind when CALIGULA conferred the rank of Consul on his horse, he could not have expressed greater contempt and disgust than some of these gentlemen have done in discussing the tardy consent of the Senate of the University to confer the same degree on a woman as on a man when she has passed the same examination. One of them actually remarked that his own degree would cease to be of any value to him when this catastrophe takes place.

F. P. C.

In one newspaper, published on the 12th of July, we find a record of two cases in juxtaposition, which serve as a ghastly commentary on Mr. JOHN BRIGHT'S astounding assertion in the House of Commons, that "there can be no doubt that with regard to punishment, there is much greater moderation and mercy dealt out to women than to men." We read that, at the Dorset Assizes GEORGE

LACY was convicted of starving his wife to death, and was sentenced to *five years' penal servitude*. In the same paper we find that FRANCES STALLARD, a girl of eighteen, was sentenced to *death* for the murder of her illegitimate child, and the Judge held out no hope of mercy; in fact, MARWOOD had already arrived at Winchester Gaol to do his hideous office ere the reprieve arrived, and even then the commuted sentence was to *penal servitude for life*. Let any one contrast the enormity of the offences respectively committed by these two criminals, and judge whether to the man or the woman was dealt out "much greater moderation and mercy." Take the agonies inflicted on the victim. These must have been immeasurably greater in the case of an adult starved to death than of a young infant deprived of its scarcely-conscious life. Then the temptation to the crime. What inducement or provocation could a man have adequate to excuse the cruel and deliberate starvation of a wife? But who can measure the agony and desperation of a friendless, destitute, deserted girl with an illegitimate infant, whose existence brands her with shame, and bars her efforts to earn a livelihood for herself or support her babe? Even if a girl in such a condition could be regarded as fully responsible for her actions, "moderation and mercy" might suggest that a wretched mother might even think that the kindest thing for her infant would be to remove it from the misery that awaited them both, and trust its soul to its Creator. Where is the "moderation and mercy" which decrees that all the shame, and misery, and responsibility for the illegitimate child shall be borne by the mother alone, while the father goes scathless? Under the present legal and social arrangements, a man might be the author of all this woe, and might himself be one of the jury whose verdict consigned the victim of his vices to the gallows.

But there is yet another consideration. Not the least terrible of the pains and perils of maternity even under the happiest circumstances is the liability to temporary insanity caused by the physical derangement of the system. We have the authority of the *Lancet* for the statement that at such times there is a strong presumption that women may not be responsible for their actions. Whenever men are tried for murder under circumstances which give rise to such a presumption, we find that these circumstances are carefully noted at their trial, and men are given the benefit of every reasonable doubt. If the same principle were applied to women, we should find juries more reluctant than they are now to condemn

women for acts done in those supreme moments of physical agony and mental prostration which their judges can never know. We might then have been spared the pain of seeing a young girl consigned to a hopeless existence in a living tomb for the consequences of a sin in which the woman bears all the punishment and the man escapes scot free.

FOR the third or fourth time within recent memory, in this country, a murderer has hacked, sawed, hewed the body of his victim into small pieces, with a cold-blooded barbarity difficult for imagination to picture. CADWALLADER JONES, it would appear (though lately married, and a man otherwise of good character—a sober and industrious young farmer, chapel-goer, and poet), held illicit relations with the unhappy SARAH HUGHES, part of whose hair and entrails were found in a grave in his garden, and the rest of her corpse, in sixteen fragments, in the river Arran, near his cottage. The question which suggests itself is, Why are these peculiarly revolting murders always committed against women—women who have invariably borne to their cruel assassins those intimate relations on which are supposed to be founded so much of the tenderness of *men* for their sex? Why do the murderers of men, who have often just as much reason to wish to make away with the evidences of their guilt, shrink from hewing a man's corpse as if it were the carcase of a sheep?

F. P. C.

THE House of Commons has recently manifested a very earnest desire to secure the right man in the right place in regard to an appointment in the civil service; and whether or not the anxiety may in this instance have been unnecessarily aroused, we may hope that the same desire for fitness which inspired the debate of the 10th July will be consistently carried on into cases where it may become a question of the right woman in the right place. After a recent trial respecting the cruel treatment of an unfortunate pauper child, the Local Government Board commented on the default of the guardians in boarding out children without providing for their supervision by means of a ladies' committee. The subject is well worthy of the attention of Parliament, and we trust that a Legislature so anxious for the efficient charge of the national stationery department will show itself not less anxious for the efficient charge of the national nursery department.

H. B.

THE question of the constitutional right of women to exercise the Parliamentary franchise is held by many not to have been definitely disposed of by the adverse decision of the Court of Common Pleas in 1868. Up to that time there had been no legal judgment against the right, and when Parliament constituted the Court of Common Pleas the final court of appeal from the revising barristers' courts, it appears probable that such questions only were contemplated as affected individual claims or technical rights under the various statutes. Nevertheless, it has happened that a matter involving the constitutional rights of half the people of these realms has been dismissed after a single hearing before a court which in other matters of far less magnitude is not the supreme court, and those whose rights have been extinguished are denied the right of appeal, which exist in other cases from the decisions of the Court of Common Pleas to the Supreme Court of Judicature or to the House of Lords. Under these circumstances women whose rights have been thus summarily disposed of desire, in carrying to the Legislature that claim to exercise the franchise which has been denied them in the courts, to bring under the notice of all concerned the strong presumption that exists in favour of the ancient right, and some of the facts and arguments on which the presumption rests. These will be found set out at some length in a pamphlet by the late Mr. CHISHOLM ANSTEY, which we commend to the attention of our readers.

