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Conservative and Unionist Women's Franchise Association.

ADDRESS

DELIVERED BY

LORD ROBERT CECIL

ON

DECEMBER 8TH, 1908

PRICE ONE PENNY.

LADIES AND GENTLEMEN,

You will pardon a certain amount of bashfulness on my part in speaking to so many who are regarded with suspicion at the present moment by some of our friends, but, as I venture to think, very unjustly. The question which we have met to discuss this afternoon, the question of Women's Suffrage, is one which has had, I think everyone will admit, a very remarkable history during the last few years. Not so long age Women's Suffrage was regarded as a topic for jesting, not always in very good taste, but never for serious consideration. Whatever the reason for the change of its position, I think we shall all admit that it has now become a serious question and a matter of practical politics. (Cheers.) It does appear to me to be, as Lady Knightley has very well said, the duty of Unionists under these circumstances to consider very carefully what is going to be their position in reference to this great movement. I should profoundly regret it if Unionists, I do not mean necessarily as a party, but as individuals, failed to take a definite line on the subject. (Cheers.) I sit in the House of Commons opposite a great party, the Liberal party, an enormous number of whom have nominally taken a pledge to support this movement. We are constantly told that some 420 of the present Parliament have pledged themselves in favour of Women's Suffrage, but I do think it is an observation which it is only right

and proper to make, that practically nothing effective has been done by the present Parliament to advance that cause. Quite recently some of the leaders of the Liberal party have awakened to the unsatisfactory position in which their party is placed in the matter. The other day a Cabinet Minister went to a great meeting in the Albert Hall in order, as he said, to give a message to the women assembled in their thousands there. Owing to circumstances which we all of us deplore and regret, and which many of those whom I am addressing actively protested against, he was not accorded that fair hearing which it is the privilege and the boast of all Englishmen that we give in this country, but I must say that though I regret and deplore as much as anyone the tactics that were indulged in to deprive Mr. Lloyd-George of a fair hearing, I do think that the message which he delivered to that assembly was one calculated not to allay but to promote irritation. (Cheers.) Because what does it amout to? It amounts to this, that the present Government have resolved, not only not to do anything themselves to forward the question, but to prevent anything else being done except as part of a big Reform Bill which is to be produced in the last Session of Parliament, whenever that may be. But everybody knows that a big Reform Bill of that kind has no chance whatever of becoming law. It is notorious that a big Reform Bill would raise questions not only of Women's Suffrage, but of many other most disputable and controverted questions, and there is no more chance of it spassing into law in the last Session of an effete Parliament than there is a chance of the

moon becoming materialised into the proverbial green cheese. I must say, much as I regret and disagree with and deplore, both on moral and political grounds, the conduct of the militant suffragists, that to treat women in that kind of way is really treating them as if they were children and not grown-up people. I earnestly hope that, whatever attitude any Unionist may adopt, it will not be an attitude of that description. I hope that we shall be quite clear and frank in our attitude, that we shall not hold out hopes beyond those which we are prepared to carry into effect; but whatever we say we are prepared to do, that at any rate we will do. Therefore, for the few moments that I propose to detain you this afternoon, I should like to say a few words as to what seems to me, at any rate from my point of view, to be a reasonable attitude for Unionists to adopt on the subject.

It is sometimes said that Unionists ought to be opposed to any extension of the suffrage because it is an extension of the suffrage, and being Conservatives, largely, the Party of the established state of things, they ought to resist all extensions of the franchise and all extensions of the suffrage, in whatever directions such extensions are made. I believe that to be a doctrine which is entirely novel and destitute of authority in the Unionist party. It is quite true that the Unionist, and before that the Conservative party have resisted extensions of the franchise, but those extensions which they have resisted in the past, whether rightly or wrongly we need not now enquire, were all extensions in the direction of admitting to the franchise classes who were

less able by education and, using the old phrase, by their "stake in the country," at any rate as the Conservative party then thought, to take their share in the government of the country. There has never been any opposition on the part of Conservative statesmen to the extension of the franchise to classes of people in the same position as those who already possess the franchise. This may sound a little academic, but I do think it is rather important because I do not want it to be said that members of the Unionist party are adopting this cry in order to catch votes. I think it is important to show that it is consistent with the historic position that the Conservative party has always adopted on the question of Reform. I am certain of this, that any competent political historian will agree with me that the Conservative party has consistently advocated the extension of the franchise to all those who belong to the same position, the same educational or financial position, or social position, whatever word you like, I do not care, as those that already possess it. I remember in a discussion that took place at the end of the 60's there used to be a phrase which very well described the attitude of the Tory party of that day: they were said to be against a vertical extension, but in favour of a lateral extension. That is, I believe, the sound and genuine and proper view for the Conservative party to take in this matter.

In this particular question do not let us forget that we have behind us a great weight of Tory and Conservative authority. The late Lord Beaconsfield expressed himself, I need not quote his words, as decidedly in favour of this Reform. If I may refer for a

moment to a statesman with whom I am more nearly connected, the late Lord Salisbury, on more than one occasion, advocated the extension of the franchise to women; and our present leader, whom we all respect, has whenever he has spoken in public on the subject, I believe, always spoken in accordance with the traditions of his two predecessors. Therefore as far as authority is concerned I do think we are entitled to say that no Conservative need be ashamed in supporting the movement for women's franchise. What is the reason, if we have this authority and principle behind us, why women should be refused the privilege of voting in Parliamentary elections?

It is said that there is a sex disqualification. Well, that appears to be the view taken by some distinguished ladies who have formed themselves into an Anti-Suffrage League with the assistance of a certain number of gentlemen who would be described I think by the Editor of the *National Review*, if he were not one of them himself, as "Mandarins." These ladies and gentlemen, particularly the ladies, go about asserting in the strongest possible way that they are absolutely incapable of forming a political judgment. To me, I confess, there is something a little comic in the energy and the ability and the eloquence with which a writer like Mrs. Humphry Ward proclaims to the world that she ought not to be trusted to exercise the franchise. To me it seems absurd that the authoress of works like *Marcella*, *Robert Elsmere*, and *Sir George Tressady*, dealing very closely with political subjects, should be yet incapable of forming a trustworthy political opinion.

What are we to say of some others? Lady Jersey—we all admire Lady Jersey, that is all of us who have the pleasure of her acquaintance, and we know that Lady Jersey's life has been one full of public work and public exertion. What is she doing on the Primrose League if she is incapable of political judgment? I have not heard that she has abandoned her position. I believe she presides with great distinction and ability over a Society which has the enormous, gigantic political aim of binding nearer to this country the Colonies of the Empire. Well, but if she is capable, and I am sure we all think she is more than capable, of directing the policy or assisting to direct the policy of the Victoria League with its great Imperial interests, why in the name of all that is common sense should not she give a vote?

But it does not stop there, because if they are incapable of political opinions what are they doing in the Anti-Suffrage League? How can they be employing all the artifices of politics, organising political opinion in the way that they are attempting to do, if, in fact, they ought to have no share in politics? I confess that a rough and an acute controversialist might reply, "Well, if you tell us you are destitute of a political judgment why should we pay any heed to your opinions?" But I shall be the last man to say that, and the only reason why I confess I feel that there may be more grounds than one at first suspected for such an opinion that some of their methods do not appear to me to have been formed in the best traditions of political life. I observe a little paragraph that has been recently published which has been brought to my notice issued by the

Secretary of the Women's National Anti-Suffrage League, and she appeals to all who were shocked by the disgraceful scenes at the Albert Hall, pointing out that the organisation that she represents, and also the Men's Committee for opposing Female Suffrage, are actively at work to give effect to the views of those who do not approve of the means or methods of the Suffrage Societies. I do not think that is a fair method of political controversy. Everyone knows that the great band of Suffrage Societies, all except indeed one or possibly two of them, were vehemently opposed to the proceedings at the Albert Hall. They have done their best to dissociate themselves from what is called the "Militant Party"; and to lump them all up, and to send out an appeal to the world at large signed by the Secretary of this Women's Anti-Suffrage Society, to say that her Society, and her Society alone, stands between this country and the adoption of methods like that, does appear to me to be stretching the licence of political controversy very far.

But apart from these extravagances let us just consider for a moment what it is that is at the back of the minds of those who are such vehement opponents of the suffrage movement. I venture to say that it is really a movement founded on a completely reactionary view of the position of women. If it is to be defended at all it must be defended on the ground on which the Oriental theory of women is alone defensible. We hear the catch phrase that "Home is the woman's sphere." All of us who have any sense at all admit that. But that does not mean that a woman is to be a life-long prisoner in the

nursery of her children; it does not mean that because she and she alone can preside over the welfare of the youthful children, she is therefore never to take any part in any other department of human activity. That is the Oriental theory, the theory that woman is a dangerous creature who must be shut up lest she lead men into evil and women into error. To my mind such a theory is grotesque in England. (Cheers.) We have never adopted it from the days of Queen Boadicea downwards. We have always expected women to take their proper and due share in the public life of the country. We have not been afraid to entrust not only Boadicea but a long series of admirable Queens, with the supreme place in the Government of the country, and I venture to say that there is no one in this room who will say that in doing so we made a mistake. Not only so, but in recent times we have extended their activity more generally and more widely. We have given them a share in municipal affairs, and we rejoice to perceive in the ranks of the women many whose names have become a household word for practical good work of a semi-public or public character. A country which has produced women, to name only two, like Miss Octavia Hill and Mrs. Sidney Webb, would surely be unreasonable if it were to say that all women were incapable of marking a ballot paper with a cross.

But there is another theory which to me at any rate appeals much more closely; it is the theory that sets up woman on a pedestal of cultured refinement and declares that we must not smirch womanhood by dragging her into political life. It is not a theory which even its

advocates pursue with any great amount of consistency. I have never observed that the opponents of woman suffrage declined to allow any woman to canvass at elections. I belong myself to a party one of whose great achievements in political procedure was the foundation of a league which should give to women a definite and recognised position in the political affairs of the country —the Primrose League—and I, at any rate (I do not know how some of my friends are able to do so) should feel absolutely incapable of saying that all members of the Primrose League were " smirched " by their connection with politics. But the other part of the theory which lays stress on the refining influence of woman is attractive enough. It is, if one may say so, the old Feudal view of woman—quite different from the oriental view; absolutely distinct. In the old days of the Feudal System woman was never wrapt up in a bit of silver paper and put away in a drawer; on the contrary, she was brought out and expected to take an active and an important share in the whole public life of the country. It is true she did not actually fight, which was the principal business of those days, but she was expected to arm the knight, to pray for him when he was fighting, and to nurse him when he was wounded. She presided at the tournaments, filled great and important offices both in the Church and in the State, and she in every way was recognised as of vast importance to the health of the body politic. And why? Because it was felt that her influence was a purifying and uplifting influence in the whole of the State to which she belonged. I do not see why that influence should be lost or even endangered by allowing it to penetrate to

the polling booth. On the contrary, speaking only for myself, to me the chief danger, the chief anxiety in this modern day is not the approaching catastrophes which some preach to us, but the growing materialism of the outlook of almost everyone upon life. I will not examine it in detail but we all of us know and deplore how much even religion is supposed to depend on money and how many of us seem to value the Empire for what we can get out of it. Now to combat all that it does appear to me that the direct political influence of women would be invaluable. To me that influence is chiefly admirable because it fosters the highest and most enduring spiritual aspirations of humanity and because both in her strength and in her weakness woman leads the thoughts of men to higher things than the things of this life. (Cheers.)

CONSERVATIVE AND UNIONIST WOMEN'S FRANCHISE ASSOCIATION.

Secretary and Offices: 48 DOVER STREET, PICCADILLY, LONDON, W.

Militant Methods in History

By JOSEPH CLAYTON

With an Introduction by H. W. NEVINSON

Introduction.

My friend, Mr. Joseph Clayton, has here described in brief the great crises in our history which mark, as it were, the battles along our road to freedom. We have had no written Constitution; we have gained nothing as a free gift—nothing all at once; bit by bit, class by class we have fought our way onward; and each advance has cost a struggle. It is all very well for a poet to talk of our freedom slowly broadening down from precedent to precedent. That picture is far too calm and gentle for the truth. There was many a savage onset in the progress that Tennyson thought so smooth, and freedom would not have broadened down at all but for the indignant devotion of men and women who counted dear life cheap for her cause.

It is only by defiance that our liberties have been won hitherto. For each in its turn the battle had to be fought against the brute army of privilege, established power, custom, ridicule, and indifference. Nor was the victory ever complete and the contest done. Either to beat back encroachments, or to extend the ground, we must remain continually alert, and always under arms. Encroachment, too, is now threatened by the Cabinet or Executive, which usurps the time and frustrates the will of the electors' representatives. And as to extending the ground, nearly every one now admits what is the

next position to be captured. No longer will we suffer half of the population to remain entirely excluded from the main right of our citizenship, and to be compelled to submit to government without their consent. We are in the thick of that conflict now, and Mr. Clayton here assists us to learn courage and persistence from the example of those who have triumphed in similar battles before us.

HENRY W. NEVINSON.

MILITANT METHODS IN HISTORY.

CHAPTER I

How Magna Carta was Won. 1214-1215 A.D.

One copy of the Great Charter still remains in the British Museum, injured by age and fire, but with the royal seal still hanging from the brown shrivelled parchment. It is impossible to gaze without reverence on the earliest monument of English freedom, which we can see with our own eyes and touch with our own hands, the Great Charter to which from age to age patriots have looked back as the basis of English liberty.—J. R. GREEN.

WHAT was this Great Charter—this Magna Carta—this to which patriots have turned from age to age? and how came it that a king like John, as astute as he was unscrupulous, and as vigorous as he was cruel, was compelled to sign so remarkable a document?

The Great Charter itself neither conferred new rights or privileges nor sanctioned any new political liberties. In the main it was but a re-affirmation of the earlier Charter of Henry I. Its real importance and value came in here—it was a *written* document, it was " the first

great act which laid down in black and white the main points of the Constitution and the several rights and duties of king and people." "The Great Charter marks the transition from the age of traditional rights, preserved in the nation's memory and officially declared by the Primate, to the age of written legislation of parliaments and statutes, which was soon to come." It was felt in England in the thirteenth century that there was no security of life or liberty and no possibility of justice between man and man, without something positive and definite written down in black and white, to command submission from both the king and his subjects.

There was no question about the need for the Great Charter.

When Stephen Langton, the Great Archbishop of Canterbury, whose name is for all time linked with the Great Charter, returned to England in 1214, he found the administration of justice utterly corrupt, and that, often enough, free men were arrested, evicted, exiled, and outlawed without legal warrant or any pretence to a fair trial.

In a word, the entire system of government and administration set up under the Norman kings, and developed under Henry and Richard, had been converted by the ingenuity of John into a most subtle and effective engine of royal extortion, oppression, and tyranny over all classes of the nation, from earl to villein.—KATE NORGATE—"John Lackland."

The barons were discontented enough at all this misrule, but they had no notion of sticking together, or of uniting in a big national movement until Langton took the lead. And Langton saw that the barons must contend, not only for their own liberties, but for the liberties of all England, that a Charter must be won from King

John which would promise some measure of justice for yeomen, peasants, and artisans—the hardworking people of the land, who in that thirteenth century were voiceless and powerless.

So, in August, 1214, Archbishop Langton called the barons together in St. Paul's Cathedral, and there reminded them of the old liberties promised by Henry I. at his coronation, and appealed for the recovery of these rights. "With very great joy the barons swore they would fight for these liberties, even unto death if it were needful, and the archbishop promised that he would help with all his might."

And now the movement was fairly started. Three months later the barons again assembled, this time in the abbey church at Edmundsbury, with a set purpose.

They swore on the high altar that if the king sought to evade their demand for the laws and liberties of the charter of King Henry I. they would make war upon him and withdraw from fealty to him till he should by a charter furnished with his seal confirm to them all they demanded. They also agreed that after Christmas they would go all together to the king and ask him for a confirmation of these liberties, and that meanwhile they would so provide themselves with horses and arms that if the king should seek to break his oath they might, by seizing his castles, compel him to make satisfaction. And when these things were done every man returned to his own home.—ROGER OF WENDOVER.

In vain John tried, by evasion and by organising the support that yet remained to him, to break up the confederacy of barons and get rid of their demands. All his efforts were unsuccessful, and at Easter, in the following year, the king was compelled to listen to Langton while the Archbishop read out the demands of the barons. "They might as well ask for my kingdom at

once," was John's reply, when he heard the various items of the petition, and he swore he would never grant the liberties that were asked for. Thereupon, when the news came that the King had refused their petition the barons flew to arms, formally renounced their homage and fealty, and chose a militant leader, Robert Fitz-Walter.

John would have withstood the barons if he could; but he had but a handful of mercenaries from Poitou, and London had welcomed the insurgents. There was nothing for it but surrender, and on June 15th, 1215, John met the barons of England in the meadow of Runnymead, between Staines and Windsor, and there, in the presence of Archbishop Langton and "a multitude of most illustrious knights," the Great Charter was signed.

Henceforth it was decreed, with many another matter, that no free man was to be seized, imprisoned, ousted of his land, outlawed, banished, or in any way brought to ruin, save by the legal judgment of his peers or by the law of the land, and that, to no man was justice to be sold, denied, or postponed by the King.

A week later the Great Charter was published throughout all England.

For further information readers are referred to Matthew Paris, Roger of Wendover, and Ralph of Coggeshall—all in Rolls' Series; also Stubbs' "Select Charters" and Kate Norgate's "John Lackland."

CHAPTER II

Simon of Montfort and the Beginning of Parliamentary Representation.

1257-1265 A.D.

Forty years after the signing of the Great Charter at Runnymead the struggle for good government in England once more comes to a head, and Simon of Montfort, Earl of Leicester, is now at the head of the barons anxious for a reform—Simon, the great Earl, who withstood King Henry III. and his evil counsellors, "like a pillar that cannot be moved."

It was an evil time for England in the year 1257. A horde of foreigners in the King's service devoured the land, law and justice were brought into general contempt by the King's judges and sheriffs, the Great Charter was set at nought, and to make matters worse for the mass of hardworking people, after a wet summer and a bad harvest had come inevitable famine.

Henry III. was both brave and merciful; but he was extravagant, and his word was utterly unreliable, so that no man could trust him; had the King listened to Simon and the best of the barons instead of heeding the false advice of the alien parasites, the appeal to arms might have been avoided.

The barons put their case plainly in 1258, when Henry

was again asking for money from his subjects. "The King's mistakes call for special treatment," said Richard, Earl of Gloucester. "If the King can't do without us in war, he must listen to us in peace," the barons argued—anticipating the demand expressed centuries later that representation must accompany taxation.

A contemporary writer, William of Rishanger, gives in rhyme the need felt in the thirteenth century for Parliamentary representation:

> The King that tries without advice to seek his people's weal
> Must often fail, he cannot know the wants and woes they feel.
> The Parliament must tell the king how he may serve them best,
> And he must see their wants fulfilled and injuries redressed.

Henry was obliged to summon a Parliament, and in June the "Mad Parliament," as it was called, because the barons attended it fully armed, assembled at Oxford. Earl Simon and his friends fully anticipated civil war at Oxford in that year 1258, but they were too strong for the King's party, and carried all before them, so that the war was postponed for five years.

The "Provisions of Oxford" were the work of that Parliament in 1258; and these Provisions promised a better Government, for they required the King to have a standing council of fifteen, and a meeting of Parliament three times a year—in February, June, and October. To this Parliament four knights were to be summoned, chosen from each county by the King's smaller freehold tenants. To save expense, the baronage was to be represented by twelve commissioners.

Henry, Prince Edward, his eldest son, Earl Simon, and the English barons, took oath that these Provisions should be obeyed, "that neither for life nor death, for

hatred or love, or for any cause whatever, would they be bent or weakened in their purpose to regain praiseworthy laws, and to cleanse the kingdom from foreigners." As for the aliens, who made all the mischief, they fled to the Continent—for a time.

Only for a time, for Henry was soon at his old work, complaining that he had been forced against his will to submit at Oxford, and the barons failed to stand together. The Provisions were not fulfilled, and appeal was made to King Louis of France to arbitrate — if haply civil war might be averted.

At Amiens, in January, 1264, Louis decided in favour of Henry and against the barons, annulling all that had been done at Oxford, and this award destroyed all hopes of peace. Certain of the barons went over to Henry's side, but Simon answered the deserters by declaring manfully, "Though all should forsake us, I and my four sons will fight to the death in the righteous cause I have sworn to uphold." Yeomen and peasants could take little part in the struggle, but London rallied to the cause of reform, and the Cinque Ports, and though Simon made a last effort for peace, offering £30,000 to Henry if only he would stand by the Provisions of Oxford, the proposal was rejected with scorn.

So there was nothing for it but battle, and on May 14th, 1264, Simon met the King's army at Lewes and routed it, carrying off the King and Prince Edward as prisoners in honourable captivity. Once more Henry swore to observe the Provisions of Oxford, and to employ no aliens in his service, and Earl Simon, with full power in his hands, proved what manner of statesman he was.

Either Simon's views of a constitution had rapidly developed, or the influence which had checked them in 1258 was removed. Anyhow, he had genius to interpret the mind of the nation and to anticipate the line which was taken by later progress.—STUBBS.

It was in that one short year of Simon's authority that we get the beginnings of representative government in England, for in December the writs were issued for the famous full Parliament of 1265. For the first time two burgesses were to be elected to Parliament from each city and borough in addition to two knights from each shire.

Parliament met in January and sat till March, confirming all that had been agreed upon by Henry and Simon at Lewes.

But Simon's good government was short lived. Jealousy of his power drove Earl Gilbert, of Gloucester, to revolt, Prince Edward made his escape, and some of the Welsh nobles rose for King Henry.

Earl Simon, cut off from his sons, fell fighting at Evesham, on August 14th, fighting to the last like a giant for the liberties of England, and the news of his death was received with general mourning by the common people. They counted the great earl a martyr; and wisely, for to die for justice' sake is to die a martyr.

But though it seemed that all was lost when Simon perished at Evesham, the good cause of liberty was not really lost. For the very barons who had deserted him for the King were determined that the King should henceforth obey the Great Charter.

And the lasting value of Simon's work was seen in 1295, when Prince Edward had become Edward I. In that year the great representative Parliament was summoned on the acknowledged principle that "that which

touches all shall be approved by all." By that very principle this Parliament served for "a pattern for all future assemblies of the nation."

Readers anxious to read the story of Simon of Montfort for themselves are referred to Matthew Paris, William of Rishanger, and Adam of Marsh—all in the Rolls' Series; to the "Political Songs," Camden Society, 1839; to Stubb's "Select Charters," and "Constitutional History," vol. 2; and to W. H. Blaauw, "The Baron's War."

CHAPTER III

John Hampden and Parliamentary Government—1629-1643.

By the ancient laws and liberties of England it is the known birthright and inheritance of the subject that no tax, tallage, or other charge shall be levied or imposed but by common consent in England, and that the subsidies of tonnage and poundage are no way due or payable but by a free gift and special Act of Parliament.

In these memorable words began the declaration moved by Sir John Eliot in the House of Commons on March 2nd, 1629.

Only by physical force could the resolutions be carried, for Charles I. had ordered the adjournment of the House. So the Speaker was held down in his chair, the Sergeant-at-Arms was stopped in his effort to remove the mace, and the key of the House of Commons was turned from within until the sitting was over.

Two days later Parliament was dissolved by Royal proclamation, and for the next eleven years Charles ruled without calling Parliament together, determined that until the Commons were more submissive he would govern through his ministers alone.

The King's difficulty was to get money, and it seemed that by the device of ship-money—taxation on the pretext that ships were to be furnished with supplies for

the prevention of piracy—this difficulty had been overcome.

It is John Hampden, a country gentleman and a leader in the House of Commons, whose name has come down to us for resistance to this tax.

The King's judges, by ten to two, had decided that ship-money was legal, but the House of Commons had decreed that all forced loans and taxes were unlawful unless sanctioned by Parliament; and Hampden saw clearly that if the Crown could obtain a revenue without consulting Parliament there was an end to constitutional government, and all the work of building up a representative House of Commons was undone.

The amount was small—only a matter of 20s.—but to Hampden the principle was everything. When the case came into the courts judgment was given against Hampden; but five of the twelve judges decided that his objection was valid, and the arguments for non-payment were circulated far and wide, so that, in the words of Clarendon, "the judgment proved of more advantage and credit to the gentleman condemned than to the King's service."

Charles was compelled to summon Parliament again, so sore was his need for money, and after the "Short Parliament" of three weeks, came, in 1640, the "Long Parliament," which lasted thirteen years, and was only dissolved in the end by the arms of Oliver Cromwell.

Charles called Parliament together for the one purpose of getting supplies, but the House of Commons met in no spirit for voting taxes before the grievances of the country had been redressed, and in no mood of submission. Men like Hampden and Pym were now

determined that the King's ministers should be answerable to Parliament for their policy, that the House of Commons should, in fact, be the real governing body of the nation, that, briefly, the people who supplied the money for government should have a voice in the spending of that money. Neither Pym nor Hampden was Republican. Both men believed in government by King, Lords, and Commons; only the royal claim of "Divine right" and the royal absolutism that regarded Parliament as a machine for voting money for the Crown without questioning or criticising the royal policy, were intolerable. If the King would not listen to the Commons, then the Commons would prove, by force of arms in the last resource, that in them and not in the Crown was the real authority of government.

