

Traffic in Women and Children

The Criminal Law Amendment Act, 1885

makes it punishable with imprisonment up to two years

- Part 1
Sec 2
par 4
- (a) "to procure or attempt to procure any woman or girl to leave her usual place of abode in the United Kingdom (such place not being a brothel) with intent that she may for the purpose of prostitution become an inmate of a brothel within or without the Queen's dominions.
 - (b) To procure or attempt to procure any woman or girl to have unlawful carnal connection within or without the Queen's dominions by threats or intimidation, by administering or causing to be taken any stupefying drug, matter or thing, or (unless she is a common prostitute or of known immoral character) by false pretence or false representation.

Any person shall be guilty of a misdemeanour who, with the intent that any unmarried girl under the age of 18 years shall be unlawfully and carnally known by any man - whether any particular man or generally - takes or causes her to be taken out of the possession and against the will of her father or mother or person having lawful charge of her.

Also any person who detains any woman or girl against her will in any premises with the intent that she may be carnally known by any man.

The Criminal Law Amendment Act of 1912 gave powers to a constable to "take into custody without^a warrant any person whom he shall have good cause to suspect of having committed or of attempting to commit any offence against Section 2 of the C.L.A. of 1885 (quoted above). This amendment made possible the summary arrest of procurers in the act of leaving the country with girls. The delay caused by the necessity for a warrant had enabled many such persons, though known to the police, to give them the ~~slip~~ slip.

The Children and Young Persons Act, 1933, gave further protection by its restrictions on young persons under 18 going abroad for the purpose of singing, playing, performing or being exhibited for profit. This is absolutely forbidden in the case of children under 14. For young persons between 14 and 18 a magistrate's license is required, and he must only grant it if he is satisfied

- (a) that the application for the license is made with the consent of his parent or guardian;
- (b) that he is going abroad to fulfil a particular engagement;
- (c) that he is fit for the purpose, and that proper provision has been made to secure his health, kind treatment, and adequate supervision while abroad, and his return from abroad at the expiration or revocation of his license;
- (d) That there has been furnished to him a copy of the contract of employment or other document showing the terms and conditions of employment drawn up in a language understood by him.

Brothels (i.e. houses which two or more prostitutes live in or frequent and to which men resort in order to make use of prostitutes) are dealt with in the Criminal Law Amendment Act, 1885.

Any person who (a) keeps or manages or acts or assists in the management of a brothel, or (b) being the tenant, lessee or occupier, or person in charge of any premises knowingly permits such premises or any part thereof to be used as a

brothel, or being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that it is to be used as a brothel, or is wilfully a party to the continued use of such premises as a brothel is liable on summary conviction for the first offence to a fine of £20 or imprisonment for three months, and to higher penalties for subsequent offences.

Prostitution not being in itself a crime there are no penalties for the men and women who make use of a brothel for the men and women who make use of the brothel; but some women shown to have helped in the management of one have been charged with aiding and abetting the keeping of a brothel and punished.

Soliciting in the streets.

This is not an offence in itself but it is punishable if done in an objectionable manner. The Metropolitan Police Act, 1839, makes liable to a fine of 40s. or imprisonment for one week

"Every person drunk in any street and guilty of any riotous or indecent behaviour;"

and to the same fine

"Every common prostitute or night-walker loitering or being in any thoroughfare for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers."

The Towns Police Clauses Act, 1857, makes the penalty a fine of 40s. or imprisonment for two weeks.

"Riotous and indecent behaviour" and "annoyance" are indefinite ^{terms} and it is widely felt that the law needs further amendment. As it now stands a woman described by a policeman as a "common prostitute" may be convicted of "annoying" without further evidence, the person supposed to have been annoyed not being required to support the charge, The policeman's statement that "being a common prostitute" she was seen by him to cause annoyance is accepted without the cor-

corroberation that would be required for the conviction of anyone not so designated.

Soliciting by men is punishable under the Vagrancy Act, 1898, amended by the C.L.A. Act 1912.

"Any man who in any public place persistently solicits or importunes for immoral purposes, may if dealt with summarily, be imprisoned for six months, or, if proceeded against by indictment may be imprisoned for two years, and for a subsequent offence may also be whipped."

It has been held that this is intended to apply to solicitation of men by men - hence the severity of the penalties - but the wording covers solicitation of women. Some men have been proceeded against for soliciting women under the Met. Police Act 1839, which makes liable to a fine of 40s.

"Every person who shall use any threatening, abusive or insulting words or behaviour ... whereby a breach of the peace may be occasioned."

Criminal Law Amendment 1885 raised age of consent from 13 to 16, allowing reasonable cause to believe a girl to be over 16 to be a defense for the man. Proceedings to be taken not more than 6 months after offence.

At Committee of enquiry 1910 Raising of the age to 17 was generally recommended. Mr Cotte & Mr Wedmore suggested raising it to 21 - This considered undesirable, for one reason given by Dr Grey, it would make many cases of anticipation of marriage a crime -

" Mr Archibald Allen, Dr Mary Gordon, Miss Harlow, Dr. Charles Haes were in favour of raising the age to 18, but the last named thought that it would in this case be necessary to retain the proviso as to 'reasonable belief' &c. We, however, regard it as even less important to raise the age than to repeal this proviso.

[Before the Joint Committee on the Sexual Offences Bill & the C.L.A. Bill of 1910 Mr Cecil Chapman had supported raising age to 18. & Sir J. Dickinson to 17. in both cases retained the proviso as to 'reasonable cause' &c.]

Recommendation
After careful consideration we recommend that the age of consent should be raised to 17. & that the proviso as to reasonable cause should be repealed.
That the limit of time for prosecutions should be extended

THE ASSOCIATION FOR MORAL & SOCIAL HYGIENE

(The British Branch of the International Abolitionist Federation)

FOUNDED BY JOSEPHINE BUTLER, 1870.

President :
Mr. GEORGE GREY BUTLER.

Chairman :
Mr. J. ROWNTREE GILLET.

Hon. Treasurer :
Dr. JANE WALKER, C.H., J.P., LL.D.

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Broadway,
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the name of the Association in
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"Nothing endures that is founded on injustice"

from 6 months to 12 months -

That in the case of indecent assaults '13' should be altered
to '15': consider it very desirable to protect boys as well as girls

"We recommend the enactment of a proviso making it a
handicapped in any woman of or above the age of 17 to have
unlawful sexual intercourse with any boy under the age of 17, & that
the word "girl" should be in C.L.A. 85 1. section 5 be altered
to "child." & that the Sweet Act should be altered so as to
exempt boys as well as girls under 17 from penalisation."

C.L.A. 1922. left the age at 16. extended time for proceeding

from 6 months to 9.

repealed "reasonable cause" except in the case of a man
under 23 who has not been previously charged with the same
offence.

The proviso does not apply to indecent assault.

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Part 1. Section 2
Children, Act 1933. 2. "If any person, ^{culpably} causing or
circumstances the seduction or unlawful carnal knowledge
or prostitution of, or the commission of an indecent
assault upon her, he shall be guilty of a misdemeanour
& liable to imprisonment for any term not exceeding 2 years."
He shall be deemed to have done this
"if he has knowingly allowed her to consent with, or to
enter or continue in the employment of any prostitute or
person of known immoral character."

3. Any person allowing a child over 4 & under 16
to reside in or frequent a hotel shall be guilty of
a misdemeanour, & liable to a fine not exceeding
£25, or alternatively or in addition thereto
to imprisonment for any term not exceeding 6 months.

Child under 16