## REVIEW.

*On Some Supposed Constitutional Restraints upon the Parliamentary Franchise.* By T. CHISHOLM ANSTEY, Esq., London. Office of the Social Science Association, 1, Adam-street, Adelphi. 1867.

The pamphlet before us was written before the passing of the Reform Act of 1867, and the arguments are based on the law as it stood before the changes effected by that Act. They refer not merely to the supposed disability of sex, but to other restraints on the exercise of the franchise with which we are not immediately concerned. We extract the opening paragraphs explaining the general scope of the work, and those portions of the pamphlet which refer to the right of women to exercise the Parliamentary franchise.

'The object of this paper is to call your attention to some fallacies of the day on the subject of electoral incapacity, or disqualification. Important in themselves, they appear to me to be still more important in their indirect operation, and to impair the character of the electoral franchise itself. Every legitimate exception to a constitutional right confirms the common right in the unexcepted cases. But to admit an

unsound exception, or one whose soundness is not very clear, and still more to do so in a great number of instances, will go very far towards the destruction—for denial is destruction—of the common right. Now it is the peculiar feature of our antient constitutional theory of the electoral suffrage, as the precedents (some of which are collected and commented on in my late work on the Parliamentary Franchise\*) most conclusively establish that, except only the rare cases of prescription, or local customs to the contrary, simple "inhabitaney" or "resiance," whether as sole occupier, or joint occupier, or inmate, was the only qualification which the common law imposed, either for counties or boroughs. The few super-added restrictions as to value and tenure, which were legal in their origin, are all the creatures of statutes, and in some cases very recent statutes. Those which were not legal in their origin are illegal still, except where Parliament by special legislation for particular places has taken upon itself to ratify and give effect to them. Any personal incapacity known to that common law, and pre-supposing either the forfeiture of all civil and political rights whatsoever (which is the case of convicts or outlaws), or else that real want of freedom or ability to discern without which there is no perfect "consensus" to any contract or mandate whatsoever, e.g. lunacy or idiocy, or imprisonment (without distinction of sex or age), or coverture (in the case of females), or tender childhood (in that of minors) would of course operate here, as in respect of any other lawful function—for example, that of voting at elections of officers in corporations or great companies—to take away the right or to suspend the exercise thereof, as the case might be; and to none of those kinds of incapacity do I direct my remarks. All that I contend for is that sundry conditions which have not, and never had, not even at the height of their power, the capacity to affect the exercise of other public franchises—in the courts, for instance, of the East India Company, the Bank of England, the South Sea Company, and the like—ought not, according to constitutional principle, to disable the same persons from having the Parliamentary franchise, and exercising it in the courts of their shires and boroughs. I propose to review those conditions in the following order:—1. Alienage. 2. Base tenure. 3. Sex. 4. Nonage. 5. Receipt of alms. 6. Non-payment of rates and taxes. And 7. Dignity, estate, or degree.

As to these, the position commonly received is that whilst they, neither singly or collectively, constituted any impediment whatever to the giving of the vote for the election of a whole court of directors, with powers of life and death, unlimited taxation, imprisonment, confiscation of property, deportation and banishment over hundreds of thousands of English-born, and hundreds of millions of Indian-born, subjects of the Queen, any one of them has been always sufficient to disable any number of persons, otherwise qualified, from voting at the election of a single member of Parliament for their place of abode. It appears to me not only a great anomaly, but also a great danger to the "common right," as the Parliamentary franchise has been ever called. It is dangerous to admit without much caution the theory of any restrictions upon that right, except such as nature and reason necessitate. In proportion as we admit other exceptions than those, we impair the franchise itself; for in that proportion it ceases to be a common right.

After commenting on the disability of 'base tenure,' the writer says:—

"In the meantime, however, there is no doubt that the anomaly has the force of law, the language of the Act of

\* "Plea of the Unrepresented Commons for Restitution of Franchise." Ridgway, 1866.)

George II. being unequivocal. Of the next head (that of sex) the same cannot be said.

Before I enter upon that supposed disability of sex I wish to set forth, once for all, and in so many words, the sole authority on which it rests. I do so, because I have referred to it already as being likewise the sole authority on which the disfranchising Act of the 31 Geo. II., c. 14, concerning copyholders and the like, was and is asserted to be a mere re-enactment of the common law, and on which the same allegation as to the Acts of Parliament for disabling all minors, and certain classes of recipients of alms, is also supposed to be justified. That solitary authority is the following hasty and discursive passage in Lord Coke's argument for holding the clergy incapable to vote for elections to Parliament. He quotes no record. He contradicts without comment records of the highest authority. I have already shown this with regard to some of them. I shall have to do so as to the rest, including those relating to the clergy. The main subject to which Lord Coke was addressing himself will be presently noticed, as will that relating to minors, in its place. But this is what he does say: "And in many cases multitudes are bound by Acts of Parliament which are not parties to the elections of knights, citizens, and burgesses; as all they that have no freehold, or have freehold in antient demesne,\* and all women having freehold or no freehold, and men within the age of one-and-twenty years, etc." The "etc." is Lord Coke's. He then returns to the question of the clergy and their proctors, and makes no further reference to those Parliamentary franchises. This is, however, the whole and sole authority, on which those who receive the enumerated disqualifications always rely, when they are put to show the law and practice of English elections from the reign of Henry III. to that of Lord Coke's Sovereign Lady Elizabeth.