But Hampden and Pym were far from desiring civil war; they were for constitutional methods as long as such methods were possible. Charles simply could not bring himself to see the point of view of the House of Commons men, and treated every movement they made as grossly improper. The crisis came when the Grand Remonstrance of the House of Commons was presented to the King, in December, 1641. The Remonstrance was in no sense a revolutionary manifesto, but it stated, quite frankly, the case for the Parliament, and its main points were the need for securities for the administration of justice, and an insistence on the responsibility of the King's ministers to the Houses of Parliament. It was only carried in the Commons by a majority of eleven—159 to 148.

The reply of Charles to the Grand Remonstrance was to order the surrender of five members of the House of

Commons on an impeachment of high treason. "All constitutional law was set aside by a charge which proceeded personally from the King, which deprived the accused of their legal right to a trial by their peers, and summoned them before a tribunal which had no pretence to a jurisdiction over them."

The House of Commons declined to surrender the five members, and when Charles came in person to Westminster to demand their arrest, the five members (of whom Pym was one) were safely away in the City of London. In vain the King endeavoured to procure their arrest, the citizens—all for the Commons—ignored his writs, and called out the trained bands for the protection of the people's representatives.

And now, in the end of the winter of 1642, by war, and war alone, was the issue between the King and the Commons to be decided. Constitutional precedents were rudely broken when the King levied troops by a royal commission without advice from Parliament, and when Pym, for the Commons, got an ordinance through Parliament, appointing the Lords-Lieutenant of the counties to command the Militia without warrant from the Crown.

The final attempt at negotiations came to an end in April, Charles rejecting the proposals for limiting the power of the monarchy with the words, "If I granted your demands I should be no more than the mere phantom of a king."

By August war was begun.

Less than a year later and Hampden, who had raised a regiment of infantry from his native county of Buckinghamshire, fell mortally wounded after a skirmish

with the King's troops on the field of Chalgrove. For six days he lingered, and then at Thame, on June 24th, 1643, all further battling for human liberties was over for John Hampden.

His reputation of honesty was universal, and his affections seemed so publicly guided that no corrupt or private ends could bias them.

So Clarendon wrote of John Hampden.

The civil war went on, though Hampden was dead, and the final success of the Parliamentary Army under Cromwell not only brought the King and his minister, Archbishop Laud, to the scaffold, but ended for ever in England all absolute supremacy of the Crown. The mass of working people in the country were largely indifferent to the struggle between the King and Parliament (see G. P. Gooch, "History of Democratic Ideas in the Seventeenth Century"); how could it be otherwise when the labourer and the artisan must needs be about their daily work?

But in spite of this inevitable indifference time has proved the lasting value to the nation of John Hampden's work.

Readers cannot do better than turn to S. R. Gardiner's "History of England" and "History of the Great Civil War" for further information.

CHAPTER IV

The Passage of the Great Reform Bill —1832.

For fifty years the question of the reform of the House of Commons was discussed and agitated in the country before the great Reform Act of 1832 gave some answer to the agitators, and brought a temporary peace.

The movement fluctuated in those fifty years. Its beginning may be dated from Major Cartwright's proposals in 1776, and the old Major—whose statue may be seen in Burton Crescent, Bloomsbury—was rightly called the "Father of Reform." In 1780, the Duke of Richmond moved in the Lords for manhood suffrage and annual Parliaments, and for the next ten years the Whigs looked favourably on Parliamentary reform. But the question never touched the great masses of people in the eighteenth century.

The success of the French Revolution stopped the movement for a time, for the English Government, alarmed at democracy, ruthlessly stamped on all the reform associations, and the Whigs were without faith or courage. Then, after Waterloo, the distress in the country made men and women (for in those days there were societies of female reformers) turn once more to Parliament. Again the Government adopted a policy of repression. In 1819 the entirely peaceful demonstration

at Peterloo, near Manchester, was attacked by the yeomanry and broken up with loss of life, and Radical reformers were prosecuted and imprisoned. The *Habeas Corpus* Act was suspended, the *Six Acts* were passed to put down all free speech. "The Tory Government was still afraid of the Ghost of the French Revolution. Sidmouth, the Home Secretary, had no remedy but repression." (Professor Tout.)

Sir Francis Burdett, M.P. for Westminster, was the Parliamentary leader of the Radicals; "Orator" Hunt (afterwards M.P. for Preston) was the popular agitator, and William Cobbett had an enormous influence on the side of reform with his *Political Register*.

The ten years of George IV.'s reign (1820-1830) saw a considerable advance in public opinion, and when William IV. came to the throne in 1830 it was said on all sides that there must be some change in the matter of electing the House of Commons, and political unions sprang up in numbers. The failure in the harvest of 1829, followed by an unusually hard winter, brought general misery and distress. In the agricultural districts rick-burning became contagious, while silk weavers and mill hands broke out into violence in the Midlands. In Huddersfield, 13,000 individuals were found with not more than 2½d. a day to live on. It was felt that there was no hope for better times while the people were so unrepresented in Parliament, and were voteless and voiceless. For what was the political condition of things before the Great Reform?

Seventy Members of Parliament were returned by thirty-five places like Old Sarum, which had hardly any voters at all.

90 members were returned by 46 constituencies having less than 50 voters.

37	,,	,,	,,	,,	19	,,	100	,,
52	,,	,,	,,	,,	26	,,	200	,,
157	,,	,,	,,	,,	84	men.		

Towns like Manchester, Leeds, and Birmingham had no representatives at all.

To make matters worse, in 1830 the Duke of Wellington, then at the head of the Tory Ministry, declared that "no better system (of Parliamentary representation) could be devised by the wit of man," and that he "would never bring forward a reform measure himself, and should always feel it his duty to resist such measures when proposed by others." (Yet less than two years was to see Wellington's opposition ended and Reform carried into law.)

Public opinion, encouraged by the Revolution in Paris in 1830, was stronger than the Government realised. Wellington himself felt obliged to advise that the Royal visit of the King to the Mansion House on November 9th, 1830, should be postponed, so greatly did he fear a hostile demonstration in London. On November 15th, the Tories were defeated in the House of Commons, and by the end of the month Grey, the leader of the Whigs, was Prime Minister. At the beginning of 1831 Reform had become the most pressing of all political questions. On March 21st, the Reform Bill, introduced by Lord John Russell, grandfather of the present Earl Russell, passed its second reading in the House of Commons by a majority of 1, 302—301, and a month later Grey's ministry was defeated in Committee, and Parliament was dissolved.

In that General Election in the summer of 1831 the popular cry was for "the Bill, the whole Bill, and nothing but the Bill."

"The whole countless multitude of reformers had laid hold of the principle that the most secure and the shortest way of obtaining what they wanted was to obtain representation. The non-electors felt themselves called upon to put forth such power as they had as a means to obtaining the power which they claimed."

The result of this was that "the elections were to a wonderful extent carried by the non-electors by means of their irresistible power over those who had the suffrage."

For "the higher order of non-electors combined their will, their knowledge, and their manifest force in political unions, whence they sent forth will, knowledge, and influence over wide districts of the land. And the electors, seeing the importance of the crisis—the unspeakable importance that it should be well conducted—joined these unions."

Of course, there was a certain amount of disturbance at the elections. At the dissolution the Lord Mayor of London sanctioned a general illumination, and the Duke of Wellington's unlit windows were broken. But "that the amount of violence was no greater than it was, remained, and still remains, a matter of astonishment to the Anti-Reform Party."

At the elections the Reformers carried the day, and the new House of Commons passed the second reading of the Bill on July 8th, by 136, 367—231.

The Coronation of William IV. took place in September, while the Bill was still in Committee, and on

September 21st the third reading passed with general cheers by 109, 345—236. On the 8th of October the Lords promptly rejected the Bill by 39, 199—158, and at once fierce riots broke out all over the country—in especial at Derby, Nottingham, and Bristol.

Personal assaults were made on several peers conspicuous as Anti-Reformers; Lord Londonderry was knocked off his horse in London, and the Dukes of Newcastle, Cumberland, and Wellington were attacked. Window-breaking was common.

At Derby the jail was stormed, at Nottingham the castle was burned, and of nine men subsequently convicted of riot, three were hanged.

At Bristol the arrival of Sir Charles Wetherell, the Recorder, a leading "anti" in the House of Commons, was the signal for insurrection. Wetherell arrived on Saturday, October 29th, and the fierce hostility of his reception compelled him to leave the city as quickly as he could. A crowd which "never consisted of more than five or six hundred persons" then proceeded to fire the jail, and to burn the Mansion House, the Customs House, Excise Office, and Bishop's Palace. (The bishops were particularly obnoxious because their twenty votes had been cast against the Bill.) All Sunday the work of destruction went on, magistrates and military uncertain how to act, while "20,000 orderly persons attended churches and chapels, to whom no appeal was made." Twelve lives were lost in those three days at Bristol—four killed by the soldiers, and six burnt, and ninety-four were disabled. On Monday, the 31st, the military at last intervened vigorously, and the riots were ended. At the subsequent commission,

eighty-eight were convicted of riot, and four were hanged. The Mayor was acquitted, but Colonel Brereton, a humane man in command of the troops, "sank under the conflict between his civil and professional conscience," and committed suicide.

The Government, of course, repudiated the rioters, but never hesitated about Reform, and on December 6th, with the new Session, the Reform Bill was again and for the third time introduced into the Commons. No notice was taken of the ultra-reformers who throughout the agitation attacked the Bill as "undemocratic." On December 6th the second reading was passed by 162—a bigger majority than ever, 324—162. Then the Bill went into Committee, "and it is amusing to read the complaints of Anti-Reformers, of the hurry in Committee, as if the provisions of the Bill were perfectly new to them."

At the end of March the Bill was through the House of Commons, and now the Lords hesitated and allowed the second reading to pass by 184—175. But on May 9th the Lords struck out in Committee the clauses disfranchising the rotten boroughs, *i.e.*, the boroughs like Old Sarum. Grey at once resigned, and the Duke of Wellington tried his best to form a Tory anti-reform Ministry. The task was beyond him in the temper of the country.

The National Political Union came to the front in London. At Birmingham, the political union mustered 150,000 at a great mass meeting, and proposed to march to London, and encamp on Hampstead Heath. Petitions flowed in, urging Parliament to vote no supplies, and resolutions were passed, refusing to pay taxes till the Bill became law.

Wellington declared the army was in readiness to put down revolution, but there was a doubt expressed whether the army could be relied on. "There is reason to believe that what passed at Birmingham immediately determined the issue of this mighty contention."

At all events, Wellington could not make a Government, and the King had to recall Grey, and gave him assurance that reforming peers should be created to carry the Bill.

But the battle was over, the Anti-Reformers retired, and on June 4th, 1832, the Reform Bill passed the Lords by 84, 106—22. Three days later it received the Royal Assent.

The main provisions of the Reform Bill were (1) the entire disfranchisement of all boroughs with less than 2,000 inhabitants; (2) one member only for boroughs with between 2,000 and 4,000 inhabitants; (3) representatives for Manchester, Birmingham, Leeds, and other great manufacturing towns, and for several boroughs in London; (4) county franchise to leaseholders and £50 tenants at will, in addition to freeholders; (5) borough franchise, £10 rateable value; (6) county elections not to exceed two days, borough elections one day.

"The Reform Bill did not bring in *democracy*—it prepared the way for it. Vainly the Whigs protested that it was a *final measure*. It was only a stepping-stone to further changes." (Prof. T. F. Tout.)

The Annual Register for 1830, 1831, and 1832, and Harriet Martineau's "History of the Great Peace, 1816-1846," give ample information of the passage of the Great Reform Bill.

CHAPTER V

The Impetus to the Reform Bill of 1867.

The Whigs were wrong when they called the great Reform Bill of 1832 a *final measure*. There can be no finality in political or social life. It is either progress or stagnation and death.

Radicals and Chartists soon found that further reform was necessary, and that the franchise must be extended to the working-classes; but it was not till 1866 that the House of Commons gave very serious consideration to the matter.

In that year Gladstone, the leader of the Liberal Party in the Commons, brought in a moderate measure, reducing the borough qualification to a £7 rental. The Bill provoked no enthusiasm, and it was fiercely attacked by the Whigs, who, headed by Robert Lowe, retired from the Liberal Party into "a new cave of Adullam." The Conservatives joined in the attack, and in June the Liberal Government, defeated in the Commons, resigned.

The Conservatives took office in July, with Lord Derby for Prime Minister and Disraeli as Leader in the Commons.

It was quickly seen in the country that the cry for reform, for the enfranchisement of the town artisan—the agricultural districts remained unawakened—was

the utterance of men in earnest for representation in Parliament. The defeat of the Bill—poor a measure as it was—roused the people in the towns to action. Reform Leagues and Reform Unions sprang up as they had done in 1831, in answer to the assertions of Anti-Reformers that the working-classes were indifferent to the franchise.

Then, in London, came the disturbance about the Hyde Park railings, and "the incident undoubtedly gave an impetus to the Reform movement. The question of the franchise, which had hitherto mainly interested politicians and zealots, was thrust before the country." (Low and Sanders' "Political History of England.")

What happened at Hyde Park was this:—The London Reform Union (whose president was Mr. Edmund Beales, a revising barrister) decided to hold a monster demonstration in Hyde Park on Monday, July 23rd, for this purpose, according to a letter in the *Daily News*, July 25th, 1866:—

"To disabuse the Tories of the idea that the working-classes are indifferent to the possession of the franchise; and as the *Times* persistently declines to report their meetings elsewhere, they resolved to place themselves *en evidence* in the most aristocratic quarter in London."

The Chief Commissioner of Police (Sir Richard Mayne), acting under orders from the Home Office, declared the meeting must not take place, and issued a proclamation announcing that the gates of the park would be closed that evening at five o'clock.

The London Reformers determined to test the legality

of this prohibition, and marched from all parts of London to Hyde Park.

When the first of the processions arrived at the Park, the gates were closed and a line of policemen was drawn outside. Mr. Beales and some other prominent Reformers came up in a carriage, alighted, and endeavoured to enter the Park. They were refused admittance, and on asking by what authority, were told it was the authority of the Commissioner of Police. Then Beales and his friend returned to their carriage, intending to contest the matter in the Law Courts, and drove away to Trafalgar Square. A large crowd followed them thither, and an orderly meeting was held.

But the great mass of people remained outside the Park, "pressed and pressing round the railings." Some were clinging to the railings, others deliberately weakened the supports of the railings. Park Lane was thronged, and all along the Bayswater Road the crowd was thick. The line was too long for the police to defend, and when the rails gave way the people poured in.

"There was a simultaneous impulsive rush, and some yards of railing were down, and men in scores were tumbling and floundering and rushing over them. The example was followed along Park Lane, and in a moment half-a-mile of iron railings was lying on the grass, and a tumultuous and delighted mob was swarming over the Park. The news ran wildly through the town. Some thought it a revolt; others were of opinion that it was a revolution. . . . There were a good many little encounters with the police; stones were thrown, and iron bars were used on the one side, and truncheons

were used on the other pretty freely. Heads were broken on both sides, and a few prisoners were made by the police; but there was no revolution, no revolt, no serious riot even." (Justin McCarthy, "Short History of Our Own Times.")

The Guards were called out, and a detachment arrived at the Park, but the people only cheered them good humouredly.

In the *Times* of July 24th, 1866, we get an account of the speeches made in the Park at various spots, and of a resolution passed "condemning the attempt of the Ministry to rule the country by force, and their recklessness in wantonly provoking a collision between the people and the officers appointed to keep the peace."

Among the speakers was "a Miss Harriett Laws, who delivered a very fervid address on the political and social rights of the people."

The police made no attempt to interfere with the speakers.

The Home Secretary, Mr. Walpole, a gentle and kindly man, was so distressed at the notion that he was responsible for the disturbance, that when Mr. Beales and some of the Reform Committee waited upon him at his own request two days later, he could hardly refrain from tears. It was agreed at that interview that the Reformers should be allowed to meet in the Park and that the question should be tried at law. "The leaders of the Reform League took their departure, undoubted masters of the situation."

A leading article in the *Daily News*, July 26th, comments thus on the policy of the Government—a Conservative Government it must be remembered—in first prohibiting and then allowing a meeting :—

" We beg to congratulate the Government on the one prudent and sensible proceeding by which, in the course of yesterday evening, they publicly confessed the malignant absurdity of all they had done before in respect of Monday last, and the crop of most unnecessary troubles, which, thanks to Sir Richard Mayne's ingenuity, an open air meeting was made to produce. . . . With one body of police on the top of the Marble Arch, another just inside the gates, several detachments executing aimless marches from one side of the Park to the other —one or two chasing mischievous boys across the grass —the wisdom of the Cabinet seems to have broken out afresh in a feverish and blistering activity of precautions."

No popular rising followed the demonstration in the Park, but—

" Nothing can well be more certain than the fact that the Hyde Park riot, as it was called, convinced Her Majesty's Ministers of the necessity of an immediate adoption of the Reform principle. The Government took the Hyde Park riot with portentous gravity." (Justin McCarthy.)

" Disraeli saw that there was a new chance to a constructive Conservative leader, and, as a great Reform agitation at last broke out, he boldly renewed his old declaration for Parliamentary Reform. ' You cannot,' he told his followers, ' establish a party of mere resistance to change, for change is inevitable in a progressive country.' " (Professor T. F. Tout.)

All through the autumn and winter great demonstrations took place in the large towns and cities of the country to demand votes for the workmen, and when

Parliament met on February 5th, 1867, the Queen's Speech contained these words: " Your attention will again be called to the state of the representation of the people in Parliament." Disraeli's supporters rejoiced at this "dishing the Whigs," and by August the Reform Bill, after much revision and amendment, was passed through both Houses of Parliament.

By this Bill all male householders were enfranchised in the boroughs, and male lodgers who paid £10 a year for unfurnished rooms could vote. Thirty-five boroughs with less than 10,000 inhabitants were reduced to one Member, and additional representation was given to Chelsea, Hackney, Leeds, Liverpool, Manchester, Salford, Glasgow, Birmingham, Dundee, and Merthyr.

Eighteen years later the franchise was extended to the agricultural labourer, a further redistribution of seats took place, and the law of Parliamentary representation stood as it stands to-day. We await the new Reform Bill to complete the enfranchisement of the People.

Justin McCarthy's " History of our Own Times " gives a very good account of the proceedings in 1866-67, and the *Times* and *Daily News* of those years are interesting reading. The memoirs and biographies are too numerous to mention.

Some Eminent Women of Our Time.

BY

MILLICENT GARRETT FAWCETT, LL.D.

MARY CARPENTER.

(WITH SPECIAL INTRODUCTION).

" Non aver tema, disse il mio Signore:
Fatti sicur chè noi siamo a buon punto;
Non stringer, ma rallarga ogni vigore."
Purgatorio, Canto 9, v. 46-48.

" 'I have a belief of my own, and it comforts me.'
" 'What is that,' said Will. . . .
" 'That by desiring what is perfectly good, even when we don't quite know what it is and cannot do what we would, we are part of the divine power against evil—widening the skirts of light and making the struggle with darkness narrower."—*Middlemarch*, Book iv.

PUBLISHED BY NATIONAL UNION OF WOMEN'S SUFFRAGE SOCIETIES,
14, GREAT SMITH STREET, WESTMINSTER.

PRICE ½D.

INTRODUCTION.

More than twenty years ago I wrote for a popular magazine a series of biographical sketches of about two dozen of the foremost women of the nineteenth century. These were afterwards republished in a little volume, long out of print, called *Some Eminent Women of our Times*. Recently, I have been asked by my friend, Miss I. B. O'Malley, the head of the Literature Department of the National Union of Women's Suffrage Societies, to allow her to republish some of these little sketches; and the leave of the publishers of the original series, and of the reprint having been kindly given, I have had great pleasure in acceding to Miss O'Malley's request.

In looking over my *Eminent Women* again, I see more plainly than ever what courageous and heroic hearts they had. In their day women, especially in the richer classes, were tied down to what Mrs. Browning called :—

> "A sort of cage bird life, . . .
> Accounting that to leap from perch to perch
> Was act and joy enough for any bird."

To do anything outside this narrow range of activities was rigorously condemned by the society in which they moved, and more often than not, by their own domestic circle also. Mrs. Fry was condemned and scolded for teaching the poor children in Newgate, placed there for no fault of their own but incidentally by the savage and brutal prison system of that day. Mrs. Somerville was condemned for the love of learning which she showed from her earliest years. Florence Nightingale was condemned for being so very unwomanly as to be willing to nurse sick soldiers in the Crimea. Jane Austen never put her name on a title page, and wrote her novels on small pieces of paper which could easily be covered up by

needlework, if she were in danger of being discovered in the very act of literary composition. Mrs. Browning's grandmother was incensed to hear of the little girl's love of the classics, and said she would "rather hear that Elizabeth's hemming were more carefully finished than of all this Greek." All this has been changed very much through the work of these and other really great women. Perhaps the very fact that they had to swim against the stream brought out and developed their courage and steadfastness. But if they had special difficulties to contend with, very many of them enjoyed special advantages of education, advantages indeed which were quite extraordinary for the time in which they lived. Some were daughters of schoolmasters and were sent to the paternal school from motives of domestic economy. There were no good girls' schools in those days, but good luck in one form or another gave to a large proportion of our "eminent women" a really sound mental training in their youth. It is doubtful whether, but for this, they could have fought the good fight and finished their course as victoriously as they did.

July, 1912.

MARY CARPENTER.

"That it may please Thee . . . to show Thy pity upon all prisoners and captives."

Mary Carpenter was thirty-eight years old when Mrs. Fry died in 1845. We do not hear, in reading the lives of either, that the two women ever met, or that the elder directly stimulated the activity of the younger. Yet the one most surely prepared the way for the other; their work was upon the same lines, and Miss Carpenter, the Unitarian, of Bristol, was the spiritual heir and successor of Mrs. Fry, the Quaker, of Norwich.

There is, it is true, a contrast in the manner in which the two women approached their work in life. The aim of both was the rescue of what Mary Carpenter called "the perishing and dangerous classes." But while Mrs. Fry was led, through her efforts on behalf of convicts, to establish schools for them and their children, Mary Carpenter's first object was the school for neglected children, and through the knowledge gained there she was led to form schemes for the reformation of criminals and for a new system of prison discipline. Mrs. Fry worked through convicts to schools; Mary Carpenter through schools to convicts.

It will not therefore be imagined that there is any want of appreciation of Mrs. Fry when it is said that Mary Carpenter's labours were more effective, inasmuch as they were directed to the cause of the evil, rather than to its results. By establishing reformatory and industrial schools, and by obtaining, after long years of patient effort, the sanction and support of Parliament for them, she virtually did more than had up to that time ever been done in England, to stop the supply of criminals. Children who were on the brink of crime, and those who had actually fallen into criminal courses, were, through her efforts, snatched away from their evil surroundings, and helped to become respectable and industrious men and women. Before her time, magistrates and judges had no choice, when a child criminal stood convicted before them, but to sentence him to prison, whence he would probably come out hopelessly corrupted and condemned for life to the existence of a beast of prey. She says, in one of her letters, dated 1850: "A Bristol magistrate told me that for twenty years he had felt quite unhappy at going on committing these young culprits. And yet he had *done* nothing!" The worse than uselessness of prisons for juvenile offenders was a fact that was burnt into Mary Carpenter's mind and heart by the experience of her life. She was absolutely incapable of recognising the evil and at the same time calmly acquiescing in it. Her magisterial friend is the type of the common run of humanity, who satisfy their consciences by saying, "Very grievous! very wrong!" and who do nothing to remove the grievance and the wrong; she is the type of the knights-errant of humanity, who never see a wrong without assailing it, and endeavouring to remove the causes which produce it.

She was a true empire builder in the best sense of the word, recognising in the lads and girls whose feet were set on the road to destruction, that with them and their like the fate of the future of England might one day be bound up, like "the drunken private of the Buffs" in Doyle's poem. There is no patriotic work more noble than saving such as these and making good citizens of them. Yet all through her long life of devoted usefulness she was never held by her country fit to give a vote in the election of a member of parliament.

Mary Carpenter was born at Exeter in 1807, the eldest of five children, several of whom left their mark on the intellectual and moral history of their century. There was all through her life a great deal of the elder sister—one may almost say, of the mother—in Mary Carpenter. In an early letter her mother speaks of the wonderfully tranquilising influence of dolls on her little Mary. She never shrank from responsibility, and she had a special capacity for protecting love—a capacity that stood her in good stead in reclaiming the little waifs and strays to whom she afterwards devoted herself. Her motherliness comes out in a hundred ways in the story of her life. Her endless patience with the truant and naughty children was such as many a real mother might envy. She was especially proud of the title of "the old mother" which the Indian women, whom she visited towards the close of her life, gave her. In writing to a friend, she once said: "There is a verse in the prophecies, 'I have given thee children whom thou hast not borne,' and the motherly love of my heart has been given to many who have never known before a mother's love." She adopted a child in 1858 to be a daughter to her, and writes gleefully: "Just think of me with a little girl of *my own*! about five years old,

ready-made to my hand, without the trouble of marrying—a darling little thing, an orphan," etc. etc. Her friends spoke of her eager delight in buying the baby's outfit.