3. Now first as to the alleged disability of sex, according to the law and practice of Coke's own time. In the reign of that very queen (and it is impossible to conceive the great Parliament man to have been ignorant of the fact, although it suited his purpose to pass it by), there had happened several elections to Parliament for a borough (the more than once famous borough of Aylesbury), where the franchise was then claimed and exercised by a simple family of "inhabitants," and long continued to be so claimed and exercised. Now at one of those elections, the "sole elector being a minor," his mother, *jure representationis*, had actually voted in his stead—elected the two burgesses—signed their indenture—and as returning officer made the following return, which was upheld as good:—

"To all Christian people to whom this present writing shall come, I, Dame Dorothy Packington, widow, late wife of Sir John Packington, knight, lord, and owner of the town of Aylesbury, sendeth greeting: know ye me, the said Dame Dorothy Packington, to have chosen, named, and appointed my trusty and well-beloved Thomas Lichfield and John Burden, Esquires, to be my burgesses, of my said town of Aylesbury. And whatsoever the said Thomas and George, burgesses, shall do in the service of the queen's highness in that present Parliament, to be holden at Westminster, the 8th day of May next ensuing the date hereof, I, the same Dame Dorothy Packington, do ratify and approve to be my own act, as fully and wholly as if I were or might be present there. In witness," etc.†

The concluding words "as fully and wholly," etc., are curiously significant. They certainly imply that the sole electress of Aylesbury, at least, was in nowise of the modern opinion, according to which the capacity to sit in Parliament

\* 4 Inst. f. 5 a.

† Aylesbury.—Return of the 4th May, 14 Eliz. 15 (Rolls' Chapel) apud Brady on Boroughs. Appendix f. 35; and the "Indenture" in the next entry. Compare "Notitia Parliamentaria," by Browne Willis, vol. I., p. 129.

is, by "decency and the policy of the law," denied to her sex. But that is another matter, into which I am not required to enter. My only purpose is to show that, with the solitary exception of some of the new franchises created in favour of "male persons," *eo nomine*, by the 2 & 3 Will. IV., c. 45, there is really nothing to incapacitate a freeholder, householder, or other person merely by reason of sex, from voting at elections to Parliament if *sui juris*, and otherwise thereunto qualified.

Yet even upon that other point there is something to be said. That "ladies" sat and voted among the "Magnates Regni" in right of their fees or communities\* long before the name of Parliament was given to those great councils, and long before the now justly exploded doctrine began to be broached by the feudalists, which erected masculinity into an essential of every fief,† is too well attested by our more antient records, to justify us in disregarding the statements to that effect of eminent archæologists and sound and learned lawyers.‡ That to a Parliament of the fifth year of Edward I. (if Selden be right as to the date), four lady abbesses were summoned by writ in right of their abbeys was shown by the Patent Rolls extant in his time. It is certain that those same heads of houses were summoned *eodem modo* with the barons twenty-nine years later.§ That, at a subsequent period, and long after the first recorded case|| of members "appearing and acting by proxy" (or "proctor"¶), or by a plurality of such in either house (for it is a mistake to describe the privilege of proxy as some have done, to be one peculiar to the peerage\*\*); the form of Parliamentary writ was so far changed in those cases as to direct the "dame" to whom it was addressed to "chuse and name" her lawful "proxy" (or "proctor") to appear for her in the House of Lords, *ad colloquium et tractatum coram rege*, on her behalf which was a novelty perhaps, although in one year alone, the 35 Edward III., there were nine peeresses so summoned.†† But the language implies rather an exemption from the duty of personal attendance in the doing of that "suit and service" than any disability to render it. What is more to my present purpose, it clearly asserts the capacity as well as the duty to elect—a function which, as I have said, may well consist with the exemption from, or even the incapacity of, being elected.

But Lord Coke could not have been ignorant—if his frequent references to the "Rotuli Parliamentorum" be any proof of his acquaintance with their contents—that, not only in the earlier periods which I have been examining, but for long after it, it was the practice in granting a Parliamentary supply, by way of direct taxation, to obtain and record the consent in Parliament of those of the "first estate," both male and female, before the royal assent was taken. So untrue it is to assert that in the history of the English Constitution it is anywhere found that any subject, noble or commoner, is lawfully bound to obey an Act of Parliament, to the making of which in person or by representatives that subject has not been party! I shall give but

\* See the "His Testibus" in the Charters, etc. Ant. Parl. 75, and apud Lord Keeper Williams' MS. 25.

† See the Willoughby Peerage case in Collins, p. 1.  
‡ Several opinions of sundry learned lawyers, viz., Mr. Justice Doddridge, etc., touching the antiquity, etc., of the High Court of Parliament in England," (1658), f. 76; and see Gurdon's "History of the High Court of Parliament," vol. I. (edn. of 1731), pp. 200-2.

§ Compare Palgrave; I. Parl. Writs (Rot. Claus., 5 Edw. I.) (m. 22 a.), and 34 Edw. I. (*Id.* m. 15 a., 5 April, 1306), pp. 164 (2) 196, with Titles of Honour, p. 720.

|| I. Rot. Parl., 35 Edw. I. 189 a, 189 b, 190 a.  
¶ VI. Rot. Parl. App. (ex. Rot. Pt. 1, Edw. IV., p. 1, m. (19.) 227 a, b.)  
\*\* See for the House of Commons, III. Rot. Parl., 7 and 8 Hen. IV. (No. 30), 372 a.

†† Writs of the 15 March, 35 Edw. III., Claus. (in dorso) m. 36, Dugd. Parl. Summ., 265.

one instance. It is taken from the Rolls of the Parliament of the year 1404. Certain aids and subsidies had been granted by the Commons for themselves and their constituencies. In so far as the duties for raising those supplies were payable by the "Lords temporal" (seignors temporelx) they concurred; and in so far as the "Ladies temporal" (dames temporelx) were to become liable they also concurred in the grant. These, their several consents, were entered on the roll and made part of the statute.\* I shall conclude this episode in the inquiry before us by one remark; and it is that I have searched in vain through the Rolls of Parliament, and the "Journals" for any recognisable authority for the actual exclusion of females. I do not mean the exemption from suit and service in that high court. I find in the "rolls" an occasional "essoign" put forward, as, for example, where the presumption arising from non-claim of the Earl-Marshalship† was, in 1425, encountered by a representation on the claimant's part, that "at the time when, etc.," it was descended upon an ancestress, and that "no place in Parliament might appertain to a woman." But that is all. Certainly I have found in the "Journals" one solitary folly of the Puritan time which goes so far as to the disfranchisement of woman for any business connected with Parliament. But then it goes much farther, and denies her competence to appear before the House or its committees, and be examined as a witness; for it is written that a woman shall not be heard in the congregation!

On the other hand, I find throughout the records, a most significant circumstance; the epicene term "homo," in both numbers, and every case of ascension, invariably used to the exclusion of "vir:"—whilst "baro," "maritus," or "masculus," is always used when it is intended to distinguish between the "baron" and the "feme." Sometimes a Declaratory Act is passed, recognising the application contended for, that is to say, declaring that, according to the true meaning of a former Act, women of certain specified ranks were included within the generic word, "homo," and this again is judicially declared to be an unnecessary statute. But, again, "women" are frequently specified, and this is frankly admitted by the learned historians of the English boroughs, albeit no partisans of female suffrage,‡ as having those "hominal" rights, and as being liable to the "hominal" duties correlative thereto. The Ipswich Dom Boc furnishes more than one such example. The burgess "widow," even although herself a "foreigner," and her deceased husband an "alien denizen," enjoyed "the franchise of the town, so long as she continued a widow." To any *feme sole*, the "franchise," and even the "guild," was open on the same terms with the men of the place. There was no "essoign" for female burgesses, whereby to decline the attendance at the "motes."§ There was nothing in the customs of Ipswich which gave to the terms "men" and "burgesses," an epicene sense denied or unknown in the case of other communities. Domesday is the most general of surveys. Let us refer to Domesday. The female burgesses of Tamworth are there recorded as having been from before the Conquest, and as being still "free"||—"free" in the sense of that same word, which was afterwards inserted into the Great Charter, for the better declaring of the common right of every "free man," (liber homo) to his part in those safeguards of his "freedom." Trial by jury ("judicium parium,") and the "law of the land" (Lex terræ) "Nullus liber homo," so it runs, "capiatur vel impri-

\* III. Rot. Parl., 6 Hen. IV. (No. 9), 546, b.

† IV. Rot. Parl., 3 Hen. VI. (No. 12), f. 270, a.

‡ I. Hist. of Boroughs, etc., p. 273.

§ "Ipswich Dom Boc;" 30 Edw. I., anno 1301, apud I. Hist. of Boroughs,

etc., pp. 513-14, 517, 520.

|| "Ipswich Dom Boc;" 30 Edw. I., anno 1301, apud I. Hist. of Boroughs, etc., p. 255.

sonetur aut dissasiatur, aut utlaghetur, aut exuletur, aut aliquo modo destruat, nec super eum ibimus nec super eum mittimus, nisi per legale iudicium parium suorum vel per legem terre."\* Upon the unsuspected authority of Lord Coke, even if the cases which he cites in margin, were not sufficient of themselves to warrant me, I am able to say, that whilst "liber" or "free" was always held to extend to the "bond" as to all men but his lord, whilst bondage yet was, so it was also held that "homo, doth extend to both sexes." And therefore, where an Act of Parliament was made for declaring ladies of certain degrees to be within this provision, it was, nevertheless, adjudged to have been unnecessary, and that women of degrees not specified in that Declaratory Act, were "also comprehended within this 29th Chapter of the Great Charter."† Indeed, the practice shows that to have been the meaning of the term long before Magna Carta. Amongst the "liberi homines," or "liberi homines tenentes," or "liberi homines sub Regia," in every English "shire" or "borough," inscribed into the pages of Domesday; the names of "free women" in particular often occur.‡ Therefore it was by no error or accident that the phrase was used in that application. That they were ranked amongst the freeholders of their shires, and the burgesses of their boroughs, at that time, there can be no doubt. That they were distrainable to approach the shire court, or tourn, or the "leet," I do not assert. But a privilege of exemption does not import an incapacity; and that they might lawfully do that or any other such service in those courts or (as to other services) in the Courts Baron or elsewhere, and so become liable to the corresponding obligations, there can be no doubt at all§—just as by taking upon them to trade as *femes soles* they made themselves liable within the precincts of their "mercheta," to the common burthens thereof over and above their proper borough duties, e.g. those of "watch and ward," which none could decline. And in these as in so many other respects, the statute law of Scotland appears to have been modelled, in the times of our King Stephen, upon the English common law.||

That they did resort to those "courts," that they did take part in their "presentments," and in particular in those for election of knights and burgesses; that they did so without challenge; nay, more, that their seigniorial influences were exercised as freely there, and submitted to as readily as those of the male "magnates," the records afford abundant proof.¶ That they continued to do so, into the troubled times of the Stuarts, and down to the very eve of the great civil war, there is not only the Aylesbury case of the 14th of Elizabeth already cited to show; but the still later authority recorded in the Journals themselves, of an inquiry concerning the right of election in another borough, in dispute between the "lord" and the "inhabitants," and where to the former it was permitted to show in evidence (amongst others) more than one recent return of burgesses by the vote and indenture of the "lady" for the time being,\*\* and the inhabitants were permitted to show a similar return by the lady and all the "inhabitants;"†† and thus on either side the right of female suffrage, far from being questioned, was asserted and relied

\* Magna Cartæ, R. Joh., et aliorum Regum, c. 29, "Charters of liberties," pp. 7, 11, 16, 19, 24, 31, 35, 40.