It was her motherliness that made her so successful with the children in the reformatories and industrial schools; moreover, the children believed in her love for them. One little ragged urchin told a clergyman that Miss Carpenter was a lady who gave away all her money for naughty boys, and only kept enough to make herself clean and decent. On one occasion she heard that two of her ex-pupils had "got into trouble," and were in prison at Winchester. She quickly found an opportunity of visiting them, and one of them exclaimed directly he saw her, "Oh! Miss Carpenter, I knew you would not desert us!"

Another secret of her power, and also of her elasticity of spirit, was her sense of humour. It was like a silver thread running through her laborious life, saving her from dulness and despondency. In one of her reports, which has to record the return of a runaway, she said: "He came back resembling the prodigal in everything except his repentance!"

The motto which she specially made her own was *Dum doceo disco—While I teach, I learn.* Her father had a school for boys in Bristol, and Mary and her sister were educated in it. They were among the best of their father's pupils, one of whom, the Rev. James Martineau, has left a record of the great impression Mary's learning made upon him. She was indeed very proficient in many branches of knowledge. Her education included Latin, Greek, mathematics, and natural history; and the exactness which her father and the nature of her studies demanded of her, formed a most invaluable

training for her after career. For many years the acquisition of knowledge, for its own sake, was the chief joy of her life; but a time came when it ceased to satisfy her. She was rudely awakened from the delightful dreams of a student's life by a severe visitation of cholera at Bristol in 1832. From this period, and indeed from a special day—that set apart as a fast-day in consequence of the cholera—dates a solemn dedication of herself to the service of her fellow-creatures. She wrote in her journal 31st March, 1832, what her resolution was, and concluded: "These things I have written to be a witness against me if ever I should forget what ought to be the object of all my active exertions in life." These solemn self-dedications are seldom or never spoken of by those who make them. Records of them are found sometimes in journals long after the hand that has written them is cold. But, either written or unwritten, they are probably the rule rather than the exception on the part of those who devote themselves to the good of others. The world has learned that this was the case with Lord Shaftesbury. There is a time when the knight-errant consciously enrols himself a member of the noble band of warriors against wrong and oppression, and takes upon himself his baptismal vow—manfully to fight against sin, the world, and the devil, and to continue Christ's faithful soldier and servant to his life's end.

It must be remembered that when Mary Carpenter first began to exert herself for the benefit of neglected children, there were no reformatory or industrial schools, except those which had been established by the voluntary efforts of philanthropists like herself. Aided by a band of fellow-workers and wise advisers, chief of whom were Mr. Matthew Davenport Hill, Recorder of

Birmingham, and his daughters; Dr. Tuckerman, of the U.S.A.; Mr. Russell Scott, of Bath; Mr. Sheriff Watson, of Aberdeen; and Lady Byron, Mary Carpenter set to work to establish a voluntary reformatory school at Kingswood, near Bristol. Her principle was that by surrounding children, who would otherwise be criminals, with all the influences of a wholesome home life, there was a better chance than by any other course, of reclaiming these children, and making them useful members of society. To herd children together in large, unhomelike institutions, was always, in Mary Carpenter's view, undesirable; the effect on character is bad; the more perfectly such places are managed, the more nearly do the children in them become part of a huge machine, and the less are their faculties, as responsible human beings, developed. Over and over again, in books, in addresses, and by example of the institutions which she managed herself, Mary Carpenter reiterated the lesson that if a child is to be rescued and reformed, he must be placed in a family; and that where it is necessary, for the good of society, to separate children on account of their own viciousness, or that of their parents, from their own homes, the institutions receiving them should be based on the family ideal so far as possible. With this end in view, the children at Kingswood were surrounded by as many home influences as possible. Miss Carpenter at one time thought of living there herself, but this scheme was given up, in deference to her mother's wishes. She was, however, a constant visitor, and a little room, which had once been John Wesley's study, was fitted up as a resting-place for her. On a pane of one of the windows of this room her predecessor had written the words, "God is here." She taught the children her-

self, and provided them with rabbits, fowls, and pigs, the care of which she felt would exercise a humanising influence upon them. The whole discipline of the place was directed by her; one of her chief difficulties was to get a staff of assistants with sufficient faith in her methods to give them a honest trial. She did not believe in a physical force morality. "We must not attempt," she wrote, "to *break* the will, but to train it to govern itself wisely; and it must be our great aim to call out the good, which exists even in the most degraded, and make it conquer the bad." After a year's work at Kingswood in this spirit, she writes very hopefully of the improvement already visible in the sixteen boys and thirteen girls in her charge. The boys could be trusted to go to Bristol on messages, and even "thievish girls" could be sent out to shops with money, which they never thought of appropriating.

But although the success of the institution was so gratifying, it had no legal sanction; it had consequently no power to deal with runaways, and the great mass of juvenile delinquents were still sentenced to prisons, from which they emerged, like the man into whom seven devils entered, in a state far worse than the first. Mary Carpenter's work was not only to prove the success of her methods of dealing with young criminals, but, secondly, to convince the Government that the established system was a bad one, and thirdly, and most difficult of all, to get them to legislate on the subject. A long history of her efforts to obtain satisfactory legislation for children of the perishing and dangerous classes is given in her life, written by her nephew, Mr. J. Estlin Carpenter. It is enough here to say that in the House of Lords, Lord Shaftesbury, and in the House of Commons, Sir Stafford Northcote and Mr. Adderley

(afterwards Lord Iddesleigh and Lord Norton), were her chief supporters. Mr. Lowe (afterwards Lord Sherbrooke) was her chief opposer. Liberal as she was, born and bred, as well as by heart's conviction, she confessed with some feeling of shame, that the Tories "are best in *this* work." At last, in 1854, her efforts were crowned with success, and the Royal Assent was given to the Youthful Offenders Bill, which authorised the establishment of reformatory schools, under the sanction of the Home Secretary.

It is a striking proof of the change that has taken place in the sphere and social status of women, that Mary Carpenter, in the first half of her life, suffered what can be called nothing less than anguish, from any effort which demanded from herself the least departure from absolute privacy. When she began her work of convincing the public and Parliament of the principles which ought to govern the education of juvenile criminals, her nephew writes that to have spoken at a conference in the presence of gentlemen, she would have felt, at that time (1851), as tantamount to unsexing herself. When she was called upon to give evidence before a Select Committee of the House of Commons in 1852, her profound personal timidity made the occasion a painful ordeal to her, which she was only enabled to support by the consciousness of the needs of the children. Surely this excessive timidity arises from morbid self-consciousness, rather than from true womanly modesty. Mary Carpenter was enabled, by increasing absorption in her work, to throw it off, and for her work's sake she became able to speak in public with ease and self-possession. She frequently spoke and read papers at the Social Science Congresses, and at meetings of the British Association. A letter from her

brother Philip describes one of these occasions, at the meeting in 1860 of the British Association at Oxford, when her subject was, "Educational Help from the Government Grant to the Destitute and Neglected Children of Great Britain."

July —, 1860.

"There was a great gathering of celebrities to hear her. It was in one of the ancient schools or lecture-halls, which was crowded, evidently not by the curious, but by those who really wanted to know what she had to say. She stood up and read in her usual clear voice and expressive enunciation. . . . It was, I suppose, the first time a woman's voice had read a lecture there before dignitaries of learning and the Church; but as there was not the slightest affectation on the one hand, so on the other hand there was neither a scorn nor an etiquettish politeness; but they all listened to her as they would have listened to Dr. Rae about Franklin, only with the additional feeling (expressed by the President, Mr. Nassau Senior) that it was a matter of heart and duty, as well as head."

As years passed by, her work and responsibilities rapidly increased. It is astonishing to read of the number of institutions, from ragged schools upwards, of which she was practically the head and chief. Her thoroughly practical and business-like methods of work, as well as her obvious self-devotion and earnestness, ensured to her a large share of public confidence and esteem, and although she was a Unitarian, sectarian prejudices did not often thwart her usefulness. Two instances to the contrary must, however, be given. In 1856 the Somersetshire magistrates at the Quarter Sessions at Wells refused to sanction the Girls' Reformatory, established by Miss Carpenter at the Red Lodge,

Bristol, on account of the religious opinions of its foundress. They appeared to have forgotten that "Pure religion and undefiled before God and the Father is this, to visit the fatherless and widows in their affliction, and to keep himself unspotted from the world." A more deeply and truly religious spirit than Mary Carpenter's never existed; but that is the last thing that sectarian rancour takes heed of. The other little bit of persecution she met with was regarded by herself and her friends as something between a compliment and a joke. In 1864 she wrote a book entitled *Our Convicts*. The work was received with commendation by jurists in France, Germany, and the United States, but the crowning honour of all was that the Pope placed her and her books on the "Index Expurgatorius." After this she felt that if she had lived in earlier times she might have aspired to the crown of martyrdom.

The extraordinary energy and vitality of Mary Carpenter never declined. When she was over sixty years of age she made four successive visits to India, with the double object of arousing public opinion there about the education of women, and the condition of convicts, especially of female convicts. At the age of sixty-six she visited America. She had long been deeply interested in the social and political condition of the United States, and had many warm personal friends there. Her first impulse to reformatory work had come from an American citizen, Dr. Tuckerman; her sympathy and help had been abundantly bestowed upon the Abolitionist party, and she was, of course, deeply thankful when the Civil War in America ended as it did in the victory of the North, and in the complete abolition of negro slavery in the United States. Her mind remained vigorous and susceptible to new impressions and

new enthusiasms to the last. Every movement for elevating the position of women had her encouragement. She frequently showed her approval of the movement for women's suffrage by signing petitions in its favour, and was convinced that legislation affecting both sexes would never be what it ought to be until women as well as men had the power of voting for Members of Parliament. In 1877, within a month of her death, she signed the memorial to the Senate of the London University in favour of the admission of women to medical degrees.

She passed away peacefully in her sleep, without previous illness or decline of mental powers, in June, 1877, leaving an honoured name, and a network of institutions for the reform of young criminals, and the prevention of crime, of which our country will for many years to come reap the benefit.

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The Premier Essay on

Women's Political Rights.

BY

THE MARQUIS de CONDORCET.

"While quacks of state must each produce his plan,
And even children lisp the Rights of Man;
Amid this mighty fuss, just let me mention,
THE RIGHTS OF WOMAN merit some attention."

Miss Fontenelle.

LONDON:
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Although the MARQUIS DE CONDORCET was the first advocate for Women's Political Rights, it is a remarkable fact that, he wore girls clothes until he was 11 years of age, and had only young ladies for companions. At the age of 19, his fame was established as a mathematican, and he became a member for the Academy of Sciences.

In 1791, The Marquis represented Paris in the National Assembly, of which he was elected Secretary, and designated "The Philosopher Politician amongst the Orators."

His wife Sophie was considered one of the most beautiful and accomplished women of her time. She translated Adam Smith's "Moral Sentiments." Her "Eight letters on Sympathy" were well received. She shared her husband's sentiments, and both suffered imprisonment.

EDITOR'S NOTE.

This pamphlet is unique, in that, it marks an epoch in which Women's Political Rights were first publicly demonstrated and demanded, more than 100 years ago. And in re-producing this essay we have preserved for the present and future generations, a piece of pioneer literature, at once forcible and interesting.

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Women and the Rights of Citizenship.

CUSTOM may familiarize mankind with the violation of natural rights to such an extent, that those who have been deprived of their rights, never think of reclaiming them, or even feel that they have suffered injustice.

Some of these injuries have even passed un-noticed while philosophers and legislators concern themselves with the common rights of individuals when forming political institutions. For example, is not the principle of the equality of rights violated in depriving one-half of the human race of the right of taking part in the formation of laws, by the exclusion of women from the rights of citizenship? Could there be a stronger proof of the power of habit, even among enlightened men, than to hear the principle of equal rights invoked in favor of a few hundred men, and at the same time forget millions of women.

To show that this exclusion is not an act of tyranny, it must be proved either that the natural rights of women are not absolutely the same as those of men, or that women are not capable of exercising these rights.

But the rights of men result simply from the fact that they are rational, sentient beings, susceptible of acquiring ideas of morality, and of reasoning concerning those ideas. Women having, then, the same qualities, have necessarily the same rights. Either no rational individual has any true rights, or all have the same; and they who vote against the rights of another, whatever may be his or her religion, color or sex, has by that fact abjured their own.

It would be difficult to prove that women are incapable of exercising the rights of citizenship. Although liable to become mothers of families, and exposed to other passing indispositions, why may they not exercise rights of which it has never been proposed to deprive those persons who periodically suffer from gout, bronchitis, etc? Admitting for the moment that there exists in men a superiority of mind, which is not the necessary result of different education (which is by no means proved, but which should be, to permit of women being deprived of a natural right without injustice), this inferiority can only consist in two points. It is said that no woman has made any important discovery in science, or has given any proofs of genius in arts, literature, etc; but, on the other hand, it is not pretended that the rights of citizenship should be accorded only to men of genius. It is added that no woman has the same extent of knowledge, the same power of reasoning, as certain men; but what results from that? Only this, that with the exception of a limited number of exceptionally enlightened men, equality is absolute between women and the remainder of the men; that this small class apart, inferiority and superiority are equally divided between the two sexes. But since it would be completely absurd to restrict, to this superior class, the rights of citizenship and the

power of being entrusted with public functions, why should women be excluded any more than those men who are inferior to a great number of women? Lastly, shall it be said that there exists certain qualities in woman which ought to exclude them from the enjoyment of their natural rights? Let us interrogate the facts. Elizabeth of England, Maria Theresa, the two Catherines of Russia—have they not shown that neither in courage nor in strength of mind are women wanting.

Did Elizabeth work more harm during her reign than the failings of men did during the reign of her father, Henry VIII., or her successor, James I.?

Will it be maintained that Mistress Macaulay would not have expressed her opinions in the House of Commons better than many men. In dealing with the question of liberty of conscience, would she not have expressed more powerful reasoning, and more elevated principles than those of Pitt? Although as great an enthusiast on behalf of liberty as Mr. Burke could be, would she, while defending the French constitution, have made use of such absurdities as that which this celebrated rhetorician made use of in attacking it? Would not the adopted daughter of Montaigne have better defended the rights of citizens in France, in 1614, than Councillor Courtin, who was a believer in occult powers? Was not the Princess des Ursins superior to Chamillard? Would Mdme. de Lambert have made those barbarous laws of the "garde des Sceaux?" In looking back over the list of those who have governed the world, men have scarcely the right to be so very elated.

Women are superior to men in the gentle and domestic virtues; they, as well as men, know how to love liberty, although they do not participate in all its advantages.

They have been known to make great sacrifices. They have shown that they possess the virtues of citizens, whenever civil disasters have brought them upon a scene from which they have been shut out by the pride and the tyranny of men in all nations.

It has been said that woman, in spite of much ability, of much sagacity, and power of reasoning carried to a degree equalling that of subtle dialecticians, yet are never governed by what is called "reason."

This observation is not correct. Women are not governed, it is true, by the reason and experience of men; tney are governed by their own experience.

Women's interests are not wholly the same as men's, by the fault of the law, the same things not having the same importance for them as for men, they may, without failing in rational conduct, govern themselves by different principles and tend towards a different result. It is as reasonable for a woman to concern herself respecting her personal attractions as it was for Demosthenes to cultivate his voice and his gestures.

It is said that woman, although superior in some respects to man—more gentle, more sensitive, less subject to those vices which proceed from egotism and hardness of heart—yet do not really possess the sentiment of justice; that they obey rather their feelings than their conscience. This observation is more correct, but it proves nothing; it is not nature, it is education, which produces this difference.

Neither the one nor the other has habituated woman to the idea of what is just, but only to the idea of what is "honnête," or respectable. Excluded from public affairs, from all those things which are judged according

to rigorous ideas of justice, or according to positive laws, the things with which they are occupied and which are affected by them are precisely those which are regulated by natural feelings of honesty (or rather, propriety) and of sentiment. It is, then, unjust to allege, as an excuse for continuing to refuse to woman the enjoyment of all their natural rights, motives which have only a kind of reality because women lack the experience which comes from the exercise of these rights.

If reasons such as these are to be admitted against women, it will become necessary to deprive of the rights of citizenship that portion of the people who, devoted to constant labour, can neither acquire knowledge nor exercise their reason; and thus, little by little, only those persons would be permitted to be citizens who had completed a course of legal study. If such principles are admitted, we must as a natural consequence, renounce the idea of a liberal constitution. The various aristocracies have only had such principles as these for foundation or excuse. The etymology of the word is a sufficient proof of this.

Neither can the subjection of wives to their husbands be alleged against their claims, since it would be possible in the same statute to destroy this tyranny of the civil law. The existence of one injustice can never be accepted as a reason for committing another.

There remain, then, only two objections to discuss. And, in truth, these can only oppose motives of expediency against the admission of women to the right of voting; which motives can never be upheld as a bar to the exercise of true justice. The contrary maxim has only too often served as the pretext and excuse of tyrants; it is in the name of expediency that commerce and

industry groan in chains; and that Africa remains afflicted with slavery: it was in the name of public expediency that the Bastille was crowded: that the censorship of the press was instituted; that accused persons were not allowed to communicate with their advisers; that torture was resorted to. Nevertheless, we will discuss these objections, so as to leave nothing without reply.

It is necessary, we are warned, to be on guard against the influence exercised by women over men. We reply at once that this, like any other influence, is much more to be feared when not exercised openly; and that, whatever influence may be peculiar to women, if exercised upon more than one individual at a time, will in so far become proportionately lessened. That since, up to this time, women have not been admitted in any country to absolute equality; since the more women have been degraded by the laws, the more dangerous has their influence been; it does not appear that this remedy of subjection ought to inspire us with much confidence. Is it not probable, on the contrary, that their special empire would diminish if women had less interest in its preservation; if it ceased to be for them their sole means of defence, and of escape from persecution?

If politeness does not permit men to maintain their opinions against women in society, this politeness, it may be said, is near akin to pride; we yield a victory of no importance; defeat does not humiliate when it is regarded as voluntary. Is it seriously believed that it would be the same in a public discussion on an important topic? Does politeness forbid the bringing of an action at law against a woman?

But, it will be said, this change will be contrary to

general expediency, because it will take women away from those duties which nature has reserved for them. This objection scarcely appears to me well founded. Whatever form of constitution may be established, it is certain that in the present state of civilization among European nations there will never be more than a limited number of citizens required to occupy themselves with public affairs. Women will no more be torn from their homes than agricultural laborers from their ploughs, or artizans from their workshops. And, among the richer classes, we nowhere see women giving themselves up so persistently to domestic affairs that we should fear to distract their attention; and a really serious occupation or interest would take them less away than the frivolous pleasures to which idleness, a want of object in life, and an inferior education have condemned them.

The principal source of this fear is the idea that every person admitted to exercise the rights of citizenship immediately aspires to govern others. This may be true to a certain extent, at a time when the constitution is being established, but the feeling can scarcely prove durable. And so it is hardly necessary to believe that because women may become members of national assemblies, they would immediately abandon their children, and their homes. They would only be the better fitted to educate their children and to rear men. It is natural that a woman should suckle her infant, that she should watch over its early childhood. Detained in her home by these cares, and less muscular than the man, it is also natural that she should lead a more retired, a more domestic life. The woman, therefore, as well as the man in a corresponding class of life, would be under the necessity of performing certain duties at certain

times according to circumstances. This may be a motive for not giving her the preference in an election, but it cannot be a reason for legal exclusion. Gallantry would doubtless lose by the change, but domestic customs would be improved by equality in this as in other things.

Up to this time, the manners of all nations have been more or less brutal and corrupt. I only know of one exception, and that is in favor of the Americans of the United States, who are spread, few in number, over a wide territory. Up to this time, among all nations, legal inequality has existed between men and women; and it would not be difficult to show that, in these two phenomena, the second is one of the causes of the first, because inequality necessarily introduces corruption, and is the most common cause of it, if even it be not the sole cause.

I now demand that opponents should condescend to refute these propositions by other methods than by pleasantries and declamations; above all, that they should show any natural difference between men and women which may legitimately serve as a foundation for the deprivation of rights.

The equality of rights established between men, by our new constitution, has brought down upon us eloquent declamations and never-ending pleasantries; but up till now, no one has been able to oppose to it one single reason, and this is certainly neither from lack of talent nor lack of zeal. I venture to believe that it will be the same with regard to equality of rights between the two sexes. It is sufficiently curious that in a great number of countries, women have been judged incapable of all public functions, yet worthy of royalty; that in France a woman has been able to become

regent, and yet that, up to 1774, she could not be a milliner or dressmaker ("marchande des modes") in Paris, except under cover of her husband's name;* and that lastly, in our elective assemblies, they have accorded to rights of property what they have refused to natural right. Many of our noble deputies owe to ladies the honor of sitting among the representatives of the nations. Why, instead of depriving of this right women who were owners of landed estates, was it not extended to all those who possessed property or were heads of households? Why, if it be found absurd to exercise the right of citizenship by proxy, deprive women of this right, rather than leave them the liberty of exercising it in person?

* Before the suppression of "jurandes" in 1776, women could neither carry on the business of a "marchande des modes" (milliner and dressmaker) nor of any other profession exercised by them, unless they were married, or unless some man lent or sold them his name for that purpose.—*See preamble of the Edict of 1776.*

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THE LEGAL POSITION OF ENGLISHWOMEN

In the legal position of Englishwomen is to be found one of the strongest arguments for their immediate enfranchisement. No fair-minded person aware of the facts can deny that they have only to be known in order to be condemned. At no time has it been more necessary than it is at present that women should understand their exact legal status, for never before has there been so widespread a campaign of misrepresentation on this subject. For the last few years anti-suffragists have been trying to persuade women, firstly, that they are exceptionally favoured by the law and enjoy valuable privileges and immunities on account of their sex, and secondly, that the few legal hardships of which they can complain have been, or are in process of being abolished by Parliaments responsible to male voters alone. The facts recorded in the following pages are a sufficient answer to both assertions. The woman with knowledge of the results of centuries of lawmaking by one sex for the other will dismiss as either childish or dishonest the anti-suffragists' contention that men's vigilant concern

for women's interests amply justifies the refusal to women of all right to govern themselves.

In comparison with this long list of real and bitter disabilities, the scanty handful of doubtful and by no means honourable exemptions is only remarkable for the light it throws on the frame of mind of those men who actually expect women to be grateful for their " privileges " and more than content to forego political liberty in exchange. The law of England has considered a married woman as her husband's property rather than as a responsible human being. It has followed that in certain relations she has had the status, not of a person but of property, with consequent loss of legal and financial obligations. This humiliating state of affairs is the origin of nine-tenths of women's so-called privileges. So long as women are kept in a state of artificial ignorance and weakness, so long as they are denied the protection of the Parliamentary franchise, no one—above all no man—is entitled to complain of any alternative protection that may be extended to them. But all women who respect themselves will unite in demanding the abolition of these pseudo-privileges that are veiled insults and the inauguration of the new era of perfect legal and social equality.

The suggestion that male legislators are now interesting themselves in measures designed to promote the welfare of women, is, so far as it is true, merely an added and a weighty reason for enfranchising women without delay. No danger

that besets the unrepresented is so great as that which threatens them from the possibly well-meant, but inevitably ill-judged and misinformed attempts of the represented to regulate their lives for them. These legal injustices are calling for redress. If they are to be dealt with by a body non-responsible to and independent of all the women of the country, the remedy may be worse than the disease.

Married Women

The law of England takes it for granted that in ordinary circumstances married women are financially dependent upon their husbands, and the fact of this dependence is made the excuse for many of the disabilities imposed upon them. We might reasonably expect, therefore, to find that some satisfactory legal process existed for the purpose of securing to married women the maintenance to which they are nominally entitled, and in the name of which they are deprived of so many rights. In practice, unfortunately, the contrary is the case. A women's claim to adequate support from her husband is of the most general and indefinite kind.

So long as a man keeps a roof over his wife's head and supplies her with the barest minimum of food and clothing necessary for preserving life, she can, while she remains in his house, exact no more liberal provision from him, except by the uncertain and indirect process of pledging his credit, which he at any moment can prevent. Legal right to a

definite proportion of his income she has none, no matter how wealthy he may be, and even when a housekeeping allowance is paid, the law regards savings from it made by the self-denial of an economical wife as the husband's property, and allows him to take possession of them.

Only in cases of desertion, conviction for assault on a wife, habitual drunkenness, or neglect so pronounced that she is forced into the extreme and difficult course of leaving him, taking the children with her and maintaining them in the meantime, does the law begin to provide machinery for enforcing the breadwinner's duty of supporting his family. On any one of these grounds a woman is entitled to a police court separation order, the custody of her children, and an allowance from her husband of a sum not exceeding £2 a week to be fixed by the magistrate making the order. Even this remedy, however, is of little practical value, for so small is the allowance usually granted (10s. a week for a woman and several children is quite common), and so difficult is it to enforce payment against a defaulting husband, that many separated wives drift into the workhouse, and resign to the poor law guardians the task of bringing civil or criminal proceedings against the man for failure to support his family, this being the only alternative means by which his liability can be brought home to him. In contrast with this is the fact that, in spite of their infinitely weaker financial position and comparative lack of marital rights,

liability for maintenance of their husbands can be equally enforced by the Poor Law Guardians against wives who have private means or earnings of their own.

The position of even happily married women is hardly more dignified when stripped of the courtesies and privileges that husbands who are more just than the law prescribes may concede. In legal theory wives are relegated to an entirely subordinate place, and in such matters as responsibility for criminal actions, determination of nationality and even the custody of their children, their most intimate rights are sacrificed to the maintenance of their husbands' authority. The rule that a married woman who commits a crime in conjunction with or in the presence of her husband is held to be acting under his coercion, and is, therefore, exempt from punishment, has actually been claimed by anti-suffragists as a valuable privilege. All suffragists, however, will agree that in its denial of self-government even in matters of conscience this rule is at once a moral injustice and a legal insult.

A married woman's very right to British nationality—a right which may be of priceless value in her eyes—is entirely dependent upon her husband's caprice. Not only does she automatically cease to be an Englishwoman on her marriage with a foreigner, but should an Englishman decide to change his nationality, his wife's inevitably changes with it, no matter how opposed to the step she may be.

Even if she leaves him, she cannot avail herself of the naturalisation laws to cancel the effects of his action, unless she obtains a divorce or subsequently becomes a widow. As mothers, married women are ordinarily without any legal control over their children. The father alone can decide their religion, place of residence and every other circumstance of their upbringing. He can, if he chooses, send them to be educated in surroundings of which his wife may entirely disapprove, but not until he has shown himself unfit to have the custody of his children does the Court, on the mother's application, give them into her guardianship, or only for the very gravest reasons will the Court give any support to a mother in exercising her natural right of parental control. The father can by will or deed appoint a guardian to act jointly with the mother after his death; she, also, is entitled to appoint a guardian by the same means, but in her case the appointment cannot take effect unless confirmed by the Court, and such confirmation is only given when the father is a flagrantly unfit person to have sole control of his children. In spite of these limitations to their maternal rights, women are liable to the extent of their separate property for the maintenance of their children, when the father cannot or will not support them.

In the matter of income tax a married woman is at a grave disadvantage. Except in the case of money she earns and when the joint income of her-

self and her husband does not exceed £500, she is not entitled to claim exemption or abatement on her own income or recover arrears of taxation improperly deducted. Her husband alone can take proceedings and he is fully at liberty to appropriate to himself all the money restored.

Divorce

The divorce law is notoriously unequal for men and women. A man can divorce his wife for a single act of unfaithfulness, whereas a woman has to prove in addition to misconduct either cruelty, bigamy, or desertion for at least two years, or go through the humiliating and hypocritical farce of applying for an order for restitution of conjugal rights, non-compliance with which ranks as desertion. If she is only able to prove one of these charges, she has to be content with a judicial separation. In addition, there are several points connected with the financial relations of the parties to a divorce which are scandalously unfair to women. The underlying idea of a man's proprietary rights in his wife is nowhere more clearly brought out than in the fact that while an injured husband is entitled to sue, and frequently does sue, his wife's seducer for damages, an injured wife possesses no similar right to compensation from any woman who may be cited as co-respondent. It is not suggested that women wish to imitate men in making financial profit from the ruin of

heir happiness, but the very fact that men have this right to what are really damages for loss of property, while women are denied it, strikingly illustrates the law's conception of the mutual relation of husband and wife. It is not generally realised that when a guilty wife in a divorce case is entitled to property under a settlement, the judge is empowered at his discretion to allot either the whole or any portion of it not merely to her children, but also to her husband, and this even though the marriage be childless. It is true that the Court has the same control over the husband's settlements. In practice, however, he is far less affected than is his wife by the exercise of this power; for while a woman's whole fortune is quite commonly tied up in a marriage settlement, a man is very rarely without financial resources exclusive of his settled property. Nor does the injustice end here. It is possible to make out a case in favour of taking a mother's money for the benefit of her children, though such a proceeding is strangely inconsistent with the denial to her through out her married life of all legal right to their custody; it is not possible to defend the practice of transferring any portion of even a guilty woman's property to a man who has every legal, social and probably economic advantage over her, and with whom her marriage may have been childless. The Court has additional power, when granting a decree against a wife, to order settlements upon her husband and children from any unsettled

property she may hold. Almost incredible as it may seem, in view of the father's legal privileges and superior financial position, there is no corresponding power to enforce settlements on the children from the unsettled property of a man whose wife has divorced him. A guilty husband is, as a rule, ordered to give a certain proportion of his income to his wife, but his necessities and his ability to pay are always carefully borne in mind by the judge when making the order. According to most authorities the husband is usually directed to allot only one-third of his income for the support of his wife and family, or even less when the wife has money of her own.

Unmarried Mothers

The mothers of illegitimate children are at least fully entitled to their custody, but with this right goes almost complete responsibility for their maintenance. The law recognises the father's obligations to the extent of making him liable, on the grant of an affiliation order against him, for the expenses incidental to the birth and for the payment of a weekly sum of money to the mother of his child until the latter has reached the age of sixteen. The aid given to unmarried mothers by these provisions, however, is very often purely nominal. The expense and difficulty—to a friendless and penniless girl—of obtaining a summons; the ease with which the man can disappear before the case is heard; and the necessity of proving paternity to the satis-

faction of an often prejudiced magistrate, debar many girls from the relief to which they are morally and legally entitled. Moreover, even when an order has been granted, the maximum allowance due from the man is only 5s. a week, without regard to his income. Even a millionaire cannot be forced to contribute more liberally to the support of his child. When, on the other hand, it is a question of reducing this allowance, magistrates have the power, which they constantly exercise, of granting very much less than the full 5s. In the majority of cases, in fact, the amounts ordered are from 2s. 6d. to 3s. 6d. a week. Here again, owing to the virtual impossibility of enforcing payment, the order only too often becomes a dead letter, and the unfortunate mother is left, after the trouble and expense of obtaining it, as badly off as she would have been had she never applied for it.

This state of affairs, bad enough in itself, becomes even more shameful when considered as a possible consequence of the utterly inadequate legal provision for the protection of young girls. The age of consent in England is only sixteen. Once above that age, any child who has been terrorised or cajoled into a show of agreement with proposals she may barely understand, is held to have acted as a free agent, and the man who has traded upon her youth and ignorance escapes without punishment. It is even possible to plead as a sufficient defence to a charge of betraying a girl

under sixteen, that the accused believed her to be over that age. Legal prejudice in favour of men shows itself again in the treatment of the offence of solicitation. Any woman who, under pressure it may be of starvation, solicits for an immoral purpose, is liable to arrest and imprisonment, while the men with whom she strikes her bargains, and whose vicious demands have created and maintained her calling, are left entirely unmolested.

Inheritance

The rules governing the descent of property are materially qualified in their working by the right belonging to every sane adult of disposing of his or her entire unsettled fortune by will. This complete freedom of disposition leaves the future of a man's wife and children at his mercy; if he chooses to bequeath his whole property to strangers, his family have no claim upon a farthing of it after his death. If a man dies without making a will, however, his widow receives one-third of his personal property (which includes everything except freehold land) when he leaves children or grandchildren, to whom the remaining two-thirds descend. When he dies without descendants, his widow inherits the whole estate if it is under £500 in value; if over that amount she receives £500 and one-half only of his personal property, the other half passing to his nearest relatives, though they may be only distant cousins.

Even when her husband dies without leaving a single relative, a woman can never succeed to more than one-half of his property, for in such cases the crown is given equal rights of succession and receives the other half. In addition to her share of the personal property the widow is nominally entitled to a life interest in one-third of her husband's real estate (freehold land), if any. Of this, however, she is sometimes deprived by legal proceedings taken in her husband's lifetime. Very different are the rules which govern the inheritance of an intestate wife's fortune. When she dies without making a will, her husband succeeds to the whole of her personal property absolutely. Her children are utterly excluded from even a prospective interest in it, for their father can, if he chooses, leave it to strangers at his death. He takes, in addition, a life interest in the whole of any real property left by his wife, provided only that a child has been born of the marriage ; it is immaterial whether the child be living at the time or not. Sons and daughters divide equally personal property inherited from either parent. The descent of freehold land is said to be governed by the rule of primogeniture—the succession of the firstborn. In its practical working, nevertheless, this rule may mean that not the eldest, but the very youngest of a family succeeds over the heads of the others ; for the law, utterly ignoring the possible existence of elder daughters, treats the first-born son as first-born child and in the name of this ridiculous fiction makes him heir to the entire rea estate.

Only when there are no sons or descendants of sons are daughters in any way recognised, and then they inherit as co-heiresses, the eldest sharing equally with her younger sisters. The inconveniences of this system are most evident in the case of those few surviving titles which can descend to women. Since the middle of the fifteenth century, at least, when the creation of peerages by patent became general, women have been quite excluded from succession to titles, except in rare instances when special remainders to daughters—and their male descendants only —have been granted as a great privilege, or in the still rarer instances of peerages conferred directly upon women. A few earlier baronies, however, created by writ of summons and inheritable by daughters in the absence of sons, are still in existence. The rule that sisters inherit equally means in this conection that on the death of the holder of such a barony, his title, except in the case of his leaving a single heiress, falls into abeyance among his daughters, or sisters if he has no daughters, and can only be revived in favour of one or another of them at the pleasure of the sovereign, who has often failed to take action in the matter. This has led to the virtual extinction of many titles which would have survived to be borne by women had the eldest daughter possessed the same right of succession as

the eldest son. The unrestricted working of the law of succession to real property is sufficiently unjust to women, but unfortunately it is not the worst part of the matter. The descent of very many large estates in England to-day is governed, not by the ordinary rules, but by the terms of settlements, which the law protects and encourages, in favour of one particular line of heirs—almost invariably heirs male. Theoretically estates may also be entailed on heirs general (sons and daughters), or even heirs female only, but the former is seldom and the latter never done. Exact statistics are not forthcoming, but it is a matter of common knowledge that the majority of large landowners hold their property under settlements which absolutely exclude their daughters and sisters from succession, even when sons in the direct line fail. Were it not for the fact that perpetual settlements of land are illegal and that women occasionally inherit between the ending of one entail and the framing of another, the woman landowner would be an even rarer figure than she is to-day. It is hardly necessary to enlarge upon the evils caused by this abuse of the right of settlement, but apart from the material hardships it only too frequently involves, its obvious effect is to weaken the influence and degrade the position of women in what is still the wealthiest and most powerful class of the community.

Equally unjust are the laws governing the succession of parents to the property of their

unmarried children who die intestate. In such case the father takes the whole of the real and personal estate, to the exclusion of the mother, brothers and sisters. If the father is dead, the mother shares the personalty with her surviving sons and daughters, while the real estate goes to the eldest brother. Even when the deceased leaves no father, brothers, or sisters to inherit his land, his mother is passed over in favour of more distant relatives on the paternal side, and only when no members of the father's family are left does the freehold property come to her.

The Public Position of Women

This may be said to be based upon the theory that a woman has no legal existence unless it is expressly recognised by statute. A series of legal decisions, delivered between 1868 and 1913, has laid it down as a fundamental doctrine of common law that a woman is not a person where public rights are concerned unless an Act of Parliament explicitly says she is.

With the exception of certain subordinate civil service posts and the newly created insurance and mental deficiency commissionerships, all the professions established or regulated by the State, such as the church, the diplomatic service and the law, are closed to women. In the sphere of local government many inequalities exist. Married women are disqualified by legal decision from

voting for all town and county councils outside London. Although some doubt exists on the point, this disability is usually held to mean that married women are not eligible for election to the councils for which they may not vote, in spite of a statute of 1907 qualifying them for membership, for the act which created these councils laid it down that only electors could stand for election.* Both married and single women can vote for and can be elected to the London County and Borough Councils, urban district, rural district and parish councils and boards of guardians; but while male owners, occupiers, service occupiers and lodgers can vote for all these bodies, women occupiers alone are entitled to do so, and a further inequality is created by the rule which forbids women chairmen of district councils to act as J.P.'s, although men chairmen do so in virtue of their office.

The Parliamentary Vote

In conclusion it is only necessary to refer briefly to the greatest injustice of all, the denial to women of the parliamentary franchise, without which they are powerless to affect radical reforms, and with which they will be able to abolish every other legal inequality and to protect their liberties from future encroachment.

* The President of the Local Government Board has (March, 1914) introduced a bill to establish a residence qualification for election to local councils. This, if passed into law, will make married women eligible for election to these bodies.

The Women's Social and Political Union.

OBJECTS.

To secure for Women the Parliamentary Vote as it is or may be granted to Men; to use the power thus obtained to establish equality of rights and opportunities between the sexes, and to promote the social and industrial well-being of the community.

METHODS.

The objects of the Union shall be promoted by—

1. Action entirely independent of all political parties.
2. Opposition to whatever Government is in power until such time as the franchise is granted.
3. Participation in Parliamentary Elections in opposition to the Government Candidate and independently of all other Candidates.
4. Vigorous agitation upon lines justified by the position of outlawry to which Women are at present condemned.
5. The organising of Women all over the country to enable them to give adequate expression to their desire for political freedom.
6. Education of public opinion by all the usual methods, such as public meetings, demonstrations, debates, distribution of literature, newspaper correspondence, and deputations to public representatives.

MEMBERSHIP.

Women of all shades of political opinion, who endorse the objects and methods of the Union, and are prepared to sign the Membership Pledge, are eligible for membership. It must be clearly understood that no Member of the Union shall support the Candidate of any Political Party in Parliamentary Elections until Women have obtained the Parliamentary Vote.

There is an entrance fee of 1s. No definite subscription is fixed, as it is known that all Members will give to the full extent of their ability to further the campaign funds of the Union.

ENTRANCE FEE 1/- **(Please write very distinctly.)**

MEMBERSHIP PLEDGE.

I endorse the objects and methods of the Women's Social and Political Union, and I hereby undertake not to support the Candidate of any political party at Parliamentary Elections until Women have obtained the Parliamentary Vote.

I desire to be enrolled as a member.

Signature .....
(*State whether Mrs. or Miss.*)

Full Address.....

.....
(*Add name of town.*)

This half to be detached and posted, with the Entrance Fee of 1s., to the Hon. Secretary, W.S.P.U., Lincoln's Inn House, Kingsway, W.C.

TREATMENT OF THE WOMEN'S DEPUTATIONS OF NOVEMBER 18TH, 22ND, AND 23RD, 1910, BY THE POLICE

BEING A COPY OF A MEMORANDUM FORWARDED ON FEBRUARY 2ND, 1911, BY THE "CONCILIATION COMMITTEE FOR WOMAN SUFFRAGE" (A BODY COMPOSED OF MEMBERS OF PARLIAMENT OF ALL POLITICAL PARTIES) TO THE HOME OFFICE, ACCOMPANYING A REQUEST FOR A PUBLIC ENQUIRY INTO THE CONDUCT OF THE POLICE.

PUBLISHED BY THE WOMAN'S PRESS
LINCOLN'S INN HOUSE, KINGSWAY, LONDON
1913

TREATMENT OF THE WOMEN'S DEPUTATIONS OF NOVEMBER 18TH, 22ND, AND 23RD, 1910, BY THE POLICE

Being a copy of a Memorandum forwarded on February 2nd, 1911, by the "Conciliation Committee for Woman Suffrage" (a body composed of Members of Parliament of all political parties) to the Home Office, accompanying a request for a public enquiry into the conduct of the police.*

The facts which gradually came to our knowledge regarding the behaviour of the police towards members of the Women's Social and Political Union on November 18th, 22nd, and 23rd, 1910, have induced us to collect the testimony of women who took part in these

* The evidence collected by Dr. Jessie Murray and Mr. Brailsford regarding the conduct of the police towards members of the Women's Social and Political Union was laid before the Conciliation Committee, which met on February 2nd, with the Earl of Lytton in the chair. The Committee unanimously decided to transmit the evidence to the Home Office, and to demand a public enquiry into the conduct of the police. This memorandum was accordingly drafted by Mr. Brailsford in collaboration with other members of the Committee and forwarded in the course of the following week to Mr. Churchill. Owing to considerations of space only a few typical statements have been selected from the great mass of evidence before the Committee, and for the purpose of publication in this memorandum it has been thought better to omit the names of the witnesses.

demonstrations, and of eye-witnesses who have volunteered their evidence.† The gravity of the charges which emerge from these statements impels us to lay the evidence before the Home Office, in the belief that it constitutes a *prima facie* case for a public inquiry.

It is necessary by way of preface to comment upon the order under which the police were acting. They were instructed, as we understand the answer given by the Home Secretary (Mr. Churchill) to Mr. Chancellor, to refrain as far as possible from making arrests. The usual course would have been, when the women persisted in attempting to force their way towards the House of Commons, to arrest them on a charge of obstruction. We are satisfied that this would have been at once the more humane and the more regular course. Previous experience gave warrant enough for supposing that the efforts of the women to accomplish their purpose would be persistent and determined. The consequence was that for many hours they were engaged in an incessant struggle with the police. They were flung hither and thither amid moving traffic, and into the hands of a crowd permeated by plain clothes detectives, which was sometimes rough and indecent. The police, who are men of exceptional muscular power, may not always have realised the injuries which an incautious use of their strength must inflict upon women. Had their conduct been exemplary, the consequence of this order would still have been deplorable. It is indeed difficult to understand what motive or calcu-

† This evidence has been sifted by Lord Robert Cecil, K.C., and Mr. Ellis Griffith, K.C., whose letters on the subject are attached.

lation can have prompted it. The only reason for interfering at all with the women was to prevent an obstruction of the thoroughfare, and to keep open the approaches to the Houses of Parliament. The consequence of ordering the police to engage in a protracted conflict with the women was that for many hours on November 18th the whole of this area was abandoned to a struggle which was by the tactics of the police so prolonged as to cause the maximum of disturbance to traffic.

But there emerges from the evidence before us a much graver charge. We cannot resist the conclusion that the police as a whole were under the impression that their duty was not merely to frustrate the attempts of the women to reach the House, but also to terrorise them in the process. They used in numerous instances excessive violence, which was at once deliberate and aggressive, and was intended to inflict injury and pain. Many of them resorted to certain forms of torture. They frequently handled the women with gross indecency. In some instances they continued to injure and insult them after their arrest.

I.—UNNECESSARY VIOLENCE.

Nearly all of the 135 statements communicated to us describe some act or acts of unnecessary violence. It is generally possible to determine from the frank statements of the members of the deputation how far these acts of violence were provoked. In some cases the

women merely held their ground near the police cordon. In other cases they tried to push their way through it. In the few instances in which they themselves struck a policeman their statement usually shows that it was to force him to desist from his brutal usage of some other woman.

The first statement to which we would call attention mentions no exceptional violence. It does, however, describe simply and vividly the effect produced by the more violent methods used by the police, particularly on November 18th.

For hours one was beaten about the body, thrown backwards and forwards from one to another, until one felt dazed with the horror of it. . . . Often seized by the coat collar, dragged out of the crowd, only to be pushed helplessly along in front of one's tormentor into a side street . . . while he beat one up and down one's spine until cramp seized one's legs, when he would then release one with a vicious shove, and with insulting speeches, such as, "I will teach you a lesson. I will teach you not to come back any more. I will punish you, you ——, you ——." This took place over and over again, as, of course, each time they released one, one returned to the charge. . . . The chest bruises one received while pushing forward were, of course, inevitable, but it was this officious pummelling of the spine when they collared you and held you helpless which wore you out so, and left you so shaken. . . . A favourite trick was pinching the upper part of one's arms, which were black with bruises afterwards. One man began thumb-twisting. I dared him to do it again, and he dropped my arm before serious harm was done, but I have only just lost the feeling of sprain. . . . Once I was thrown with my jaw against a lamp-post with such force that two of my front teeth were loosened . . . What I complain of on behalf of us all is the long-drawn-out agony of the delayed arrest, and the continuous beating and pinching.

The following statement is also useful as a sample of an experience which was not in any way unusual:—

I am absolutely a passive resister, so that any violence done to me is absolutely unprovoked. When I reached Parliament Square on November 18 there was nothing in front of us but a cordon of police. The crowd had been cleared away, so that I know that any violence which was done to us was done by the police alone. We walked straight up to the police cordon. While we were still two yards away they rushed at us. I was pushed, grasped by the back of the neck, and propelled forward with great force. This was followed by an almost stunning blow on the base of the skull, which sent me to my knees. It felt as if a ton weight had fallen on the back of my neck. I had hardly got to my feet, and was walking away to recover, when a policeman came behind me, saying, "Hurry up, now!" and gave me three blows in the back. I could feel the blows when I breathed for a week after the blow. . . .

On November 22nd a policeman took hold of my motor veil and twisted it round, trying to choke me. When arrested, an officious person in plain clothes held me by the muscles of the upper arm, which he twisted and pinched. I questioned his authority, and two women and a man, who were looking on, tried to pull him away, and said he was not a policeman at all. The policeman in uniform who was holding my other arm said the plain-clothes man was a constable.

On November 23rd I went to St. Stephen's entrance with about ten others. I ran up three of the stone steps. Two or three policemen rushed down the steps to meet me, and whilst still on the step above me, hammered the top of my head with fists—a perfect rain of blows—till I put my arms over my head to protect my face. One of them grasped the back of my neck and threw me into the street. I am told that one of the policemen used terrible language, while hammering the top of my head. Here I wish to say that my head did not recover for many weeks—aching almost always. I have had a cough ever since, caused, I think, through the blows on my back. I must add that I am not a person likely to exaggerate falls, as I am used to hard knocks and bruises, as I play every sort of game, and get many falls hunting.

Even these letters convey no adequate impression of the vindictiveness and aggressiveness of some of the police. It must not be supposed that the blows from the closed fist on the face or chest, which a large number

of these statements describe, were usually or always incidental to a scrimmage. In several instances the police came forward and attacked the advancing groups of women. The following case, in which an inspector ran forward and felled a woman who had not as yet committed even a technical offence, is particularly illuminating :—

I was leading a small deputation down Parliament Street before three o'clock on November 18th, and it reached Bridge Street. I saw an inspector, whose name I afterwards learned was ——, run forward from the cordon over to me. He furiously struck me with his fist, and felled me to the ground. I got up. He said, "You would strike me," and he felled me again. Blood was flowing from the first blow I received. The police then came up and surrounded me, and, under cover of their capes, pinched me.

Blows as little capable of justification as this were not uncommon. The following incident may be quoted :—

On November 18th there was a policeman by the St. Stephen's entrance who was very brutal and twisted my arms badly and knocked me about—he hit me on the side of my head among other things, but I do not know his number. I got in at a little side gate the other side of the House, and ran down some steps into a number of policemen at the bottom. They were beginning to hustle me up, when one policeman pulled me away from the others and said, "You'll find out which is the hardest, the stones or you," and knocked me down the steps. The top part of my arms were so sore next day, from being twisted I think, that just the little movement in walking was painful.

These two experiences are also worth noting :—

On November 22nd, at the back of Downing Street, we were all three brutally treated. The police aimed at our faces and heads with their fists. More than one man attacked me at once, and one blow on my jaw made me think it was smashed.

On November 22nd I was walking along with my hands in my coat pockets (a habit of mine), when I was deliberately seized by

the back of the neck and thrown down on the edge of the pavement. I hurt my nose, and my lip was cut. . . . Two men rushed at the policeman, and said, "That is too much; the lady was not doing anything." The policeman said, "Let the b—— b—— go home then."

Another statement relates that a policeman deliberately struck a woman across the face with a stick. Three statements mention that policemen occasionally used their heavy helmets as weapons, with which they struck women on the face and head. The clear intention to hurt and punish and terrorise is well illustrated by this report of a scene from an eye-witness :—

On the Wednesday I saw a young girl with fair hair and white cap try to get into one of the gates. A policeman knocked her down. She got up and the police pushed her on while she tried to tidy her hair. Another policeman gave her a push into another policeman's arms, who pushed her back, and then gave her another push, and before she could recover simply hurled her to the ground, where she landed within a foot of a motor lying quite still, and apparently unconscious. I asked him, "Are you a man or a beast?" "I will 'beast' you," he said. I bent over her, and said, "Oh, you have killed her." Then he kicked her savagely, and said, "Well, take that, then."

Four witnesses describe the barbarous usage to which another woman, Miss H——, was subjected. After she had been flung to the ground, shaken, and pushed, and had had her arms and wrists twisted, she exclaimed, "Help me to the railings." While trying to recover breath a policeman seized her head, and rubbed her face against the iron railings. To illustrate the recklessness with which the police seized women (usually by the throat) and flung them backwards on the ground, we would draw attention to two separate cases in which a

woman was flung almost under the wheels of a passing motor-car. In one case a wheel went over a woman's dress as she lay on the ground, and in the other grazed her head. In one at least of these cases the attack was absolutely unprovoked, and the lady who was its victim is described as "a woman with grey hair, and whose age ought to have commanded a certain respect."

II.—METHODS OF TORTURE.