† 2 Inst. f. 45. ‡ I. Hist. of Boroughs, etc., p. 273.

§ Pryne on the Fourth Institute, 13, 32, Brevia parl., 431, and per Probyn J. in Olive v. Ingram, 7 Mod. 268.

¶ Leges Burgorum David I. (anno 1136), ch. 107, Articuli pro Ballio, Edin. 54, apud I. Hist. of Boroughs, etc., pp. 329, 333.

\*\* See amongst others, the Returns to Parliament (from Yorkshire) from the 13 Hen. IV., to the 12 Edw. IV. inclusive, in Pryne Brev. parl. Red. 152-5.

†† Gatton; Returns of the 1 & 2 Mary and 2 & 3 Ph. & M., apud 1 Carew 245. †† Return of the 7 Edw. VI., *ibid.*

upon. The committee, and it was the celebrated one of which Glanvill and Hakewell, and all the great lawyers of the time sate, gave effect to the last-mentioned precedent, without in any way qualifying the same or disputing the "lady's" title, but merely declared the right to be in the "inhabitants."\*

That "determination" therefore, so far as it goes, is a direct authority in favour of the "lady's" right to vote as an "inhabitant," at least if there be any truth in the saying that "silence gives consent." But undoubtedly such was the view taken of the question by the lawyers of that time. The point had at least twice received, some few years before, a judicial determination in favour of the right—absolutely as to a *feme sole*, and *sub modo* as to a *feme covert* also—or, to use the words of the report, "that a *feme sole* freeholder might claim a voice for Parliament, but if married, her husband must vote for her."† Those cases have never to this hour been overruled. It is not that they have been consigned to oblivion; quite the contrary. They were cited, and with approbation from the bench of the Court of Common Pleas, by Lee, C.J., and by Page and Probyn, J.J., during the four arguments of a case ‡ (for by reason of their importance they heard the argument four times over) where, by analogy to those decisions, the court afterwards held—1. That a *feme sole* was eligible to the office of parish sexton, and 2. That within the meaning of the words, "all persons paying scot and lot," or "all householders" *femes sole* paying, etc., or being householders, were included and had right to vote at the election of such sexton. It would appear from the observations of the learned judges, that in the course of the years elapsed since the reign of Charles I., women had not been admitted to vote by those who made the returns, and that the right had fallen into nonuser. "But," said Probyn, J., § "an excuse from acting, etc., is different from an incapacity of doing so," and the claimant's "answer to the objection of non-user by the difference between being exempted and being incapacitated" || was accordingly adopted by the whole court, their judgment being for the claimant upon both the above points.¶ Upon the incidental question, one not properly before them, of the capacity of women to vote at Parliamentary elections, the Lord Chief Justice, expressing "no opinion at present," declared it to have been "determined" in their favour by the cases above cited; and that, by the precedents in Brady and Brown Willis, "it seemed as if there was no disability."\*\* Probyn J. concurred, adding, "the case of Holt v. Lyle, mentioned by my Lord Chief Justice, is a very strong case;" and, after giving his judgment upon the claim then before him, he went on to remark, "I cannot see how this will extend to any superior office, as members of Parliament, military employes, etc. A constable" (it had been observed that women were eligible for and even compellable to serve that office), "a constable was once a great peace officer, how contemptible soever he may be thought at present."†† With less reserve Page J., in signifying his own concurrence with the rest of the court upon "the principal case," as he called it, ended by declaring, ‡‡ "But I see no disability in a woman from voting for a Parliament man." Their lordships had the less reason to attach any weight to the alleged "nonuser" of the right at that time, for they were aware that the House of Commons was on the one hand, averse to recognise that or any other large extension

\* Gatton, 26 March, 1628, I. Commons' Journals, p. 875 b, as corrected in I. Carew, p. 245.

† Holt v. Lyle, 14 Jac. I. apud 7 Mod. 271, S. C. nomine Coates v. Lisle, Id. 264, 265, and 2 Lord Rayn., 1014, and see (from Hakewell's Collection), Catherine v. Surrey apud 7 Mod. 264, 271.

‡ Olive v. Ingram 7 Mod. 263-274.

§ Olive v. Ingram, 2 Mod. p. 271.

¶ Id., p. 265. ¶ Id., p. 273-4. \*\* Id., pp. 271, 264, 265. †† Id., p. 265. ‡‡ Id., pp. 271-274.

of the franchises of their creators. Indeed, this was, in so many words on the part of the ministry and the Commons, actually urged by the Solicitor-General, Sir R. Strange, upon the court, as a reason for ejecting claims like the present, which might be drawn into precedent at the hustings. For, he argued, "elections being already too popular, this would open a door to greater confusion."\* But of course that unworthy attempt to influence the court by fears of that kind, only had the unforeseen result of eliciting their very significant observations, above cited, upon that same right of suffrage at elections to Parliament. It must have been equally well known to the court, with Ashby v. White in their remembrance, how hopeless in their then state of factious prejudice and party interest any petition for redress on the part of the rejected female voters must be:—the resolutions of 1703-4 being still enforced upon every occasion by a House more than ever determined to judge of the qualifications of its own electors, without any reference to law or to lawyers or to any rule but its own supposed good. And, in the same spirit with that which thirty years later animated the same court, with Lord Camden for Chief Justice, their lordships might have distrusted very strongly under such circumstances all arguments drawn from "the general submission,—no action brought to try the right,—and the silence of the courts." In the words of the same great Chief Justice, they might have replied to such arguments, that "it was a submission of the weak to power, and to the terror of punishment;"—that "it would be strange doctrine to assert that all the people of this land were bound to acknowledge that to be universal law which a few had been afraid to dispute;"—and lastly, that, as "no objection was taken upon the returns, and the matter had passed *sub silentio*, the precedents which showed no censure or animadversion by the courts" "were of no weight;"—a sound doctrine, which also "the Court of King's Bench," he said, "had lately declared with great unanimity in the case of general warrants."†

By what means that important case had fallen into so much oblivion, I cannot say. Once only, so far as I have discovered, was it mentioned in respect to females in a court of law, but it was merely mentioned at the Bar, in connection with the main matter then in question (the sextonship) a similar question being there under consideration as to the eligibility, now well established by that second case, albeit previously disputed, of a female to fill the partly judicial, partly ministerial, office of overseer of the poor.

Nor was their claim of Parliamentary franchise touched upon but once, and then only by the counsel who denied the eligibility, and in the most cursory way, citing only the before-mentioned dictum of Coke against it.‡ There is, however, one point in the judgment which seems of consequence in this place. The claim to serve as overseer of the poor arose upon the words of the statute which created that office. It directed the appointment to be made from among the "substantial householders" of the place. Those words were interpreted by a rule of construction, which appears to be quite as applicable to "persons," the word employed in the Local Acts, and (with two exceptions only) in the Reform Act also. Ashhurst J., in delivering the judgment of the Court of King's Bench, thus states the rule—"The only qualification required by 43 Elizabeth is that they shall be 'substantial householders.'" It has no reference to sex. The only question then is, whether there be anything in the nature of the office that should make

\* Id., p. 264.

† Entick v. Carrington, 19 How St., Tr. pp. 1067, 74.

‡ Rex v. Stubbs, 2 T. R., p. 395. § Id., p. 402. || 43 Eliz., c. 2. ¶ Rex v. Stubbs, 2 T. R., 406.

a woman incompetent, and we think there is not. There are many instances where, in offices of a higher nature, they are held not to be disqualified, as in the case of the office of High Chamberlain, High Constable, and Marshall; and that of a common constable, which is both an office of trust and likewise in a degree judicial. So in the case of the office of sexton. The court might have added those of sheriff of a county,\* governor of a workhouse,† clerk of the Crown in their own Court of King's Bench,‡ keeper of a prison,§ commissioner of sewers,|| returning officer at an election to Parliament,¶ warder or governor of a castle,\*\* champion of England,†† regent or guardian of the realm, and, above all, Queen Regnant.‡‡ Their lordships had been pressed from the Bar with an objection which, certainly not without its point in the question as to the overseership of the poor, is as certainly quite pointless when applied to the Parliamentary franchise;—that some, namely, of the duties of the particular office were inconsistent with that modesty, and others with that physical weakness and that want of mechanical skill which belong to the female sex.§§ But even this argument did not prevail.

Those are the only cases directly in point, and they are all in favour of the right. But one or two more may be mentioned which have a strict analogy to the present case. The Clerkenwell case, for instance, may be mentioned. That was an information in Exchequer touching the admittance of a clerk upon his election to the office of minister of the parish of Clerkenwell. The objection was, that the election had been carried by a majority composed of female parishioners. It was adjudged, however, that "women might vote in that case," and the objection was overruled.¶¶ A case of "scot and lot" parish qualification is recorded in the same court, where it is said that upon that qualification men and women had voted promiscuously; but no question was raised on account of the sex of the voters.¶¶¶

It certainly cannot be said that there is a single authority at common law on the question which is not in favour of the right. The learned in the law of elections, as it was before the Reform Act—"fortes ante Agamemmona"—seem to have been of opinion that it was quite a desperate undertaking to press the claim upon the House; so jealous of its own ascendancy over all other authority; so wedded to its old habits of thought; and so fearful, as Sir R. Strange, S.G., said, of making more popular elections already "too popular," in their apprehension of the thing. Those lawyers contented themselves with here and there jotting down a brief note of the point, as it were by way of continued claim on behalf of the constitution. Thus, Mr. Serjeant Heywood himself, from whose pages I have more than once in the course of my observations extracted, insists upon making Lord Coke alone responsible for the law there laid down by himself, or as he cautiously puts it—"so understood to be at the present day"—taking care, as he does so, to set out Coke's dictum at length. "But there have been elections," he goes on to say, "in which women have interfered and actually, in person or by attorney, made or joined in making the return." Next he quotes some of the authorities which I have cited, and then abruptly passes on to another

\* Mr. Butler, who records one such case, adds that the Lady Sheriff executed the duties in person, and sat with the Judges of Assize. Note 280 to Co. Litt. 325, b.

† 2 Lord Rayn., 10147, Mod. 269.

‡ Showers' P. C., and 2 T. R., 397.

§ 3 Rep., 32. ¶ Callis, 252-3. ¶ 2 Str., 1115.

\*\* Blount's Tenures, and Pryne, on Co. Litt., 221.

†† Co. Litt., 107, 7 Mod., 270, 2 T. R., 397.

‡‡ "Statutes of the Realm," 1 Mar. St. III., c. 2.

§§ 2 T. R., 400.

¶¶ Attorney-General v. Nicholson, Exch., T. 1 Geo. II., 7 Mod., 267, 268.