The clearest proof that the aim of the police went beyond the fulfilment of their duty in preventing an obstruction, and included the terrorising of the women, is supplied by the overwhelming evidence that they resorted to various painful and dangerous methods of torture. The more common devices were to bend the thumb backwards, to twist the arm behind the victim's back, and to pinch the arm continually and with evident deliberation. These processes are described by the sufferers in almost identical terms in no less than forty-five statements. It will suffice to quote one statement:

> My left arm was black and discoloured from the back of the hand up to the elbow through being twisted by a policeman. He watched my face as he was doing it, and because I would not scream or cry out he went on, till one more twist would have snapped the bone, and the agony made me wriggle free. . . . They turned back the thumb of my right hand, and it was discoloured all round, not from pressure, but from being turned back, and to this day (February 8th) the joint is sensitive.

There is ample proof that in many instances the effects of this treatment were visible for many days

after. Nurse H——'s thumb was dislocated. Other women for some days afterwards had to be helped by their friends to dress. Another expedient frequently used was to grip the throat, and force back the head as far as possible. In one instance an inspector forced his finger up the nostril of a woman who was clinging to the railings in Downing Street. The descriptions given by the women of many of these acts of cruelty is detailed enough to make it clear that they were not in most cases incidental to a scrimmage. They were wantonly done in order to inflict pain, and the women who suffered them were already completely in the power of the policemen who held them.

III.—ACTS OF INDECENCY.

The intention of terrorising and intimidating the women was carried by many of the police beyond mere violence. Twenty-nine of these statements complain of more or less aggravated acts of indecency. Women describe such treatment only with the greatest reluctance, and though the volume of evidence under this head is considerable, there are other instances which we are not permitted to cite. The following experience is one of the worst, but it is not without parallels. The victim is a young woman:—

> Several times constables and plain-clothes men who were in the crowds passed their arms round me from the back and clutched hold of my breasts in as public a manner as possible, and men in the crowd followed their example. I was also pummelled on the chest, and my breast was clutched by one constable from the front.

As a consequence three days later, I had to receive medical attention from Dr. Ede, as my breasts were much discoloured and very painful. On the Friday I was also very badly treated by P.C. ——. I think that was the number, but I and a witness could identify the men. My skirt was lifted up as high as possible, and the constable attempted to lift me off the ground by raising his knee. This he could not do, so he threw me into the crowd and incited the men to treat me as they wished. Consequently, several men, who, I believe, were policemen in plain clothes, also endeavoured to lift my dress.

In another instance a young girl on her way to the police station under arrest was called a "prostitute," and made to walk several yards while the police held her skirts over her head. The action of which the most frequent complaint is made is variously described as twisting round, pinching, screwing, nipping, or wringing the breast. This was often done in the most public way so as to inflict the utmost humiliation. Not only was it an offence against decency; it caused in many cases intense pain, and may well have led to lasting injury. The language used by some of the police while performing this action proves that it was consciously sensual. Another brutal insult which was frequently inflicted is thus described to Dr. Jessie Murray by one of the ladies who endured it :—

The policeman who tried to move me on did so by pushing his knees in between me from behind, with the deliberate intention of attacking my sex.

Women were not free from these indecent brutalities even after arrest. One woman was indecently assaulted by a man in the crowd while she was in the hands of a policeman who was holding her arms behind her. In

spite of her complaints, the policeman took no notice and did nothing to protect his prisoner. Such misconduct has naturally produced a degree of resentment and indignation even greater than was caused by the less insulting brutality of blows.

IV.—AFTER EFFECTS.

The consequences of these assaults were in many cases lasting. Fifty statements speak of injuries of which the effects were felt for many days, and in some cases for several weeks. Two deaths occurred before the close of the year among members of the deputation. We have no evidence which directly connects the death of Mrs. Clarke, two days after her release from a month's imprisonment, with her experiences on November 18th. But there is evidence to show that Miss Henria Williams, who died suddenly of heart failure on January 1st, had been used with great brutality, and was aware at the time of the effect upon her heart, which was weak. We have before us a letter written by Miss Williams to Dr. Jessie Murray on December 27th, five days before her death. She thus describes her experiences :—

I should first mention that I have a weak heart, and have not the physical power or breath to resist as my wish or spirit would will or like. Therefore, what may not seem extraordinary to some women or people was very much so to me. The police have such strong, large hands, that when they take hold of one by the throat, as I saw one man do, but not to me, or grasp one's sides or ribs, which was done to me, they cannot possibly know how tightly they are holding, and how terribly at times they are hurting. One

policeman, after knocking me about for a considerable time, finally took hold of me with his great strong hands like iron just over my heart. He hurt me so much that at first I had not the voice power to tell him what he was doing. But I knew that unless I made a strong effort to do so he would kill me. So, collecting all the power of my being, I commanded him to take his hand off my heart. I think he must have read from my face that he had gone too far, for a look of fear immediately came on his face. I should have mentioned that as I wear no corsets or protection whatever of that kind, the man could hurt me more than if I did. Yet that policeman would not arrest me, and he was the third or fourth one who had knocked me about. The two first, after pinching my arms, kicking my feet, and squeezing and hurting me in different ways, made me think that at last they had arrested me, but they each one only finally took me to the edge of the thick crowd, and then, without mercy, forced me into the midst of it, and with the crowd pushing in the opposite direction for a few minutes I doubted if I could keep my consciousness, and my breath had gone long before they finally left me in the crowd. After this I slipped my fingers into the belt of the policeman who was attacking me. This protected me in several ways. Finally, I was so exhausted that I could not go out again with the last batch that same evening. Although I had no limbs broken, still my arms, sides, and ankles were sore for days afterwards. But that was not so bad as the inward shaking and exhaustion I felt. One gentleman on the first day rescued me three times. After the third time, he said to the policeman, who happened to be the same one each time, "Are you going to arrest this lady, or are you going to kill her?" But he did not arrest me, but he actually left me alone for some time after that.

The gentleman who helped her, Mr. F. W., has described what she endured from his recollections as an eye-witness, and attested the "entirely unnecessary violence and brutality of the police" towards a lady who was "in a semi-fainting condition, so much so that she could hardly stand."

Miss C. W——, who was severely bruised and kicked by a policeman, states that on December 26th her bruises were still visible, and that she had an open

wound from a kick on her foot. She had fainted under the violence to which she was subjected, and had to be carried to the police station in an ambulance.

Nurse P—— was in hospital in Holloway for her bruises, and had still to consult a doctor after her release for injuries to her back. (Cancer has since been developed.)

Nurse H——, whose thumb had been bent back and dislocated, writes that it was still painful, swollen, and useless more than a month afterwards (December 26th).

V.—STATE OF MIND OF THE POLICE.

The state of mind of the police may be inferred not only from their actions, but from the language which they are reported to have used. Fourteen of these statements complain of the profanity or obscenity of the language which some of them employed. But perhaps the most illuminating proof that certain of them had lost all self-control and every instinct of common humanity is supplied by their behaviour to old ladies, and in one instance to a cripple. Women of from 60 to 70 years of age were as roughly used as their younger comrades. One old lady of nearly 70, Mrs. S. W——, was deliberately knocked down by a blow from a policeman's fist. She had a black eye, and a wound on the back of her head where she fell, and felt the effects of this treatment for quite a month. Her statement as to the effects of the blow is corroborated by her hostess. This is by no means a solitary instance of the ill-treat-

ment of elderly women. Mrs. Saul Solomon, an elderly lady, had her arm twisted, and was even subjected to one of the indignities described in Section III. We quote in full the account we have received of the treatment bestowed upon a cripple lady :—

I am lame and cannot walk or get about at all without the aid of a hand-tricycle, and was therefore obliged to go to the deputation riding on the machine. At first, the police threw me out of the machine on to the ground in a very brutal manner. Secondly, when on the machine again, they tried to push me along with my arms twisted behind me in a very painful position, with one of my fingers bent right back, which caused me great agony. Thirdly, they took me down a side road, and left me in the middle of a hooligan crowd, first taking all the valves out of the wheels and pocketing them, so that I could not move the machine, and left me to the crowd of roughs, who, luckily, proved my friends. Another time, the police, in addition to personal violence, finding that they could not remove the new valves, twisted my wheel so that it was again impossible to move the machine. In this plight they left me again, first telling a man in the crowd to slit my tyre down with a policeman's knife. This the man refused to do, and the policeman was prevented doing me further injury by a gentleman taking his number. I may also add that my arms and back were so badly bruised and strained by the rough treatment of the police, that for two days after Friday, 16th, I could not leave my bed.

It is quite unnecessary to use adjectives about the state of mind of the police. It was such a state of mind as could conceive and execute the idea of tormenting and torturing a lame woman.

VI.—PLAIN CLOTHES MEN.

The suspicion was general among the women and also among on-lookers that large numbers of plain

clothes detectives were employed on the Friday and the Tuesday. Organised bodies of men were moving about, and contributed to break up the women's processions. In some cases detectives assisted the uniformed police to effect arrests, and vied with them in violence. It may be said that they could only be identified by guess-work, but the numerous little indications in these statements leave little doubt that the impression formed by the women must have been correct. Against men in civilian clothes, who may have been detectives, there are many complaints of brutality and indecency. One of these men had disguised himself by donning the badge of the Men's League for Woman's Suffrage. Under cover of this he struck a woman who sought his assistance. Miss A. C—— relates how a man in civilian dress with two policemen pushed her along the street. She told him to take his hands off her, and he struck her in the mouth. The police made no attempt to interfere with this ruffian who had assaulted their prisoner; but they pushed a working man who interfered with him back into the crowd. The use of plain clothes men is intelligible and no doubt necessary where stealthy crimes have to be frustrated. There can be no adequate motive for their employment against women whose conduct, reprehensible though it may have been from the police standpoint, was frank, courageous, honourable, and public from beginning to end. On the behaviour of these men there is no check, and the offences with which they are charged in these statements can never be investigated. Such a state of things can be satisfactory neither to the public nor to the police.

It was in most cases impossible for women who were being flung down and knocked about to take the number of their assailant. Some of these are on record, however.

CONCLUSION.

Such experiences are not new in the annals of the militant societies, and they have hitherto observed an almost unbroken tradition that it is unsoldierly to complain. Their spirit is entitled to respect, but we as citizens are not content that the police should form a habit of indulging in such excesses. If even a fraction of this testimony, which all of it bears to our minds the stamp of truth, can be established, the police will have been convicted of violating almost every instruction in their Manual which forbids (p. 6) swearing and foul language, prescribes (7) an equable temper, requires that in making an arrest (p. 105), "no more violence should be used than is absolutely necessary," and enjoins that "needless exposure" shall not be inflicted on the person in custody.

We claim that the evidence here collected suffices to justify our demand for a public inquiry into the behaviour of the Metropolitan Police on November 18th, November 22nd, and November 23rd. The object of such an inquiry should be to ascertain, not merely

whether the charges of aggressive violence, torture, and indecency here made can be substantiated, but also to ascertain under what orders the police were acting. The order to make no arrests goes some way to explain their conduct, and must in itself have led to much unnecessary and dangerous violence. But it would not explain the frequency of torture and indecency, nor the more obviously unprovoked acts of violence which many of the men committed. A man acting under this order might feel that he was justified in flinging a woman back with some violence when she attempted to pass the cordon. But this order alone would not suggest to him that he should run forward and fell her with a blow on the mouth, or twist her arms, or bend her thumb, or manipulate her breasts. The impression conveyed by this evidence is from first to last that the police believed themselves to be acting under an almost unlimited licence to treat the women as they pleased, and to inflict upon them a degree of humiliation and pain which would deter them or intimidate them. We suggest that the inquiry should seek to determine whether such an impression prevailed among the police, and, if so, whether any verbal orders (which may or may not have been correctly understood) were given by any of the men's superiors by way of supplement to the general order. This is not yet the time to make any general comment on a mass of evidence which, we believe, does, on the whole, fairly represent the facts. We are content to observe that such an exhibition of brutality is calcu-

lated not to deter women of spirit, but rather to provoke them to less innocent methods of protest, that it must be destructive of discipline in the police and demoralising to the public which witnesses it, and finally that if it were to be tolerated or repeated it would leave an indelible stain upon the manhood and the humanity of our country.

H. N. Brailsford,
Hon. Sec. of the Conciliation Committee,
32, Well Walk, N.W.

December, 1910.

Copies of Letters from LORD ROBERT CECIL, K.C., and Mr. ELLIS GRIFFITH, K.C., which appeared in the Daily Press, March 24th, 1911.

Sir,—At the request of some of those who took part in the women's deputation to the House of Commons on November 18th of last year, I have endeavoured to examine the allegations made against the conduct of the police on that occasion. With that object I have carefully read upwards of one hundred statements made by eye-witnesses, and I have also seen and questioned ten of the women who were there. Such an investigation is, of course, insufficient to ascertain the whole truth of what actually happened. But it is enough to justify the conclusion that there is a clear case for a searching and impartial enquiry.

The following facts are either admitted or beyond reasonable dispute :—

1. The women taking part in the deputation collected partly at Caxton Hall and partly at Clements Inn. They were instructed by their leaders to avoid all violence. They were entirely all unarmed,

even umbrellas or parasols being forbidden. Among them were women of all ages up to 65 or 70. They proceeded in groups of twelve, a quarter of an hour's interval or thereabouts dividing one group from another. Some of the women carried banners. Most of them wore gloves. Granted their determination to carry out the deputation, which, personally, I think regrettable, it is difficult to see what arrangements less likely to cause a breach of public order could have been made.

2. Some of the women, including Mrs. Pankhurst, were allowed to approach quite close to St. Stephen's entrance. The rest were stopped some distance away. Very few arrests, if any, were made for several hours, and during that time the women suffered every species of indignity and violence. In some cases their arms and fingers were twisted. In others they were struck in the face and beaten. Several of them were thrown to the ground, and some were kicked. All this does not depend on the evidence of the sufferers alone. It is confirmed by those who saw the condition of their limbs and bodies immediately afterwards. Some of the women still feel the effect of the treatment they then received.

Apart from the assaults above-mentioned, complaints of indignities of a very gross kind have also been made by women, and some of these were repeated in my presence. They did not, however, admit of corroboration in the same way as do some of the other assaults.

Two answers seem possible. It may be that these groups of unarmed women acted so outrageously that the police were compelled to meet violence with violence, and beat and kick those they could not otherwise control. This appears to be the view of the Home Secretary, for he says that if they had been men they would have been dispersed by a baton charge, and doubtless he knows that such a measure cannot legally be taken against peaceable demonstrators. All that can be said at present is that the women strenuously deny that they were

guilty of any such violence. If they were, it is at least curious that they were not immediately arrested, and that, as I understand, no evidence of any serious assault was offered against any of those who were ultimately brought before the court.

Another defence may be that the treatment of the women was due to the crowd and not to the police. No final opinion is possible on this point under existing circumstances. The women are clear and emphatic that uniformed constables were guilty of many acts of violence. Mr. Churchill accuses them of mendacity. Such an accusation requires more than the *ipse dixit* of a Minister to support it. Nor is it in accordance with the principles of British justice to reject, without investigation, the evidence of scores of apparently respectable women.

In conclusion, may I ask whether anyone thinks that if the deputation had consisted of unarmed men of the same character their demand for an enquiry would have been refused? Who can doubt that the Home Secretary and the other Ministers would have tumbled over one another in their eagerness to grant anything that was asked? Are we, then, to take it as officially admitted that in this country there is one law for male electors and another for voteless women?

Yours obediently,

(Signed) Robert Cecil.

4, Paper Buildings, Temple, E.C.
March 14th, 1911.

DEAR SIR,—With regard to the Women's Deputations in November last, I have read more than a hundred statements by eye-witnesses. I have also had the opportunity of hearing and investigating the evidence of five women who were members of the Deputation or spectators. It is clearly difficult under the circumstances to bring responsibility home to individuals, but I am amply satisfied that there was unnecessary and excessive violence used against the women who took part in the deputation, and that they were assaulted in a way that cannot be justified.

Under these circumstances I strongly support a searching and impartial inquiry, not merely in order to decide the facts of the case in November last, but in order to establish and safeguard the principle that those who take part in public demonstrations are entitled to legal and proper treatment.

Yours faithfully,

(Signed) ELLIS J. GRIFFITH.

3 (North) King's Bench Walk,
Temple, E.C.
March 22nd, 1911.

GARDEN CITY PRESS LTD., LETCHWORTH, HERTS.

"Custodia Honesta"

Treatment of Political Prisoners in Great Britain

BY

PROFESSOR GEORGE SIGERSON
M.D., etc.
(Member of Royal Commission on Prisons, 1884).

Introduction.

By his scientific training, his special knowledge as member of a Prison Commission, his personal services in maintaining the rights of political prisoners in Ireland, and his unremitting support of liberty and justice, Dr. Sigerson is peculiarly qualified to speak upon the subject here dealt with. It is a subject of immediate and increasing urgency. From the evidence that Dr. Sigerson gives, it is clear that the British Government of a hundred, or even of fifty years ago had a far truer conception of political rights and political offences than the present Government has. Read what he tells of the prison treatment given as a right to Cobbett, imprisoned for incitement to mutiny; to Leigh Hunt, imprisoned for libel on the Prince Regent, the nominal head of the State; to Marcus Costello and others, imprisoned for political demonstration; to Feargus O'Connor and others, imprisoned for seditious conspiracy; to Vincent, imprisoned for seditious meetings; and to Miss Aylward, imprisoned for contempt of court.

Or read the account of his imprisonment, given by Thomas Cooper, the Chartist poet, when sentenced to two years' imprisonment for conspiracy and sedition, how he fought for the right of political treatment and obtained it. (The story has been retold by Mrs. Brailsford in the *Votes for Women* of May 10th, 1912.)

It is evident that the nearer we come to our own time, the more unwilling is the Government to recognise the vital distinction between political offence and ordinary crime—the crime that the Irish call "dirty,"

because it is prompted by personal gain or some merely private motive. This unwillingness has steadily increased, but nevertheless we may read Dr. Sigerson's account of the petition on behalf of the Fenian prisoners, presented by John Bright, and signed by many prominent Liberals, some of whom are still living. Or we may read, again, the noble speeches delivered early in 1889 by Mr. Gladstone and Mr. John Morley (now Lord Morley), also on behalf of Irish political offenders and their demand for traditional and moral rights in prison. The First Division treatment granted to Dr. Jameson and his Raiders, imprisoned for making private war upon a friendly country and the similar treatment granted to Mr. Ginnell, M.P., imprisoned for inciting to cattle-driving, might serve to show that recent Governments were returning to a truer and more constitutional view of political offences. But in both cases it must be remembered that the prisoners were closely connected with the supporters of the Government in power, and it has become hopeless to expect even-handed justice from any British Government where party interests are involved.

The Right Refused.

The crowning instance, however, both of general injustice and of growing disregard of the old distinction between political and ordinary crime is found in the Liberal Government's treatment of women suffragist prisoners. I suppose that not even a Home Secretary would deny that the offences of those women, no matter what their particular form, all come under any possible definition of political offence. There has never been even an allegation of personal or private interest made against them. Their motive has invariably been the extension of the franchise, usually considered a Liberal object, and unquestionably a political one. Yet in dealing with the prisoners, the Government has acted on no

principle, or rather it has acted on several contradictory principles, in which we can trace only one steady and guiding line—a determination to deal leniently with the rich, the distinguished, and the highly connected; but to wreak its vengeance to the full upon the poor and unknown.

I need only refer to instances familiar to all who have followed the Woman Suffrage Movement and the Liberal Government's attempts at suppression. The classic case of inequality occurred when Lady Constance Lytton was speedily released on the supposed discovery of some physical weakness in October, 1909, but was kept in prison without any such discovery, and was exposed to the full barbarity of forcible feeding when she was arrested for a similar offence in January, 1910, under the assumed name and character of Jane Warton, a working woman. And as instances of mere brutality, take the following typical cases :—

Miss Florence Cooke, sentenced to six weeks' imprisonment for taking part in the demonstration of June 25th, 1909, was shut in a dungeon-like punishment cell for having broken her window to obtain air, and in protest she endured the hunger strike for five and a half days.

In the following September (1909), Mr. Herbert Gladstone (now Lord Gladstone) instituted the abominable outrage of "forcible feeding," as a means of breaking down the resistance of women demanding their rights as political offenders, and Mr. Masterman, his Under-Secretary, was put up to excuse it under the canting pretext of "hospital treatment."

The following month (October, 1909) Miss Emily Davison, in hope of escaping this torture, barricaded her cell door, and a fire-hose was turned on to her through the spy-hole. This happened in Strangeways Gaol, Manchester.

In the same gaol (the authorities of which afterwards received a special letter of commendation from the Home Office) Miss Selina Martin and Miss Leslie Hall, while still on remand before trial (December, 1909), suffered the most brutal treatment, one being beaten unmercifully, flung on the floor, thrown handcuffed into a cold punishment cell, dragged by the frog-march to the operating or torture-room, her head bumping on the steps, and forcibly fed with great violence; the other being kept for three days hand-

cuffed in a punishment cell, and also forcibly fed with extreme pain, the doctor cheerily remarking that it was "like stuffing a turkey for Christmas." It must be remembered that both these women, being on remand, were assumed under English law to be innocent. Brutality knows no law.

We need not repeat in detail the similar treatment of Nurse Bryant, Miss Tolson, Miss Liddle, and Miss Shepherd (all in Strangeways Gaol), Mrs. Mary Leigh (in Winson Green, Birmingham), Miss Vera Wentworth (Bristol), Miss Florence Spong (Holloway), or Miss Garnett (Bristol).

There were many similar cases besides.

After Mr. McKenna, in March, 1912, withdrew the "privileges," granted by Mr. Churchill under Regulation 243a, the Suffragist prisoners repeated their protest, and the atrocious system of forcible feeding was renewed in Holloway, Birmingham, Maidstone, and Aylesbury.

In the meantime (December, 1911, and January, 1912), William Ball, a working man Suffragist, after $5\frac{1}{2}$ weeks of such treatment in Pentonville, was driven to the point of insanity, and was despatched to a pauper lunatic asylum, his wife being informed of his fate only the same morning (February 12th, 1912).

What the Process means.

Instead of giving further instances, I will quote the opinion of Dr. Frances Ede, herself a medical practitioner who has suffered the process of forcible feeding, as to its effect on mind and body. Writing of last Easter Tuesday, 1912, in Aylesbury prison (the hunger strike having begun on Good Friday), she says :—

"About five o'clock we began to hear sounds of struggling in cell after cell, pleadings and remonstrances, sounds of choking and gasping, moans, and distressful cries. I have never heard in all my professional experience anything so agonising." (She then tells how her own turn came, and she describes the misery of the torture.) "When it was over," she continues, "withdrawal of the tube was nearly as distressing, and one felt as if a bruised and degraded body had been in the hands of fiends. . . . One could not but feel that a man who could inflict such horrible cruelty at the bidding of any human authority, our offence being merely that we claimed our political rights, must be wholly blind to divine law and justice."

If that must be said of the mere instruments of brutality, what shall be said of the Government Ministers who authorise it? Their hole-and-corner inquiries, their whitewashing of officials, their shuffling and subterfuges will avail them nothing. Upon their future reputation will always rest the stain of bestial cruelty, all the more deeply marked because the cruelty is exercised upon courageous women contending for a great principle that concerns, not themselves alone, but the whole community of these islands. If these things had happened in Italy or Russia, or had been perpetrated by Conservatives, with what noble indignation the heart of the Liberal Party would have palpitated! We know that Liberal heart now, so outraged at an opponent's tyranny, so enthusiastic over distant struggles for liberty, so callous in its own brutality, and so indifferent to the cry of freedom at its door. But in our detestation of a cruel hypocrisy, let us not lose sight of this pamphlet's main point. Our main point is that the suffragist prisoners have been compelled to renew a battle which appeared almost to be won a century ago. They have renewed the battle for the right of First Division treatment for political offenders. The victory must be won, or we shall have to submit to any kind of prison treatment from a Government which, in these cases, acts as prosecutor, judge, and jailor at once. And let us not forget that, as things stand, this may become a matter of personal concern to any honourable man or woman in the country.

HENRY W. NEVINSON.

"CUSTODIA HONESTA"

TREATMENT OF POLITICAL PRISONERS IN GREAT BRITAIN

Recent decisions seem to endanger the ancient and honourable custom of the Realm and of civilised Nations as regards the prison treatment of persons not guilty of common crime. This is due doubtless to want of knowledge.

We can and must discriminate between legal crimes. The nature of the offence is an element essential to the consideration of the treatment of the offender. Blackstone makes the distinction, when he points out that certain offences, as to which all are agreed, are *mala in se,* whilst others are "*mala prohibita* merely, without any intermixture of moral guilt."

This distinction is made and acted on in International Law. Common criminals are given up at once; but, as Creasy states, "a general understanding prevails that political refugees should not be given up if they can succeed in taking refuge on board a ship of war of another nation." The distinction was made and acted on at the time of the Orsini bomb conspiracy, when, on Lord Palmerston's proposal to amend the law, Lord Derby declared that not for the security of all the sovereigns of Europe would he violate the sacred right of asylum to foreigners, and when Mr. Gladstone declared "these times are grave for Liberty." The Ministry was defeated and resigned.

Let it be clearly understood that the practice was in strict conformity with the principle of discrimination.