¶¶¶ Attorney-General v. ———, 7 Mod., 271, note.

subject without any conclusion upon this.\* With somewhat more reserve his contemporary, Mr. Francis Plowden, a once celebrated constitutional lawyer of the Pittite school, in a work dedicated "by permission" to Lord Kenyon himself, the then Chief Justice of England contents himself with bearing record of the practice in former days, being careful not to express any opinion of his own as to the actual state of the law when he wrote.† The text-books of our own day are founded upon the Reform Act of 1832;—and yet, as though that Act had not expressly reserved the antient franchises of the constituencies which it did not expressly sweep away, they rarely refer to authorities more antient than the 2nd and 3rd Will. IV., c. 45. No new light is thrown upon the present question therefore, by the treatises which have appeared since that time,‡ except that in one of them it is said (but only to illustrate the force and operation of the Electoral Lists when once settled before the Revising Barrister), that, if a woman's name were by accident to get on one of those lists, the returning officer must, if she afterwards tender her vote, receive it. §

These six causes of disability and disfranchisement therefore appear to me to have been all equally unknown to the common law, although three of them, viz. :—those of sex, receipt of alms, and non-payment of rates and taxes, have, to a partial extent, and a fourth, that of nonage, has altogether received the sanction of the Legislature, in comparatively modern times. The other two causes, viz. : alienage and estate, etc., appear to me have no authority to rest upon. "A practice," to use Lord Camden's words,|| "which began since the Revolution, began too late to be law now," and "acts done then are much too modern to be evidence of the common law." And even as to the other supposed causes, nonage alone excepted, I do not conceive them to have any further validity than what the Acts of Parliament in terms ascribe to them. I see no disfranchisement because of sex, for instance, except only in the case of certain new franchises created by the Reform Act of 1832, and by it expressly limited to "male persons;"—nor, because of receipt of other alms, than the particular kind of alms, in that Act mentioned; nor because of nonpayment of rates or taxes, except in the case of the electors, to whom the restriction is by the same Act applied;—that is to say, certain borough electors alone, and only to them so far as respects the local charges therein specified. But, side by side with those distinctions, which are according to the letter of the law, I cannot help seeing that, according to the constitution, there exists among them no distinction whatever—and that they are one and all to be ranked in open divergence from its traditions, and hostility to its spirit.¶

\* Heywood's Digest of the Law respecting County Elections (2nd edn. 1812), pp. 255-7. † Jura Anglorum (1792), pp. 439-40. ‡ Not even by Mr. Chambers. See his Dictionary of Election Law, p. 128. § Warren on Election Law, p. 175. See also (1835) per Maule (arguendo), Knapp & O. 415 and (1838) per Rogers (arguendo), Falc. & Fitzh. 554. || Entick v. Carrington, 19 How., St. Tr., pp. 1064-74.

A BILL (AS AMENDED IN COMMITTEE) FOR THE PROTECTION OF THE PROPERTY OF MARRIED WOMEN IN SCOTLAND.

WHEREAS it is just and expedient to protect to the extent hereinafter provided for the property of married women in Scotland :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act shall commence and take effect from and after the first day of January one thousand eight hundred and seventy-eight.

2. This Act shall extend to Scotland only.

3. The jus mariti and right of administration of the husband shall be excluded from the wages and earnings of any married woman, acquired or gained by her after the commencement of this Act, in any employment, occupation, or trade in which she is engaged, or in any business which she carries on under her own name, and shall also be excluded from any money or property acquired by her after the commencement of this Act through the exercise of any literary, artistic, or scientific skill, and such wages, earnings, money, or property, and all investments thereof, shall be deemed to be settled to her sole and separate use, and her receipts shall be a good discharge for such wages, earnings, money, or property, and investments thereof.

4. In any marriage which takes place after the commencement of this Act, the liability of the husband for the antenuptial debts of his wife shall be limited to the value of any property which he shall have received from, through, or in right of his wife at, or before, or subsequent to, the marriage, and any court in which a husband shall be sued for such debt shall have power to direct any inquiry or proceedings which it may think proper for the purpose of ascertaining the nature, amount, and value of such property.

5. This Act shall not affect the rights conferred upon a married woman by the Conjugal Rights (Scotland) Amendment Act, 1861, or the Conjugal Rights (Scotland) Amendment Act, 1874.

6. This Act may be cited as "The Married Women's Property (Scotland) Act, 1877."

The above Bill has passed through all its stages, and now only awaits the Royal assent.

A SUCCESSFUL WOMAN FARMER.

Mr. Henry Neild, of the Grange Farm, Worsley, Lancashire, writes as follows to a Manchester paper in reference to the recent award of prizes by the Royal Agricultural Society :—

Perhaps one of the most encouraging features to farmers attendant upon the Great National Society's Show at Liverpool is the declaration by the judges in their award of the much-coveted and hardly-won prize in the arable farm class to Mrs. Birch, of Stand Farm, Aintree, near Liverpool. The judges conclude their valuable and interesting report of this capitally-farmed holding with the following words:—"The landlord leaves his tenant to do what she can with her occupation. He is wise enough to see that the more money she makes the more rent she can pay; and the freer she is to manage her own affairs, the more likely is the business to be conducted with vigour and success."

Stand Farm is a great market garden. It is said, "He is the best farmer who makes the most money in growing the most food!" The judges add, "We do not know a better definition of good agriculture, nor do we know a better illustration of that definition than is furnished by Stand Farm, near Liverpool. The tenant can do what she likes with her land and the produce of it. Her business is to make the farm profitable, in order that she may pay a heavy rent, and heavy wages bills, and realise a profit for herself, and the liberty she has—results in the very highest fertility of which the land is capable." Messrs. Outhwaite, Ogilvie, and Sherriff have earned the gratitude of agriculture in this homage to the true principles on which alone farming for the future must be conducted—to enable the farmers of England to hold their own in competition with the world.

MANCHESTER NATIONAL SOCIETY FOR WOMEN'S SUFFRAGE.

Table listing subscriptions and donations for July 1877, including names like Lady Anna Gore-Langton, Mrs. Thomasson, Mr. Joseph Crook, etc., with amounts in £ s. d.

Table listing subscriptions and donations for Wigan, including names like Mr. James Marsden, Mr. William Melling, J.P., Mr. Amos Jacques, etc., with amounts in £ s. d.