The closing years of the eighteenth and the first half of the nineteenth centuries were ruthless for common criminals. In the seven years preceding 1822 seven hundred, less seven, were hanged. In 1834 the last execution for stealing letters took place. The state of such prisoners in the jails was deplorable.

Now, in marked contrast, the condition of political prisoners was that of simple detention—*custodia honesta*—as it is to-day in all civilised nations.

Precedents for Discrimination.

This is fully exemplified by a number of convincing cases, which stand forth as precedents :—

In 1799 United Irishmen—"guilty of the heinous crime of High Treason"—were conveyed from Belfast and Dublin to Fort George, in Scotland. There they messed together, pursued their studies, saw visitors, and Mrs. Thomas Addis Emmet was allowed to reside in the fortress with her husband and their three boys.

In 1809 there was discontent in Britain and danger abroad. The local militia at Ely mutinied and demanded arrears of pay; four squadrons of the German legion suppressed them, and two of their ringleaders were ordered 500 lashes each. Cobbett reviled them with savage sarcasm, for their pusillanimity in submitting—his article seemed to incite to mutiny and to hatred of the German troops. He was sentenced to two years' imprisonment and a fine of £1,000. Sir H. Lytton Bulwer, G.C.B., condemning the sentence as little short of Star-Chamber work, observes that—in Newgate!—"he carried on his farming, conducted his paper, educated his children, and waged war against his enemies." Cobbett himself tells us how he regularly wrote for his paper, and received hampers of fruit, flowers, and vegetables from his farm. He had his children with him, and rented the best portion of the

Governor's house. Bulwer says he received "no indulgence"—and this is true. **It was the Constitutional Custom.**

Later, for a scathing libel on the Prince Regent, Leigh Hunt was condemned to two years' imprisonment with a fine of £500. He also received "no indulgence." His wife and children lived with him. He had his bookcases, piano, and furniture, in wards specially papered and painted, with a garden full of flowers. Moore and Byron and Charles Lamb visited him—all his friends were allowed to remain until ten o'clock at night.

In 1832 Marcus Costello was sentenced with others for attending an Anti-Tithe Meeting near Dublin to six months' imprisonment. They were in simple detention, saw and entertained their friends. One of them, a schoolmaster, had his pupils thrice weekly.

Chartist Violence.

In 1839 the Chartist movement took place, with disturbances, and what Lord John Russell declared "mischievous practices which are contrary to law, injurious to trade, subversive of good order, and dangerous to the peace of the country." The Duke of Wellington declared he had never seen a town, taken by assault, subjected to such violence as Birmingham had been, during an hour, by its own inhabitants. Feargus O'Connor and others were indicted for seditious conspiracy and language, and a Nonconformist minister for attending illegal meetings.

Now came an interesting and very instructive incident. Through some blunder in the local prison arrangements, O'Connor was not granted the customary treatment in York Jail. Immediately a petition, presented by Mr. Duncombe and supported by Sir E. Knatchbull, protested, reminding Parliament that Sir F. Burdett, Leigh Hunt, Cobbett, and Montgomery, the

poet, had been accorded the customary rights. There was a general feeling of disapprobation. Mr. Warburton reminded the Government that, when it was found that Lovett and Collins had been so treated, there was a uniform opinion that they be at once released, having been unduly punished. O'Connell denounced the treatment as illegal. Mr. Wakley went so far as to declare that if death occurred, the authorities would be held guilty and a verdict of manslaughter might be returned against them. But the Government disavowed all complicity, and disapproved of the alleged treatment. The Attorney-General declared that, whilst he had prosecuted Mr. O'Connor, none would more deeply regret if the account proved true. Sergeant Talfourd **denounced personal indignities as the infliction of torture.** Lord Brougham presented, in terms of warm advocacy, a petition from Bradford, and Lord Denman one from Leeds, praying for a free pardon because of the undue punishment. **Lord Normanby declared that political offenders should not be treated as felons, and explained that O'Connor had suffered no personal indignities, had meat and wine at meals, wore his own dress, and had a prisoner to attend on him. Restrictions as to visitors and papers imposed by a local rule should be, and were, dispensed with at once.**

"That Anomalous Crime."

Another remarkable case was that of Mr. Vincent, in whose favour a petition was presented, signed by Hume, O'Connell, and other distinguished men. Observe that it was presented by Sergeant Talfourd, who had conducted two prosecutions against Vincent. The first was at Monmouth Assizes for having attended seditious meetings. The charge also included, said the learned Sergeant, "that anomalous crime, which he could not help thinking was a disgrace to the English law—he

meant the crime of Conspiracy, which might mean almost the highest offence that could be committed and the lowest and most venial." Vincent was acquitted of the latter, but convicted of the former offence. This conviction entailed no indignities; it was simple detention. But, as great political disturbances prevailed locally, he was removed from Monmouth Jail to Milbank, and there became subject to prison rules for common felons.

Against this treatment vehement protest was made. Sergeant Talfourd recalled the case of Sir Charles Wolsey, convicted of conspiracy, who was allowed to come out of Abington Jail and listen to the trials. (Similar instances have occurred in Paris.) Mr. Levett, proprietor of the *Statesman,* confined in Newgate, under the harshest sentence the judge could inflict, had a large room and his proof sheets sent to him; he enjoyed all conveniences consistent with detention. Sergeant Talfourd could not think it right that a change should be made silently and without the intervention of the Legislature. Mr. Duncombe pointed out that the Rev. Mr. Stephens lived in affluence in Chester Castle, with his family. The Government at once expressed regret, and promised to set matters right, and **to make reparation by remitting some part of the duration of the imprisonment.**

In 1844 O'Connell and his fellow-prisoners were treated like Cobbett and Hunt, and entertained their friends in prison, although their sentence had been harsh, and the Court so prejudiced and unfair, that the nine English Law Lords reversed the judgment on appeal.

Not less instructive than the English cases quoted are those other Irish cases where superior authority intervened to distinguish, to alter, and to improve the condition of prisoners technically confounded with ordinary criminals.

A Woman's Case.

One, a lady, Miss Aylward, was condemned to six months' imprisonment for Contempt of Court. The Lord Chief Justice Lefroy (1861), however, directed the Governor of Grangegorman Prison to allow her special rooms, her own physician, ample exercise, her domestic servant, and he left her free to provide what food she desired. Again, Mr. William Johnston, of Ballykilbeg, Grand Master of Orangemen, was sentenced to imprisonment (1868) for taking part in an illegal procession on July 12th; he was specially treated, and was allowed to see his friends daily. In like manner Lord Mayo stated in 1868 that the rules of Richmond Bridewell, Dublin, had been relaxed to allow the Press prisoners, sentenced for "seditious libel," to provide their own food, see their friends, and have any periodicals they desired—and this, though the Irish Attorney-General said their offence was of "deeper moral guilt" than the Treason-felony prisoners—yet even he approved the relaxation.

John Bright's Protest.

The case of the Fenian prisoners stands apart. Owing to the perturbed and prejudiced state of the public mind, they were treated with a rigour which contrasts cruelly with the *custodia honesta* of the Chartists—the ancient custom of the realm. There were, however, found distinguished English gentlemen to enter a vigorous protest. On May 3rd, 1867, John Bright startled the House of Commons by reading their petition. It was signed by Messrs. Richard Congreve, E. Truelove, E. S. Beesley, Frederick Harrison, T. H. Bridges, H. Crompton, S. H. Reynolds, C. A. Cookson, F. B. Barton, John Maughan, S. D. Williams.

The petitioners prayed the House to take measures to revise the sentences passed, which were of excessive

and irritating severity—to provide that such prisoners shall not be confined in common with ordinary criminals, and :—

> Lastly, your petitioners pray that the prisoners taken be well treated before trial, and judged and sentenced with as much leniency as is consistent with order, and that in the punishment awarded there be nothing of a degrading nature, as said punishments seem to your petitioners inapplicable to men whose cause and whose offence are alike free from dishonour, however misguided they may be as to the means they have adopted to attain that end.

Mr. Bright, having read the petition in full, added his own declaration of assent: "In the general spirit of that petition," he said, "I entirely agree."

The official defence was that a distinction was made between Fenian and common criminals, but a Royal Commission (1879) was appointed to investigate the matter, and **this Commission reported strongly in favour of complete separation.**

Prison Indignities.

The last struggle in Ireland between Constitutional Custom and innovating Jail rules occurred, in the case of the land-war prisoners, under the Crimes Act, 1887. There was a lamentable inequality between the sentences given by the older magistrates—learned lawyers—and men recently appointed, the former sentencing prisoners as first-class misdemeanants, the latter knowing only "imprisonment and hard labour."

This involved, among other indignities, the wearing of jail clothes, which was strongly resisted by some, but continuously enforced. Upon this I called public attention (November 25th, 1887) to certain historical facts—until then absolutely ignored. These were that **prison garments had not been introduced to add to the ignominy of prison life, as supposed, but as a benefaction to poor prisoners unable to clothe themselves. Hence to force such clothes on others willing and able to clothe themselves violated the**

original intent of the Georgian Prisons Act. As all the privileges of prisoners under the 109th Section of that Act were strictly preserved by the Victorian Act of 1877, which created the present system, the authorities were consequently exceeding their legal powers.* Mr. Balfour, referring to this statement, April, 1889, appointed a Committee, and the question of clothes was conceded.†

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* On January 5th, 1888, I called attention to the fact that the Prisons Act of 1856 (19 and 20 Vict., cap 58) specially exempted prisoners of one month and under from wearing prison clothes.

† The following is an extract from Mr. Balfour's Letter of Instructions, issued from the Irish Office, April, 1889 :—

"It has been pointed out that, as a matter of history, prison dress was originally intended as a benefit to the prisoner, and not as a punishment. It has further been held by some that, as the wearing of prison dress was not originally intended as a punishment, so it is not a kind of punishment that is capable of defence. Prison clothes are a positive benefit to the poor. They inflict no pain upon the hardened criminal, and the only person to whom they can under any circumstances be a punishment are those few exceptional individuals who happen to take the view that wearing the prison dress carries with it some disgrace over and above what is involved in the imprisonment itself. It has been objected to these views that to permit certain persons to wear their own clothes, while others are compelled to wear prison clothes, would be to draw a distinction between the punishments inflicted upon the rich and upon the poor. But if it be true that the wearing of the prison clothes is not and ought not to be considered a part of the punishment of imprisonment, this contention would fall to the ground." . . . The change was accordingly made in the Irish prisons, in part to avoid recognising the Land League prisoners as political prisoners entitled to the treatment sanctioned by constitutional custom. But even through this means grave scandals might be averted such as the feeding by coercion of those woman prisoners who refuse food as a protest against wearing prison apparel. Dickens, who declared the Philadelphian silent system to be "tampering with the mysteries of the brain" and "a secret punishment which slumbering humanity is not roused up to stay," would certainly have denounced this torture. The consequences to the health of such prisoners cannot fail in many cases to be serious, and perhaps Mr. Wakley's forecast of an inquest and verdict of manslaughter might yet be fulfilled.

What is a Political Offence?

Finally, I would call attention to the fact that an International Prison Conference was held in 1872, in the Hall of the Middle Temple, London. The Earl of Carnarvon was President. The Home Secretary (Mr. Bruce) welcomed the foreign visitors, and hoped the country "might learn something from their wide experience." The representative of the Italian Government, Count A. de Foresta, proposed that persons, guilty of offences not implying any great moral perversity, should be kept in simple detention, apart from common criminals. Dr. Marquardsen said the code adopted three years ago in Germany had recognised the principle—those assigned to *custodia honesta* were kept apart in a fortress or elsewhere and not obliged to work. All the foreign representatives present concurred, and the British manifestly assented, for the resolution was carried unanimously.

To the authorities cited, I may add that of Mr. James Bryce, then Professor of Civil Law at Oriel College, Oxford, now Ambassador at Washington, who wrote to me as follows in 1889 :—

> It is certainly not easy to find a satisfactory definition of a political offence, yet we all feel the difference between the ordinary criminal and those whose treatment you describe. Perhaps we may say that whenever the moral judgment of the community at large does not brand an offence as sordid and degrading, and does not feel the offence to be one which destroys its respect for the personal character of the prisoner, it may there be held that prison treatment ought to be different from that awarded to ordinary criminals. One reason for this view is that ordinary prison discipline is incomparably more severe and painful to the persons sentenced for offences of this nature than it is to the ordinary thief or forger. A sentence nominally the same is really much harsher.

The result of that unequal pressure has been too completely proved in the case of the Fenian prisoners, by an abnormal record of paralysis, insanity, and death.

It has been demonstrated, on authoritative testimony, that a distinction exists in principle between offences which are *mala in se* and those which are simply *mala prohibita*. It has been proved, by unquestionable evidence, that this distinction has been carried out in practice, and a chain of precedents show that simple detention—*custodia honesta*—has been accorded to those found guilty of the latter. **This, then, has been the Constitutional Custom of the Realm, as it is the authorised practice of civilised nations.**

Is it not superfluous to state that these authorities and these precedents apply with equal, if not with greater, force when the offenders are women? It is not necessary that we should concur in their views, or approve of their action; we may dissent from both; but, if a sense of equity survive, we must claim that, in accordance with constitutional precedent and the custom of civilised nations, they shall be accorded *custodia honesta*—the punishment of simple detention. **In a few years men will read with shame, as of some ineffable meanness, that honourable women were doomed to a felon's fate because of their political beliefs.**

GARDEN CITY PRESS LTD., LETCHWORTH, HERTS.

Women's Co-operative Guild.

DIVORCE LAW REFORM.

THE MAJORITY REPORT OF THE DIVORCE COMMISSION.

"Honest Liberty is the greatest Foe to dishonest Licence."—*Milton.*

ISSUED BY THE CENTRAL COMMITTEE.

SPRING SECTIONAL CONFERENCES, 1913.

To be obtained, price 1d., from the General Secretary, Women's Co-operative Guild, 66, Rosslyn Hill, London, N.W.

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Divorce Law Reform.

THE MAJORITY REPORT OF THE DIVORCE COMMISSION.

DIVORCE has been considered one of those subjects of which it was improper even to speak. No doubt healthy-minded persons instinctively turn from the reported proceedings of the Divorce Court, which are apt to be of a very squalid character. And those who rightly feel that delicacy and reserve should be observed as regards people's private affairs, are naturally inclined to leave such an intimate and personal matter alone.

But when we see so many lives damaged and ruined, it shows a lack of courage, sympathy, and common sense, if we do not consent to hear what is painful and disagreeable, and see what is best to be done.

The Royal Commission which has just reported, was appointed in 1909. It sat for nearly four years, taking evidence from magistrates and court missionaries, bishops and clergy, ladies and philanthropists, public officials and doctors, and others who work *among* the

people, but only in the evidence of the Women's Co-operative Guild were the views of the workers themselves directly heard.[1]

The Commission was unable to present a unanimous Report, and its views and recommendations are set out in what are called the Majority and Minority Reports. [For the names of the Commissioners, see Note I.]

It is a striking testimony to the way in which the democratic movement and the women's movement have made themselves felt, that though the Commissioners disagreed on the extended grounds for divorce, both the Majority Report, signed by nine Commissioners, and the Minority Report, signed by three Commissioners (an Archbishop and two ecclesiastical lawyers), agree in recommending equality of the sexes and equality of rich and poor before the law.

THE PRINCIPLE OF EQUALITY.

Equality of Men and Women.

The Majority Commissioners say "that nothing was more striking than the agreement amongst the great majority of witnesses in favour of equality of the sexes

(1) Since the publication of the Commission's Report, the following resolutions have been passed:—(1) by the Labour Party Conference, January, 1913—"That this Conference heartily welcomes the appearance of the Majority Report of the Divorce Commission, and demands early legislation in order to remedy the evils which the evidence has proved to exist;" and (2) by the Women's Labour League, Annual Conference, January 28th, 1913—"That this Conference welcomes the unanimous declaration of the Royal Commission on Divorce and Matrimonial Causes in favour of equality between the sexes, and endorses the proposals of the majority to extend the causes, cheapen the procedure, and limit the publicity of divorce At the same time, it regrets that the proposals for lessening the cost of procedure do not yet meet the case of those with small incomes; reaffirms its conviction that the right basis of marriage is mutual affection and respect, and urges that the recommendations of the Commission be so extended as to include the possibility of obtaining a dissolution of marriages in which this basis has been destroyed."

before the law." They point out that either a man *or a woman* may obtain a judicial separation for a single act of adultery; that in principle there is no reason why a different standard of morality should be applied; that women's position in other respects is increasingly becoming equal to men's, and that "it is impossible to maintain a different standard of morality in the marriage relation without creating the impression that justice is denied to women, an impression that must tend to lower the respect in which the marriage law is held by women."

In Scotland, the law already recognises equality, and the Scottish judge, Lord Salveson, said that he considered their law had conduced very much to the morality of the husband and the peace of families. "Our conclusion is," says the Majority Report, "that no satisfactory solution can be found except by placing husband and wife on an equal footing. It may be safely left to a woman to consider whether she will exercise her rights." The Minority Report on this point concurs with the Majority.

The only European countries in which equality is at present not recognised are the kingdom of Greece, and—England.

Equality of Rich and Poor.

The fact that divorces can only be obtained at the High Court sitting in London demonstrates, the Majority Commissioners remark, that there is practically one law for those who can afford to bring suits in the Divorce Court as now constituted in London, and another for those who cannot. They say "that there are two main aspects from which this question may be regarded: (1) that the whole movement of the epoch is in the direction of social equality, and that whatever remedies for wrongs which the law recognises are within the reach of the well-to-do should be placed by the State within the reach of the poorest in the land, so far as it is reasonably possible to do so; (2)

that the evidence brings into great prominence the greater needs of the poor than of the rich with regard to divorce."

The Majority Report proposes that in the districts corresponding substantially with the present circuits, eight or ten County Court judges should be appointed to hear cases once a year; that the joint income entitling persons to be heard at such Courts be not more than £300; that the parties must have resided within the district for a year. There is also a proceeding *in forma pauperis*, when all fees would be paid and a lawyer placed at the person's disposal, if desired. To secure these conditions, an application would be dealt with by the Registrar of the Court, with liberty to refer to the Judge, and the applicant must show position, earnings, &c., and produce a certificate of character.

As regards the administration of the law, there are two points which working women need specially to consider. Through our social custom of leaving married women without a penny of their own, they may be forced into taking advantage of the "poverty" proceedings, and be subjected to the indignity of begging a character from some person of position, whose judgment in such a case is not necessarily to be relied on.

Again, divorce cases being so closely connected with family affairs, the point of view of women and their technical experience, so to speak, of family life should be obtained by giving them some part in the administration of the law. The Central Committee of the Guild wish to propose that Women Assessors and Assistant Registrars should be appointed to assist the judge and registrar and advise in decisions as regards the children. Such women should have a knowledge of the law, and be wise and sympathetic counsellors whom those in difficulties would be glad to consult before taking proceedings.

PRESS REPORTS.

Both the Majority and Minority Reports agree in recommending great restrictions as regards the publication of divorce proceedings in the Press. [See Note V.]

THE ATTITUDE OF THE CHURCH.

The Minority Report represents the furthest point to which the Church of England will go along the path of reform. A section of the Church will not even accept equality and cheapening, and, if it could, would abolish the possibility of divorce altogether.

It will be seen, by reading the short history of divorce in Note II. at the end of the paper, that there has always been great difference of opinion amongst Churchmen as regards the interpretation of Christ's words, and eminent Christians of various schools of thought have been of opinion, in every period, that marriage could be dissolved. It is, therefore, impossible to hold that this view is un-Christian. Nor can any Church claim with truth that all marriages solemnised in church have been of persons "whom God hath joined together." For mutual love is the divine characteristic of marriage, social stability and a sacred form being given by legal and ecclesiastical ties.

It is interesting to note the religious and moral attitude of the Majority Commissioners, men and women of moderate views and with honoured names. They say, "In view of the conflict of opinion which has existed in all ages and in all branches of the Christian Church, among scholars and divines equally qualified to judge, and the fact that the State must deal with all its citizens, our contention is that we must proceed to recommend the Legislature to act upon an unfettered consideration as to what is best for the interests of the State, society, and morality,

and for that of parties to suits, and their families." And after close consideration of the mass of evidence, the Commissioners point out that "English laymen seem generally to base their views not on ecclesiastical tradition or sentiment, but upon general Christian principle, coupled with common sense and experience of the needs of life."

In accordance with this standpoint, the Majority Commissioners propose several additional grounds for divorce which are very similar, it will be recalled, to those suggested in the Guild evidence.

SUGGESTED GROUNDS FOR DIVORCE.

Adultery.

"This cause," the Majority Commissioners say, "has always, as far as we can trace it in history, been recognised as justifying the complainant in putting an end to the marriage tie."

Many cases are reported by Guild members in their evidence showing the need for the husband's unfaithfulness being made alone a ground for divorce. They describe open and persistent unfaithfulness on the part of men who bring other women even into their wives' homes making decent family life impossible, and also the terrible suffering caused to women who have been infected by disease.

The only two countries where divorce exists which do not make adultery alone a ground for a divorce equally on the part of men and women are England and Greece.

Desertion.

The next ground dealt with by the Commissioners is that of wilful desertion. Wilful desertion for two years is already a ground of judicial separation for either husband or wife.

It is obvious that desertion inflicts specially serious hardships on working people, as the cases given in the foot note * clearly show. Some people have, however, hesitated in accepting this ground for divorce, because of the possibility of the deserting person's return. But, with a preliminary period of separation, it is very unlikely after a break-up of the home that it would re-form, especially as desertion generally means that another man or woman is concerned.

The conclusion of the Majority Commissioners is that wilful desertion should be a ground of divorce, and that "in view of modern means of communication," the period of preliminary separation should be

* "The case I should like to mention is of a woman with four children, who lives not far from here. Her husband left her five years ago, for no apparent reason that she knows of, but she heard soon after that he had gone to America with another woman. Anyhow, she has neither seen nor heard of him since he went away. She had to go out to work. They had nothing to depend on only what she earned. The work was very hard, she had not been used to it, and after a few months she broke down, was ill in bed for weeks, and dependent on her neighbours for support. One child developed consumption, and she applied to the Guardians to grant her a small sum per week till her children got a little older. She went for her children's sake, but the questions they asked her were revolting and insulting. Finally, they told her they could not do anything till she sold part of her home. The proceeds of her furniture, they said, would keep them a few months longer. There was one alternative, she could go in the workhouse if she liked, but this she refused to do. All this happened three years ago, and the woman is still struggling for a bare existence."

A husband left his wife when she was still in bed after birth of first baby. He returned some time later, and then deserted her again. Through ill-health she is unable to work, and is living with another man, who is quite willing to marry, but she has got no money to get a divorce.

A wife left her husband, and went off with a lodger. Had had a child by a policeman prior to her marriage. Was last heard of in the neighbourhood of Leeds. Five years after the man married again, and has a family. Has often said he wished he had the means of getting a divorce. Always, and is still, a steady, industrious man.

three years. It will be for Guildswomen, if they accept this ground, to decide what period of preliminary separation they think should be legalised. The Central Committee have agreed to recommend two years. They think it a sufficiently long period to test the permanency of the desertion, and they know that women need protection from a man's return, as in a case reported to them of a man returning and selling up his wife's home, and going off with the money.

The refusal of conjugal rights for three years is accepted as a form of desertion.

Wilful desertion after a period of four years has been a ground in Scottish law for 400 years, and the Majority Commissioners say that it has remedied very serious grievances, and no abuse of the right appears to exist. It is also the law in nearly all European countries (after one year's separation in Germany) and in several of our Colonies.

Cruelty.

The Majority Commissioners say: "Many of the witnesses have referred to the effect of cruelty, and a large number of instances have been given. It seems shocking, for instance, that a woman is bound to remain the wife of a man who has been guilty of such gross cruelty to her that it is absolutely unsafe for her, as regards health or life, to continue to live with him. A remarkable instance of this is afforded in cases of men compelling their wives to prostitute themselves for the husband's maintenance, cases by no means uncommon." Again they say: "We can conceive no cause which more fully justifies an applicant for divorce than the communication of venereal disease." Guild members have reported cases where a woman, ill-used and kicked, has taken her husband back five times; of a diseased husband compelling co-habitation, resulting in deficient children; of excessive co-habitation regardless of the wife's health; of a man frightening his wife during pregnancy in order to bring on miscarriage, &c.

The Commissioners recommend that cruelty defined as follows should be a ground of divorce: "Cruelty is such conduct by one married person to the other party to the marriage as makes it unsafe, having regard to the risk of life, limb, or health, bodily or mental, for the latter to continue to live with the former."

It is obvious that physical cruelty may in some cases be less hard to bear than mental cruelty. Insulting and disgusting language, the belittling of the father or mother before the children, mad temper, entire lack of sympathy, and mental discord may utterly destroy the bond which alone makes marriage sacred. Such forms of cruelty would only be covered by making grave discordance a ground for divorce, and it is very desirable that the question of adding this to the other proposed grounds should be seriously considered by thoughtful men and women.

Cruelty is a ground of divorce in practically every European country, and in parts of Australia.

Incurable Insanity.*

The Commission, after taking distinguished medical evidence, suggest that incurable insanity, after five years' continuous confinement, and safeguarded by restrictions as regards age, medical enquiry, evidence, &c., should be a ground of divorce. In taking each other "for better, for worse," the Commissioners say: "Persons marrying cannot reasonably be supposed to contemplate the continuance of the relationship

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* Cases reported to the Guild:—A man has had his wife in asylum 30 years. This man went through the form of marriage with a woman much younger than himself, and now there is a second family, and the woman does not know her husband had a previous wife living.

A man's wife has been in the county asylum for 16 years. The man is a good tradesman and steady, and but for the exception of living with a woman who is not his wife, is otherwise a moral man.

A husband has been in asylum many years, and there is no hope of recovery. The wife has had several offers of marriage.

becoming impossible. In cases of incurable insanity the married relationship has ended as if the unfortunate insane person were dead, and the objects for which it was formed have become thenceforward wholly frustrated. . . . We have given anxious consideration to this important subject, and we are satisfied that it will be to the interests of the parties affected by cases of lunacy, to the interests of their children, the State, and morality, that insanity should be introduced as a ground, subject to limitations." In reply to the suggestion that the recovery of an insane person might be prejudicially affected, the Commissioners say that the recommendation of a long time limit would remove any apprehension to those whose confinement was short or had reasonable prospect of recovery. In discussing this ground in particular, it should always be remembered that it is only proposed to make divorce *possible*. To many persons there would be no question of re-marriage, any more than there would be after death.

Insanity is a ground for divorce in Germany, Norway, Sweden, Switzerland (in these four countries, after three years' duration and incurable), in New Zealand (10 years), Denmark, and Russia.

Habitual Drunkenness.

The Majority Commissioners say: "It seems probable, from the evidence given before us, that habitual drunkenness produces as much, if not more, misery for the sober partner and the children of a marriage as any other cause in the list of grave causes. Such inebriety carries with it loss of interest in surroundings, loss of self-respect, neglect of duty, personal uncleanliness, neglect of children, violence, delusions of suspicion, a tendency to indecent behaviour, and a general state which makes companionship impossible. This applies to both sexes, but in the case of a drunken husband the physical pain of brute force is often added to the mental and moral injury

he inflicts upon his wife. Moreover, by neglect of business and wanton expenditure he has power to reduce himself and those dependent on him to penury. In the case of a drunken wife, neglect of home duties and of the care of the children, waste of means, pawning and selling possessions, and many attendant evils, produce a most deplorable state of things. In both cases the ruin of the children can be traced to the evil parental example."

They recommend a separation order for two years on the ground of habitual drunkenness, and that during that period the Court should have power to compel a drunkard to submit himself or herself to treatment or control for the two years, and if these are ineffective, treatment or detention may be ordered for another year; and if, after this, drunkenness proves to be incurable, then it should be made a ground of divorce.

It is a ground in Sweden, New Zealand, New South Wales, and Victoria, and in certain other countries the provisions of their laws as to separation followed by divorce may practically cover this ground.

Commuted Death Sentence.

The Majority Commissioners say that they consider imprisonment should not be a ground, except when a a prisoner has been condemned to death and the sentence has been commuted to that of penal servitude for life.

EFFECT OF MAJORITY REFORMS.

"So far," say the Majority Commissioners, "from such reforms as we recommend tending to lower the standard of morality and regard for the sanctity of the marriage tie, we consider that reform is necessary in the interests of morality as well as in the interest of justice and in the general interests of society and the State."

MUTUAL CONSENT AND GRAVE DISCORDANCE.

The Commissioners say: "Some persons consider mutual consent as the only solution of the difficulties of married life under the conditions of modern civilisation; and divorce at the will of one party, subject to suitable restrictions, has even been advocated by others. These suggestions have met with little support from any of the numerous witnesses who have been called before us, and are not likely to meet with any substantial support at the present day in England.

"Unconquerable aversion, or what is termed incompatibility of temper, receives support from some writers and from some evidence, and is to be found in some foreign laws. It is said by some that in this country attention is too exclusively directed to physical grievances, that consideration of the psychical side of the married relationship is neglected, and that incompatibility may produce almost as much hardship as physical acts. It is enough to say that satisfactory definition is practicable in the one case, whereas in the other it is impossible for any Court to separate incompatibility from mutual consent.

"Accordingly we do not recommend these two causes as grounds of divorce."

It will be seen that the Commissioners produce no arguments against mutual consent and unconquerable aversion being included as grounds, and in another part of the report express views which support their reasonableness. They say "that divorce is not a disease, but a remedy for a disease; that homes are not broken up by a court but by causes to which we have already sufficiently referred; and that the law should be such as would give relief where serious causes intervene which are generally and properly recognised as leading to the break-up of married life. If a reasonable law, based upon human

needs, be adopted, we think that the standard of morality will be raised, and regard for the sanctity of marriage increased." And their general conclusion is that divorce should be allowed on "adequate grounds of human needs."

These sentences imply that divorce should not be looked on as a punishment, entailing proof of definite offences, but rather as a remedy for a terrible misfortune. And, surely no one would deny that mental cruelty and discordance may be "serious causes" and produce as much misery and be as destructive of joint spiritual companionship as, say, drunkenness or physical cruelty?

Grave discordance as a ground for divorce has already been referred to. It would, however, be meeting the needs of many cases if mutual consent were made a ground, as the Central Committee recommends, the State would be giving the chance of repairing a great disaster in a decent and civilised way, without public dissection of delicate and private matters, and without the degradation of obtaining proofs. It is also the only ground which places women on a really equal footing with men as regards adultery and cruelty, on account of the difficulty of obtaining proof.

From the experience of other countries we see there is no need to fear social degeneration if we admit this cause.*

*M. Castberg (the leading minister in Norway) writes:—"The Norwegian Law, with its easy admission to divorce, does not work as a temptation to levity. It gives either party a stronger feeling of self-respect that is a guarantee and safeguard to the morality and happiness of the marriage. It is also proved that divorces are fewer in Norway compared to other countries."

An Englishwoman writing from Switzerland says:—"I have lived in Switzerland for seven years, and can only say that here, where divorce can be obtained by mutual consent, morality is generally speaking on a high level, and the home and family are as respected pillars of society as they can possibly be in England. Divorce is comparatively rare."

In Norway there has been divorce by mutual consent for over 100 years, and the recent law makes divorce possible after two years' separation if one party desires it, and after one year if both desire it.

Mutual consent and unconquerable aversion exist as causes in some form in Austria, Sweden, Belgium, the Netherlands, Portugal, Switzerland.

If English public opinion is not yet ripe for legislation in accordance with this view, is it not time that all of those who take their stand on the fact that marriage is destroyed when mutual love is dead should try and educate public opinion, so that where married life has become a mockery, and the inner grace dead, there should be the possibility of release from the merely outward and visible bond? The duty of the State is to foster the love and respect between man and woman and responsibility towards their children, and to uphold the ideal of marriage. If public opinion is encouraged by our law to respect a sham, some of the noblest possibilities of human life are degraded. Can it be for anyone's benefit that the law should insist on people living together who desire to part, as long as it safeguards the children's interests?

CENTRAL COMMITTEE'S RECOMMENDATIONS.

The following are the reforms suggested by the Central Committee:—

The recommendations of the Majority Report, with the following alterations and additions: –

Causes:—Desertion after two (instead of three) years.

Mutual Consent, after two years' separation.

Administration:– Appointment of Women Assessors and Assistant Registrars.

REASONABLE HOPES.

Those who hold that marriage is indissoluble, or that it should be confined to the one cause existing in England, are apparently able to persuade themselves that they are upholding the sanctity of marriage, protecting the womanhood of the nation, preserving the happy homes of England, and saving society from disruption.

Such persons take on themselves a very heavy responsibility. In effect they say: Better that a woman should live in terror of brutality, that her body should cease to be her own to control, that she should remain with a husband who has been living on his wife's prostitution—better that disease should bring corruption to women and children, that children should be born unwelcomed, that their opening natures should be warped in a dark and joyless atmosphere—better that a loveless marriage made from ignoble motives or where the true character of a man or woman has been hidden, should be perpetuated—better that the mind and will should be enfeebled and destroyed by tyranny—better that the respect for the law should be undermined and extra-legal connections be commonly accepted – better that an endless and lonely struggle should be enforced when the opportunity is present for companionship and a happy home life—better that there should be thousands of "separated" men and women "in the un-defined and dangerous character of wives without husbands and husbands without wives"—better all these things and no chance of escape from them, than that the law should make divorce possible when mutual love is dead.

It does not follow that because failures in marriage are more numerous and in need of relief than is generally known, that we must distrust human nature as a whole, and imagine that it is only the law which is holding husbands and wives together and preventing the break-up of family life. Such a fear is unjustified,

and shows a misunderstanding of the forces which really bind Society together, and places a false estimate on the strength of human ties.

There is no doubt a minority of men and women who would take advantage of divorce in a selfish and light way. But it should be remembered that the conduct of such people is base and deceptive now, and that one of the strongest arguments for the possibility of divorce is that it would tend to the reduction of immorality and the cleansing of hidden and poisonous conditions of life.

And we need not be alarmed by the increase in the number of divorces which will undoubtedly take place when the law is changed as we propose. It would mean that the need for release, which our evidence showed to exist, was being met. It would mean too that women were awakening to a higher self-respect, and a courageous conviction that their children should be born and brought up in love. In this connection the difficulty of married women supporting themselves is a serious problem. But the spiritual view of marriage makes it impossible to look on marriage as nothing but a material bargain. Women are beginning to see that they must not allow the need for money to lead them to consent to degrading conditions. Feeling this, they will demand a solution of their dependent position. Meanwhile, we can at least reverence the woman who faces poverty and work outside her home rather than degrade her womanhood and sacrifice her children.

The fear that men will go off and leave their wives to support themselves has caused many people to think that any relaxation of the marriage bond must be to a woman's disadvantage. But in America it is women, not men, who apply for divorce in by far the largest number of cases. And in our own experience, after separation orders, we find men coming to their wives' doors and desiring to be taken back.

Not only can we dismiss these fears of lessening respect for marriage, but reasons can be given for believing that the possibility of divorce will tend to raise the moral standard of marriage. Shall we not be more truly respecting marriage by offering the possibility of undoing the formal and exterior bond when the inner spiritual reality is already dead? "Marriage is more broken by a grievous continuance than a needful divorce." By upholding as moral and respectable "a grievous continuance," we are publicly lowering the whole ideal of marriage.

The possibility of divorce would also act as a protection to married life. It would be a stimulus to considerate behaviour, and so tend to increase the happiness and stability of marriage. Immorality would be lessened, and the dignity and self-respect of women would be raised.

In these ways the reform of the divorce law will help to create conditions necessary to the higher ideal of marriage, in which mutual love, equality, and responsible freedom are the fundamental characteristics. Husbands and wives will become equal and beloved companions, the joyful parents of children and the "makers of homes where shall flourish forth the vigour and spirit of all public enterprise."

NOTES.

I.—THE COMMISSIONERS.

The Commissioners who signed the *Majority Report* are as follows:—

Lord Gorrell (*Chairman*), formerly Judge of the Probate, Divorce, and Admiralty Court.

Lady Frances Balfour.

The Right Hon. Thomas Burt, M.P., Secretary of the Northumberland Miners' Union.

Lord Guthrie, a Scottish Judge.

Sir Frederick Treves, the well-known surgeon.

Mr. H. Tindal-Atkinson, County Court Judge.

Mrs. H. J. Tennant, formerly Head of the Women Factory Inspectors' Department.

Mr. Edgar Brierley, Stipendiary Magistrate, Manchester.

Mr. J. A. Spender, Editor of the *Westminster Gazette*.

The Commissioners who signed the *Minority Report* are:—

The Archbishop of York.

Sir William R. Anson, M.P., a distinguished ecclesiastical lawyer.

Sir Lewis T. Dibdin, Judge of the Arches Court of Canterbury (an ecclesiastical court).

II.—HISTORY OF DIVORCE.

In an Appendix to the Report, a summarised history of the law in practice as regards divorce is given. It is shown to have been in force among Greeks, Romans, and Jews. In the Christian Churches, the views held from the earliest times have differed greatly, and the New Testament passages on the subject have been interpreted in the most varied ways by eminent theological thinkers who gave evidence before the Commission.

The first four centuries of the Christian era were a period of indecision and uncertainty as to the principles that should govern the dissolution of marriage. Church Councils and great ecclesiastics, like St. Jerome, St. Chrysostom, and St. Augustine, differed from each other. Although gradually the opinion that marriage was indissoluble came to be the recognised official Church view in the Western Church,* the practice in the Church was inconsistent with the principles laid down.

In manuals called "Penitentials," which was designed for the guidance of priests in their daily ministrations, great laxity was allowed up to the ninth century. The wife could be divorced for adultery, desertion, and divorce was also given for the husband's imprisonment, and if either party were captured in war.

With the growth of the Canon Law (a system of jurisprudence containing the utterances of Popes and Fathers, and decrees of Church Councils), all absolute divorce was theoretically abolished. Judicial separation only was allowed for adultery, heresy and apostasy, and cruelty, and the Church began to assume control of divorce procedure, which had hitherto been a private transaction.

At the same time, while divorce was nominally prohibited, the practice of annulling marriages from different causes became very common. For example, the table of affinities was extended to such an extent, and included "spiritual affinity" between godparents, &c., so that practically any marriage could be dissolved by the fiction that it was null and void because the contracting parties came within the prohibited relationships.

At the beginning of the 16th century, it might be said that for a consideration a canonical flaw could be found in almost any marriage. "The annulling of marriages became a flourishing business of the Church. No exercise of its powers yielded more money or caused more scandal."

At the Reformation, in the 16th century, Henry VIII.'s Statutes abolished the Papal authority in England in all matters, including marriage and divorce. The Great Reformers held that marriage could be dissolved, though there was much

* In the Eastern Church, which separated off in the 11th Century, divorce has always been accepted for a number of causes.

diversity of opinion as to the grounds of dissolution. Luther and Beza admit adultery and desertion, and these causes were incorporated into the Scottish law at this period.

In England a Commission, over which Archbishop Cranmer presided, reported in favour of a draft code, which would have allowed adultery (equally for men and women), desertion after two years, long absence of the husband, and "constant perverseness or fierceness of a husband towards a wife." Also a husband, if he could be found, was to support the illegitimate child, and separation without divorce was said to be "contrary to holy scripture, involving the greatest confusion, and introducing an accumulation of evils into matrimony." The death of Edward VI. in 1553, and the return under Mary, by whom Cranmer was burnt, to Roman Catholicism, prevented the enactment of this code, and under Elizabeth the indissolubility of marriage was reasserted in the Canons of the Church.

Judicial separation was granted by ecclesiastical courts, but not divorce. In practice, however, neither the State nor the Church considered that marriage was indissoluble. The ecclesiastical judicial separation could be turned into divorce by Act of Parliament by those with sufficient money and influence. The Church knew that the judicial separation decrees would be used for this purpose, but did not therefore refuse them.

Throughout this time there were, however, eminent divines, such as Bishop Hall, of Norwich, and Jeremy Taylor, who held that marriage was dissoluble, and Milton's great treatise on divorce upheld this view.

In England, the refusal of divorce, except by Acts of Parliament, continued for two centuries, until the present divorce law was framed in 1857. Archbishop Sumner, of Canterbury, and Bishop Tait, of London, both supported this reform, and the law has remained practically the same up to the present day.

III.—PRESENT ENGLISH AND SCOTTISH LAW.

The law in *England* is as follows: Divorce is granted (*a*) to the husband for adultery alone on the part of the wife; (*b*) to the wife for adultery, if coupled with desertion (after two years) and cruelty.

Mutual unfaithfulness debars divorce.

In *Scotland* the causes for divorce have remained unaltered since the Reformation. They are the same for both husband and wife, and are (1) adultery, and (2) malicious desertion after four years. There has been no movement in favour of greater restriction, and no abuses of the causes is reported.

Mutual unfaithfulness does *not* debar divorce.

IV.—DIVORCE IN AMERICA.

In the United States, there is not one Divorce Law for the whole country, but each State makes its own law. There is considerable difference in the laws of the various States, and the grounds "vary from that of adultery," which is the sole cause in the State of New York, to "causes deemed sufficient by the court," in the State of Washington; while one State, South Carolina, does not allow divorce at all. Adultery is a cause in every State (except South Carolina), desertion in every State except 4, cruelty in 36 States, and imprisonment in 41 States. All these causes, with others, such as mutual consent, unconquerable aversion, and grave indignities, exist in most European countries.

A distinguished American lawyer, Mr. J. Arthur Barratt, one of the Counsel to the United States Embassy in London, gave evidence before the Commission showing that there is no greater proportional increase in the number of divorces in States allowing many causes than in those where causes are few. In Connecticut, for example, where eight causes are in force, there has been an actual decrease since 1887 in the number of divorces to the population, while in New York State, where only one cause is allowed, there has been a large increase. But the number of divorces in the United States has always been considerably greater than in European countries. It must be remembered, however, that in the Southern States 50 to 90 per cent of the divorces occur among the coloured population (a legacy of slave morality). A statement that one in 12 of the marriages in America are dissolved, is entirely unfounded, because the record of marriages in the United States is most incomplete. In many parts of America the formalities we associate with marriages are not legally necessary, and this "easy marriage" is more likely to lead to a light regard for marriage than the possibility of divorce is.

Throughout the world there has been an increase in the number of divorces in proportion to population, and it is

necessary to give careful thought to the subject and to be acquainted with facts before hastily concluding that divorces imply a low state of morality and a light view of marriage. This superficial view is accepted by the Minority Report, and America is held up as an awful example. The Minority Commissioners say that "the actual facts (about American divorce) are not so well known as they ought to be," and proceed to give what we must suppose is thought to be a fair and conscientious statement of them. It can only be said that "the actual facts," even after the report of the Minority Commissioners, are not "as well known as they ought to be." They say the state of things in America is described as "grave and menacing," and is said to be "regarded by most Americans with profound regret and alarm."

Now the only opinions in support of this attack given by the Minority Commissioners are those of Mr. Roosevelt (about whom American opinion is sharply divided) and Dr. Samuel Dike, the corresponding secretary of "The National League for the Protection of the Family," the object of which is "to protect the institution of the family, especially as affected by existing evils relating to marriage and divorce.

It is indicative of the spirit in which the Minority Report is written that the striking and complete evidence of two United States lawyers with great experience of divorce law in both America and England is practically ignored.

There is also the evidence of twenty-eight Presidents of Bar Associations and Judges throughout the United States, of whom twenty-one say that there is no general public desire for a change of the law, and the majority of them express the opinion that those laws do not lead to disrespect of the marriage tie. Their view is entirely corroborated by Professor Bryce, the present British Ambassador to the United States, who says: "Indeed, so far from holding that marriages are more frequently unhappy in the United States than in Western Europe, most persons who know both countries hold the opposite to be the case. *On the whole, therefore, there seems no grounds for concluding that the increase of divorce in America necessarily points to a decline in the standard of domestic morality, except perhaps in a small section of the wealthy classes.* But it must be admitted that if this increase should continue, it may tend to induce such a decline. The same conclusion may well be true regarding the greater frequency of divorce all over the world."

Again, Commissioner Wright, who assisted in preparing the United States Census Report, says: "I do not believe that divorce is a menace to the purity and sacredness of the family; but I do believe that it is a menace to the informal brutality of whatever name, and be it crude or refined, which makes a hell of the holiest human relations. I believe the divorce movement finds its impetus outside all laws, outside all our institutions, and outside of our theology."

Mr. Newton Crane, one of the United States lawyers referred to above, and an Anglican Churchman, said in his evidence, "That the prevalence of divorce did not indicate any greater laxity in the state of morality than in this country, and that from his own observation the standard of sexual morality was higher in America than in England."

In his evidence Mr. J. Arthur Barratt says: "I think also another cause of the large number of divorces in the United States is to be found in the fact that many of the divorces are procured by wives of emigrants who have tolerated ill-treatment in a foreign home, but find that American women do not tolerate such treatment . . . I think also that native born women of the working class in the United States insist upon and procure more considerate treatment than amongst the same class in Europe, and are more sensitive to ill-treatment or cruelty, and are therefore more ready to procure a divorce on that ground. I am convinced from an observation of family life on both sides of the Atlantic, that such divorces do not produce a decline in morality in the United States as compared with Europe, and I think the comparative cheapness of divorce has no such tendency, but on the contrary is the direct means of avoiding a great deal of immorality, which from poor persons being able to procure a divorce on the ground of expense, would exist by their living openly and improperly with others rather than go to the expense of divorce" The evidence of workers amongst the American poor agree with this view.

Mr. Barratt also writes: "It is a remarkable fact that the countries which deny divorce are not those in which women are held in the highest esteem. Of all countries in the world America is the one in which women have the greatest freedom, and in which the greatest respect and consideration is shown to them in married life. And yet it is here that we have the greatest

proportion of divorce, and it is not too much to say that it is the operation of the American Divorce Laws which has tended to maintain there a high standard of marital conduct, for the very reason that power has been given to woman, *if she chooses*, to have the relation dissolved when the husband's actions fall below the high standard of marital conduct, which has always been required from the man in that country from the earliest days."

From an article published by the American correspondent of the London "Times," on December 27th, 1912, *it is conclusively shown that the bulk of American opinion is entirely against the narrow view expressed by the Minority, and in favour of the recommendations of the Majority Report:* "In spite of the confidence with which the Minority Report of the Divorce Commission adduced American opinion as well as American experience to support its conclusions, transatlantic comment, as far as it has become articulate, sides strongly with the Majority. Even the "*Outlook*," *in the direction of whose policies Mr. Roosevelt has great influence*, and which, *originally a Church organ*, still pursues its Liberalism in the Gladstonian manner, states that it *agrees without any qualification with the fundamental proposition of the Majority of the Commission.* The "Boston Telegraph," and the "Evening Post," both of which Americans are fond of citing as conspicuous examples of journalistic conservatism and sanity, take equally strong lines. The "Boston Telegraph" praises the Majority Report for showing 'just that same thoughtful, well-considered temper—courageous innovation governed by due caution—which the jurists of the world have long and rightly been accustomed to expect from the law-makers of England'; and attacks the Minority for the way in which it thinks they have been actuated during the hearing, and in the formulation of their Report, by the fallacy that the absence of demand for divorce among the poor was due to some other cause than the knowledge that divorce was beyond their reach. The "Evening Post" notes with approval the concurrence of the Minority in the neccessity for certain changes and improvements in the English marriage laws, but thinks that the Minority do not go far enough. Their attitude over insanity, for instance, partakes to its mind of the nature of a quibble. Nor does it believe that the adoption of the Majority Report would lead to a flood of scandalous divorces. Like the "New York Times," it quotes in this connection Dr. Dike, the corresponding Secretary of the League for the Protection of the Family, whom

the Minority Report cites in substantially the opposite sense, to the effect that at first there would be an increase in English divorces, but that very soon the number would settle back to little above what it is now. That would imply that the remedying of a few cases of flagrant injustice would not seriously affect the general English opinion on the sanctity of marriage. So much for the representatives of the more enlightened Press . . . . On the other side there is of course the clerical view, and what seems at present to be a very small minority of conservative lay opinion."

The following is an example of the way in which the Minority Report has dealt with American facts: It quotes three witnesses only who say that "conjugal fidelity is greater and desertion less frequent in South Carolina than in other States." But the Minority Report does not mention that one of them says it is "a matter of individual opinion," nor the words of another American who was President of the Commission on Uniform State Laws, who says "that it is not surprising that the denial of absolute divorce has had its natural corollary in South Carolina in a law limiting the amount of property a man having lawful issue, may leave to his mistress or illegitimate issue." Nor is another member of the same Commission mentioned who says that he thinks this law results from the fact that the State has been "driven by the prohibition of divorce to recognise to a certain extent illegal unions," and that after residence in both, he thinks that the general standard of morality in States where divorce is almost unknown is "not quite as high as in a State where divorce is easy."

In 1906 a National Divorce Congress of representatives from the various States was summoned with a view to considering the number of divorces and the desirability of a universal law in America. The Congress drafted a Model Divorce Law, which includes the following grounds for divorce; (*a*) adultery; (*b*) bigamy; (*c*) imprisonment for two years; (*d*) extreme cruelty; (*e*) wilful desertion for two years; (*f*) habitual drunkenness for two years. Several States have adopted this law.

V.—PRESS REPORTS.

The recommendations as regards the publication of Reports of Divorce Cases are:—

1. That a judge hearing a case should have power to close the court for the whole or part of a case if the interests of decency, morality, humanity, or justice so require.

2. That there should be no publication of a report of a case till after it is finished, and that the judge shall have power to prohibit any report of any part of the case which is unsuitable for publication in the interests of decency or morality.

3. That publication of pictorial representations should be forbidden.

VI.—SEPARATION AND MAINTENANCE ORDERS.

The recommendations with regard to Separation and Maintenance Orders made by Courts of Summary Jurisdiction are: —

1. Separation Orders should be given for cruelty and habitual drunkenness.

2. Maintenance Orders should be given for desertion and refusal to maintain.

3. That no Separation Order should last for more than two years.

4. That if a permanent order becomes necessary, it should come before the Superior Court, which could make an order either for divorce or for permanent judicial separation.