Table listing subscriptions and donations for Wolverhampton, including names like Mr. S. S. Mander, Mr. C. F. Clark, Mr. Moses Bayliss, etc., with amounts in £ s. d.

Table listing subscriptions and donations for Kidderminster, including names like Mr. Miller Corbet, Mr. George Holloway, Rev. Thos. Fisk, etc., with amounts in £ s. d.

Carried forward ... £82 6 0

Table listing subscriptions and donations (continued) for Brought forward, including names like Mr. John Christie, Mr. Will Brooke, Mr. E. Guest, with amounts in £ s. d.

Table listing subscriptions and donations for Dudley, including names like Mrs. Thompson, Mr. Joseph Ridgway, Mr. James Whyte, etc., with amounts in £ s. d.

Table listing subscriptions and donations for Walsall, including names like Mr. E. T. Holden, Rev. T. G. Littlecott, Dr. MacLachlan, etc., with amounts in £ s. d.

Table listing subscriptions and donations for Kendal, including names like Mr. James Cropper, Mr. J. Whitwell Wilson, Mr. W. H. Longmaid, etc., with amounts in £ s. d.

S. ALFRED STEINTHAL, Treasurer. £91 0 6

CENTRAL COMMITTEE.

Table listing contributions received from June 21st to July 20th, 1877, including names like Mr. Hopwood, M.P., Mr. Alex. J. Ellis, Miss Horn, etc., with amounts in £ s. d.

64, Berners-street, London, W. £12 15 6 ALFRED W. BENNETT, TREASURER.

PETITIONS TO THE HOUSE OF COMMONS.

In compliance with a desire expressed by many of our friends, we give the detailed list of petitions presented during the session for the Women's Disabilities Bill. The reports are begun on the following page, and will be continued monthly until the list is completed.

PETITIONS.

FIRST REPORT. 8-13 February, 1877.

WOMEN'S DISABILITIES REMOVAL BILL-In favour.

Table with columns: NO., DATE, PLACE, NO. OF SIGNATURES. Lists petitions from various locations like Saltford, Hackney, Deal, Lambeth, etc.

Total No. of Petitions 23—Signatures 10,405

SECOND REPORT. 14-16 Feby., 1877.

Table with columns: NO., DATE, PLACE, NO. OF SIGNATURES. Lists petitions from Clitheroe, Manchester, Blackburn, etc.

FOURTH REPORT. 26-27 February, 1877.

Table with columns: NO., DATE, PLACE, NO. OF SIGNATURES. Lists petitions from Durham, J. H. Goss and others, G. E. Pulmer and others, etc.

Total No. of Petitions 47—Signatures 18,962

THIRD REPORT. 19-23 February, 1877.

Table with columns: NO., DATE, PLACE, NO. OF SIGNATURES. Lists petitions from Bitton and Helston, Patterdale, Chelsea, etc.

Total No. of Petitions 79—Signatures 28,229

FIFTH REPORT. 28 Feb.—6 Mar., 1877.

Table with columns: NO., DATE, PLACE, NO. OF SIGNATURES. Lists petitions from Downham, Chelsea, Liskeard, etc.

Total No. of Petitions 89—Signatures 32,329

SIXTH REPORT. 7-13 March, 1877.

Table with columns: NO., DATE, PLACE, NO. OF SIGNATURES. Lists petitions from Twerton, Manchester, Tisbury, etc.

Total No. of Petitions 182—Signatures 52,615

SEVENTH REPORT. 14-20 Mar., 1877.

Table with columns: NO., DATE, PLACE, NO. OF SIGNATURES. Lists petitions from Manchester, Haverfordwest, Tewkesbury, etc.

Total No. of Petitions 223—Signatures 65,120

SIXTH REPORT. 7-13 March, 1877.

Table with columns: NO., DATE, PLACE, NO. OF SIGNATURES. Lists petitions from Twerton, Manchester, Tisbury, etc.

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EIGHTH REPORT. 21-24 March, 1877.

Table with columns: NO., DATE, PLACE, NO. OF SIGNATURES. Lists petitions from Leek, Haverfordwest, Tewkesbury, etc.

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SIXTH REPORT. 7-13 March, 1877.

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LINEHAM'S BRITISH EXCELSIOR GREY HAIR REGENERATOR will restore speedily and stimulate amazingly, 2s. 6d.

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with complete instructions. May be obtained through any chemist or perfumer.

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Dear Sir,—Please to send three dozen of the Balsam, 1s. 6d. size, I am sold out; have made two or three experiments with it lately, and find it more  
effectual than "Hopgood's Cream." I hope we shall sell a lot of it; have enclosed a testimonial from a gentleman whom I have used "Hopgood's  
Cream" to for the last seven years, and it kept it only moderately clear. I have now persuaded him to have the "Balsam" instead. The result is that  
his head is as free from Scurf as your hand. He is so pleased that he gave me this testimonial; make whatever use you like of it.—Yours truly,  
To Mr. Lineham, Newark.

4, Poultry, Nottingham, November 26th, 1876.

E. CARTER.

Dear Sir,—Permit me to thank you for recommending "Lineham's Hair Dressing Balsam." It is the very best preparation I have ever used for  
the removal of dandruff from the head. After using other remedies for many years I find this the most effectual.—Yours faithfully,  
To Mr. Carter, Hair Dresser, Poultry, Nottingham.

Brunel Terrace, Park-street, Nottingham, November 18, 1876.

J. B. GAYTON.

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Chemists and Medicine Vendors at home and abroad. Sent free by post in the United Kingdom for 8, 14, or 33 stamps.

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Mr. JOHN HEYWOOD, Manchester.—August 1, 1877.—Entered at Stationers' Hall.