VII.—NULLITY DECREES.

The recommendations as regards a decree of Nullity (declaring a marriage to be no marriage) are:—

1. Insanity at the time of marriage, or within six months afterwards.

2. Epilepsy, or recurrent insanity, before marriage, where such fact has been concealed.

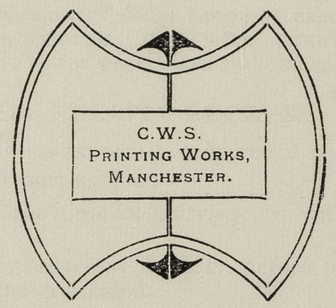
3. Venereal disease at the time of marriage.

In all cases the husband or wife must have been ignorant at the time of marriage, must bring the suit within one year of the marriage, and must have had no marital intercourse after the defect was discovered.

VIII.—SUPPLEMENTARY OPINIONS.

Mrs. H. J. Tennant appends a note to the Majority Report, in which she says she is unable to agree to the ground of habitual drunkenness, and considers that where drunkenness is proved to be dangerous to others, it would be covered by the ground of cruelty.

Mr. J. A. Spender submits in notes that he is in favour of the following: Desertion after two years; all sentences of five years' imprisonment; the conversion of a decree of separation into divorce after two years.



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A BRIEF REVIEW

. . of the . .

Women's Suffrage Movement

SINCE ITS BEGINNING

in

1832.

[April, 1911.]

HISTORY OF THE WOMEN'S SUFFRAGE MOVEMENT IN PARLIAMENT.

In **1832,** the word "male" introduced into the Reform Act (before "person") restricted the Parliamentary franchise to men, and debarred women from its use.

In **1850,** Lord Brougham's Act came into operation, which ruled that, in English law, **the word "man" shall always include "woman unless the contrary is expressly stated."**

In **1867,** John Stuart Mill moved an amendment to the Representation of the People Bill (Clause 4), to leave out the word "man" and substitute "people." This amendment was lost by a majority of 126.

[In **1868,** the judges in the Chorlton v. Lings case ruled that in the case of the Parliamentary franchise, **the word "man" does not include "woman"**]

Since 1869, Bills and Resolutions have been constantly before the House of Commons. Debates took place in 1870 (twice), 1871, 1872, 1873, 1875, 1876, 1877, 1878, 1879, 1883, 1884, 1886, 1892, 1897, 1904, 1905, 1908 (twice), 1910.

During the years when there was no debate on Women's Suffrage, it will be found that the supporters of the movement were either unable to secure a day, or their day was taken by Government business, or by holidays, or the bill or resolution was blocked, or postponed, or crowded out.

Altogether, besides resolutions,

TWELVE BILLS

have been introduced into the House of Commons, and

SIX PASSED THEIR SECOND READING,

i.e., in the years 1870, 1886, 1897, 1908, 1909, 1910. There has been a

MAJORITY IN THE HOUSE OF COMMONS

declared in favour of Women's Suffrage

SINCE 1886.

Formation of a Suffrage Party.

In **1910,** for the first time, a **Women's Suffrage Party** was formed in the House of Commons. Its members were drawn from all parties, Liberal, Unionist, Nationalist, and Labour. Its Chairman was Lord Lytton, and Secretary, Mr. H. N. Brailsford. Its object was to draw up a Bill which should be accepted as a satisfactory compromise by all the political parties. Broadly speaking, the Bill was drafted on lines which enfranchised women occupiers (about one million women). Under this title, the Bill, popularly known as the

"CONCILIATION BILL,"

was introduced into the House of Commons by Mr. Shackleton. Two days of Government time were allotted to it, and on July 13th, 1910, it passed its Second Reading by a

MAJORITY OF 110,

a larger majority than the Government got for any of its measures, including the Budget.

The Bill was referred to a Committee of the Whole House, but Mr. Asquith refused to give time for the further stages necessary for its passage into law, and Parliament dissolved in November, 1910.

In the new Parliament, Sir George Kemp (N.W. Manchester) obtained first place in the ballot, and introduced a Women's Suffrage Bill. Drawn up by the "Conciliation Committee," it is nearly the same Bill as that introduced by Mr. Shackleton; but it has been given a more general title, leaving it open to amendment. The Second Reading of this Bill has been fixed for May 5th, 1911.

HISTORY OF THE AGITATION IN THE COUNTRY.

The first Women's Suffrage Societies were founded in Manchester, in London, and in Edinburgh, in **1867**, and in Bristol and in Birmingham, in **1868.**

These united to form the National Union of Women's Suffrage Societies.

This Union has grown into a large and powerful body, its progress during the last two years being especially remarkable.

In January, 1909, there were 70 affiliated societies;
In January, 1911, there were 204 affiliated societies;
And new societies are now being formed every week.

Increase in individual membership has been equally remarkable.

In January, 1909, there were 13,161 members;
In January, 1911, there were 23,376 members.

Societies of the National Union are now, therefore, in existence in all parts of Great Britain. Some of them work in a considerable number of Parliamentary constituencies, e.g.:—

London W.S. Soc.	(4,000	members)	works in	70	constituencies.
Manchester	,, (over 600	members)	,,	12	,,
Birmingham	,, (700	,,)	,,	11	,,
Glasgow	,, (550	,,)	,,	10	,,
Liverpool	,, (600	,,)	,,	9	,,
Edinburgh	,, (over 800	,,)	,,	7	,,
Brighton	,, (500	,,)	,,	7	,,

Many other societies such as Bristol, Nottingham, Leeds, Cardiff, Newcastle, etc., etc., work in four, five, or six constituencies. The National Union, in fact, takes part in all general and by-elections, and regards this part of its work as the most important it has to do, both as propaganda and as a means of bringing pressure to bear upon the Government. Its election policy is to

OPPOSE ITS ENEMIES AND SUPPORT ITS FRIENDS,

and in carrying out this policy it

DISREGARDS ALL PARTIES.

For the purposes of its peaceful propaganda, whether by Public Meetings, Petitions, or other constitutional forms of agitation, the N.U.W.S.S. has, during the past year (1910), alone, raised considerably over

£20,000.

Very large sums have also been raised by other Suffrage Societies, working on different lines.

The N.U.W.S.S. has employed the money it has raised, and the services also of thousands of voluntary workers, in an agitation conducted on perfectly constitutional lines. It has organised meetings and demonstrations, collected signatures to petitions, and by deputations and other means, pressed the question of Women's Suffrage upon the notice both of the Government, of private Members of Parliament, and of candidates for Parliament.

Petitions.

In 1832, Mary Smith of Stramore, Yorkshire, petitioned Parliament for a measure of Women's Suffrage.

In 1851, Lord Carlisle presented a petition to the House of Lords.

In 1866, John Stuart Mill presented to the House of Commons a petition signed by 1,500 women. These signatures were collected in a fortnight.

Since then, petitions and appeals have been presented in extraordinary numbers on behalf of Women's Suffrage.

Between 1851 and 1905,

1,747 PETITIONS

have been presented to the House of Commons, containing

486,747 NAMES.

These have included petitions signed by—

33,184 men textile workers of Yorkshire,
29,300 ,, ,, ,, Lancashire,
4,300 ,, ,, ,, Cheshire,
8,600 tailoresses of the West Riding of Yorkshire,
8,000 working-women of Rossendale, Lancashire,
1,530 Women Graduates,
600 Women members of Local Governing bodies,
538 (out of 553) Women Doctors.

To these must be added an Appeal signed in 1896, by

257,000 WOMEN.

And in 1906, a Declaration signed by **52,000 Women,** chiefly professional and working-women.

In 1909 and 1910, petitions were presented, signed by over

280,000 MEN,

who were all

PARLIAMENTARY VOTERS.

Of these the most remarkable were :—

Barnsley	7,550
Blackburn	6,463
Radcliffe-cum-Farnworth	4,672
Newcastle-on-Tyne	4,500
Portsmouth	4,103

Most striking of all, perhaps, was the petition sent up from the Attercliffe division of Sheffield, at a by-election in May, 1909, which was signed by **5,020 Voters,** while the total poll of the successful candidate was only **3,521 votes.**

To obtain these signatures, work was done in only 250 constituencies, and even in these nothing approaching to a complete canvass could be attempted, owing to the enormous number of workers who would have been required for the work. In most cases, the signatures were obtained on polling-day, by women standing outside the polling-stations and asking the voters to sign as they came out.

In **1911** (February), 1,800 men (electors) of the University of London signed a Memorial to the Prime Minister protesting against the exclusion of women members of the University from the Parliamentary franchise.

———

Since from this enormous mass of petitions, declarations, memorials, and appeals, the number of whose signatures, by men and women, amounts to

OVER ONE MILLION NAMES,

no measure at all of Women's Suffrage has resulted, the N.U.W.S.S. holds that the value of such petitions has been shown to be very small, and has recently therefore turned its attention to other methods of bringing pressure to bear on the Government.

Public Meetings and Demonstrations.

These have been organised in great numbers. For example :—

In February, 1907, 3,000 women marched in procession in London, from Hyde Park to Exeter Hall.

In October, 1907, 3,000 women marched in procession through Edinburgh.

In October, 1907, 2,000 women marched in procession through Manchester.

In June, 1908, 15,000 women marched in procession in London, from the Embankment to the Albert Hall.

Peaceful demonstrations were also held by other Women's Suffrage Societies.

Public Meetings have been held all over the country by all the Suffrage Societies. It is obviously impossible to enumerate them. We content ourselves with a rough estimate of meetings held in support of the "Conciliation Bill." These (from very incomplete records) amount to, at least,

5,000 MEETINGS

including a Demonstration in Hyde Park, attended by a

QUARTER OF A MILLION PEOPLE,

a Demonstration in Trafalgar Square, attended by **10,000 People.** Also six Albert Hall meetings (two in one week), and Demonstrations held in other cities than London, e.g.—

Manchester (2), Edinburgh, Bristol, Newcastle, Guildford, etc., etc.

These figures include meetings held by the N.U.W.S.S. and by other societies; but leave out of account **Out-door Meetings** held in such numbers as to make even a rough estimate impossible. We can only state that during the summer and autumn of 1910, there were held at least two or three hundred every week.

Growth of the Movement outside the N.U.W.S.S.

Many other Societies have been formed, having Women's Suffrage as their sole object. Such are—

The National Women's Social and Political Union.
The Men's League for Women's Suffrage.
The Women's Freedom League.
The National Industrial and Professional Women's Suffrage Society.
The New Union.
The New Constitutional Society.
The Men's Political Union.
The Church League.
The Free Church League.
The League of Members of the Roman Catholic Communion (in process of formation).
The League of the Society of Friends (in process of formation).
The Tax-Resistance League.

Besides such groups as the Artists' League, the Suffrage Atelier, the Actresses' Franchise League, the Society of Women Graduates, the Women Writers' Suffrage League, the Younger Suffragists, the Cambridge University Men's League, the London Graduates' Union for Women's Suffrage, the Gymnastic Teachers' Suffrage Society, etc., etc.

There is also the **Irish Women's Suffrage and Local Government Association** and an **Irish Women's Franchise League.**

Within the Political Parties, there have been formed :—

The Forward Suffrage Union (within the Women's Liberal Federation).

The Conservative and Unionist Women's Franchise Association.

The People's Suffrage Federation (which demands the suffrage for all adult men and women).

The following organizations have officially identified themselves with the demand for some measure of Women's Suffrage :—

The London Liberal Federation.
The Women's Liberal Federation.
The Women's National Liberal Association.
The Welsh Women's Liberal Federation.
The Independent Labour Party.
The Fabian Society.

Other Societies have repeatedly petitioned Parliament, or passed resolutions asking for a measure of Women's Suffrage. Among them—

The National British Women's Temperance Association (110,000 members).
The Scottish Union of the above (42,000 members).
The National Union of Women Workers. (The largest Women's Union ; numbers not exactly known).
The International Council of Women.
The Association of Headmistresses.
The Association of University Women Teachers.
The Incorporated Assistant Mistresses in Secondary Schools.
The Society of Registered Nurses.
The Nurses' International Congress.
The Women's Co-operative Guild (the only organized body representing **the married working-women** of this country).

Resolutions in favour of the "Conciliation Bill" have been passed by

49 Trades and Labour Councils, and 36 Trades Unions and Federations.

Town Councils declare in favour of Women's Suffrage.

Moreover, during the last six months, many important municipalities have passed resolutions calling upon the Government for some measure of Women's Suffrage. We subjoin a list of these up to date (April, 1911) :—

England.

Lancashire : Manchester, Liverpool, Oldham, Preston, Warrington, Southport.

Yorkshire : Leeds, Sheffield, Hull, Bradford, Huddersfield, Barnsley.

Midlands : Birmingham, Leicester, Nottingham, Burton-on-Trent, Derby.

South-West : Devonport, Falmouth, Truro and Penryn.

Also :—Macclesfield ; Battersea and Stoke Newington ; Folkestone and Ramsgate.

Scotland.

Glasgow, Fraserburgh, Hawick, North Berwick, Perth, Arbroath, Cumnock, Inverness, Broughty Ferry, Saltcoats, Kirkwall, Stromness. Haddington, Tranent, Dundee, Forfar. Thurso, Kilwinning, Hamilton, Inverurie, Brechin, Kilmarnock, Lerwick.

Ireland.

Dublin, Cork, and Limerick.

Wales.

Cardiff, Bangor, and Llangollen.

It is to be remembered that these bodies **represent Women as well as Men,** as women already possess the municipal franchise.

Women's Suffrage in other Countries.

The Suffrage Movement has now become world-wide. **The International Women's Suffrage Alliance,** which meets quadrennially, includes societies in Austria, Australia, Belgium, Bohemia, Bulgaria, Canada, Denmark, Finland, France, Germany, Gt. Britain, Hungary, Italy, Netherlands, Norway, Russia, Cape Colony, Natal, Sweden, Switzerland, the United States.

Women's Suffrage was granted in—

Wyoming, U.S.A.	in 1869	New South Wales	in 1902
Colorado, U.S.A. ..	,, 1893	Tasmania	,, 1903
New Zealand ..	,, 1893	Queensland	,, 1905
South Australia ..	,, 1893	Finland	,, 1907
Utah, U.S.A. ..	,, 1895	Norway	,, 1908
Idaho, U.S.A. ..	,, 1896	Victoria	,, 1909
W. Australia ..	,, 1899	Washington, U.S.A.	,, 1910

The Commonwealth of Australia in 1902.

It will be noticed that **all** the Australian States have now granted Women's Suffrage. That they have done so proves that they realized its beneficial effects, where they could actually see it in working, as State after State came into line.

ON NOVEMBER 17th, 1910, THE AUSTRALIAN SENATE PASSED THE FOLLOWING RESOLUTION :—

"(i.) That this Senate is of opinion that the extension of the Suffrage to the women of Australia for States and Commonwealth Parliaments, on the same terms as men, has had the most beneficial results. It has led to the more orderly conduct of Elections, and at the last Federal Elections, the Women's vote in the majority of the States showed a greater proportionate increase than that cast by men. It has given a greater prominence to legislation, particularly affecting women and children, although the women have not taken up such questions to the exclusion of others of wider significance. In matters of Defence and Imperial concern, they have proved themselves as far-seeing and discriminating as men. Because the reform has brought nothing but good, though disaster was freely prophesied, we respectfully urge that all Nations enjoying Representative Government would be well advised in granting votes to women.

"(ii.) That a copy of the foregoing Resolution be cabled to the British Prime Minister."

[NOTE.—Paragraph (i.) was carried unanimously ; paragraph (ii.) by 15 votes to 4.]

IN THE HOUSE OF REPRESENTATIVES, ON NOVEMBER 25th, 1910,

a similar Resolution was passed, in almost identical words.

NOTE.—**In England** (except London) and **Wales,** women already vote for—

County Councillors,
Town Councillors,
Urban District Councillors,
Rural District Councillors,
Parish Councillors,
Board of Guardians.

In London, for—

County Councillors,
Metropolitan Borough Councillors,
Boards of Guardians.

In Scotland, for—

County Councillors,
Town Councillors,
Parish Councillors,
School Board.

In Ireland, for—

County Councillors,
Borough Councillors,
Urban District Councillors,
Rural District Councillors,
Boards of Guardians.

In the Isle of Man, women vote for representatives in the House of Keys.

Justice and Logic alike demand that they should be given

THE PARLIAMENTARY VOTE.

VACHER & SONS, Ltd., Printers, Westminster House, S.W.—32019.

A 96. (10) **Price 2d.**

10, Downing Street,
Friday, 8th August, 1913.

DEPUTATION

TO THE

PRIME MINISTER

(The Rt. Hon. H. H. ASQUITH, M.P.).

MEMBERS OF DEPUTATION.

Mrs. Henry Fawcett, LL.D. (President).
Mrs. Auerbach (Hon. Treasurer).
Miss K. D. Courtney (Hon. Secretary).
Miss Leaf (Hon. Press Secretary).
Miss Marshall (Hon. Parliamentary Secretary).
Mrs. Harley (Member of Executive Committee N.U.W.S.S. Chairman of West Midland Federation N.U.W.S.S.).
Miss Palliser (Member of Executive Committee, N.U.W.S.S. and Chairman of Executive Committee of London Society N.U.W.S.S.)
Mrs. Rackham (Chairman of Executive Committee N.U.W.S.S. and Chairman of Eastern Counties Federation of N.U.W.S.S.).
Miss Margaret Robertson, B.A. (Speaker and Organiser).
Miss Maude Royden (Executive Committee, N.U.W.S.S., Editor of "Common Cause").
Miss Philippa Strachey (Secretary London Society, N.U.W.S.S.).
Mrs. Swanwick, M.A. (Executive Committee, N.U.W.S.S.).

Mrs. Fawcett: Mr. Asquith, with your leave, I shall be glad to defer what I myself have to say until my colleagues have spoken.

I would like to introduce to you the ladies who are going to speak first of all. Our first speaker is Miss Margaret Robertson, one of our organisers, and one of our valued and trusted friends, who has an unusual degree of knowledge of the working classes of the Trades Unions and other organisations, and who has been brought very much into contact with what I may call the *élite* of the working-class opinion, especially in the North of England.

Miss Margaret Robertson: Mr. Asquith, I want to-day particularly to put before you the working-class opinion which has been revealed to us during the pilgrimage which, as you know, has just been undertaken, and I want to try and trace the gradual changes which we have found have taken place. The special experience I have had has been amongst the working people of the great industrial districts of England, Scotland, and Wales. I have devoted the whole of my time during the last five years to speaking on Women's Suffrage. I have worked among the cotton operatives in Lancashire, the textile workers in Yorkshire, the mechanics and engineers of Northumberland and Durham, the miners and fishermen of Scotland, and the miners in South Wales. I have not only worked amongst them and spoken to them, but I have lived in their houses and shared their home life, and I have had a great deal of opportunity of finding out what the private opinions of working people are. I am bound to say my experience of the past five years has been that the change in public opinion of the working men has been so steady and so rapid that I sometimes wonder it can have taken place in so short a period of time. For instance, five, four, or even three years ago one was accustomed to look at many of the meetings for a certain amount of ridicule, abuse, and even violence; but I can honestly say that during the past couple of years at all the meetings I have addressed in the industrial

districts, I have not had so much as an interrupted meeting, except of course in the occasional instance of a drunken man or woman. I find that not only is the question now regarded with far greater seriousness and far more sympathy than it was, but I also find that it is very unusual indeed to find amongst the working men, so long as they are sober, anything of that confusion of mind which exists with so many Members of Parliament with regard to Militancy and the principle of Women's Suffrage. I do not know whether it is owing to the fact that they are more tenacious of principle; but I find that once the question is dissociated from Militancy, they do not seem to find any difficulty in viewing it without prejudice.

I should say in passing that it seems to us very deplorable that the chivalry and common sense which the working men so continually show in their reception of Suffragist speakers, should be so entirely ignored by the Press, whilst the occasional hooliganism of a very small and un-representative section of the working men is shouted from the housetops.

The Prime Minister: I entirely agree.

Miss Robertson: It is not only insulting to the Suffrage cause, but also to the working men. In the advance of public opinion I was struck during the past year especially by the great change in the standpoint of the working men. They seem to me to regard the question of Women's Suffrage now, not so much as a question of sex as a question of democracy, and I think I can best illustrate that by quoting a question which we Suffragist speakers often hear, especially at open-air meetings. A man continually asks: "Would my wife get a vote?" A few years ago every Suffragist speaker knew quite well that to admit that that man's wife might get a vote would be to forfeit his support. He would shake his head, shrug his shoulders, and go, and that would be an end of it as far as he was concerned. I expect you remember that in January, 1910, you received a Petition signed by nearly 300,000 registered voters. When I was standing

by the polling booth in a mining district in Lancashire, taking signatures and talking on this question, I remember a very sympathetic policeman who had been listening to what I was saying came up and gave me what was a very valuable piece of advice then. He said: "You say widders, miss; it is widders what fetches 'em." What strikes me now is that widows no longer fetch them. The day of the widow is past so far as the working man is concerned. He still asks the question, "Will my wife get a vote?" but he also asks now as a sort of challenge, "Will not my wife get a vote, and if not, why not?" I think one can trace that very much to the fact that some years ago he regarded the question merely as a matter of justice and logic; that he was obliged to concede that the women whose interests were more or less detached from those of men might need the vote; but now he regards it in a different way. He regards it as giving more political power to the working classes, and therefore more political power for himself and his own people. I think that has come easily to the working classes, because they have not amongst them what I may call an idle parasitic class of women, and therefore they find it easier to regard women as human beings. They are certainly coming to feel that to withhold votes from women is to withhold power from the democracy, and I think they have been very much strengthened in that opinion by the revelations that have been made of the personnel and finance of the National League for opposing Women's Suffrage. There has been great publicity given to a secret list of subscribers which has got into the Press, showing that Lord Rothschild has given £3,000, and running through the gamut of dukes and lords. It is that sort of thing which appeals to the working men.

THE PRIME MINISTER: I have not seen that.

MISS ROBERTSON: It is very interesting.

THE PRIME MINISTER: Perhaps you would let me have a copy.

MISS ROBERTSON: You shall certainly have it. What I have found is that the working men have discovered

this, and they are inclined to regard the opposition to Women's Suffrage as a Conservative and Liberal Plutocracy against Democracy. The Labour Party take full advantage of that, naturally, and point out, as another instance of the absence of any real difference between the Conservative and Liberal capitalists and employers, the unity of those when the question of the rights of the working people is under discussion. That opinion, of course, is also strengthened by the attitude of the Trade Unions. A great deal of work has been done lately amongst Trade Unionists. I think you would be surprised to know how many Trade Unions have discussed this question during the past year. The Trade Unionists feel very keenly the danger to themselves of the competition of cheap women's labour, and the result of this new view-point on the Women's Suffrage question is that they are inclined to suspect the opposition to Women's Suffrage as being a deliberate attempt on the part of those whose interest it is that women should be cheap to keep women cheap. That is how it strikes them. It is their women who are cheapened, and they who suffer from the cheapening of women. They feel that the opposition to Women's Suffrage is very largely a matter of class prejudice, and that it is opposition to the ideals which they, knowing and trusting the women of their class, believe that women would strive after, of a healthier and happier home life. I think I may say in conclusion that you realise too little how much the working man does trust his women folk. I think he trusts his women in a way which many gentlemen over the way can hardly understand.

MRS. FAWCETT: I now call on Mrs. Harley, who is a member of our Executive Committee and President of a very important Women's Suffrage Society affiliated to the Union at Shrewsbury. I may add that she was the originator of the Pilgrimage. We owe that idea to Mrs. Harley.

MRS. HARLEY: Mr. Asquith, I was a member of the Pilgrimage on the Watling Street route, joining in at

Stoke-on-Trent and going through the densely-populated pottery towns, through the industrial centres of Wolverhampton and Birmingham, on to the more residential towns of Warwick, Leamington and Stratford, then to the agricultural districts in Buckinghamshire, and up to the suburbs of London, and so I had a very varied experience, and met with all sorts and conditions of people.

I would like to lay before you the conclusions I have come to through this experience. First of all I think the Women's Suffrage question arouses more interest in the country than any other question, even the Insurance Act. Everywhere we went we had huge crowds. At Hanley there was a packed mass of 10,000 to 12,000 people waiting for our speakers. When we came in at Wolverhampton an old resident told me it was a record meeting: that they had never seen such a fine open-air meeting in Wolverhampton. Wherever we went, as long as we were not disturbed by the organised bands of hooligans and we had proper police protection, we had a splendid hearing. Our resolution was always carried, and a great many Friends of Women's Suffrage signed on. I have also come to the conclusion that we have most strong support for Women's Suffrage, especially amongst the middle class, the tradespeople, and, as Miss Robertson told you, the respectable and decent working people.

My second conclusion is that where we had opposition it was mostly anti-militant and not anti-suffrage. We had that proof over and over again. As soon as we could get them to understand who we were—when we had explained ourselves—we got a hearing and sympathy at once. Over and over again we have been told: "We thought you were all alike, and now we know the difference." That is the great thing that this pilgrimage has done. Protests were no good; the Press would not publish the protests, but there in a very practical manner we were showing that we were dissociating ourselves entirely from militant tactics. We were able then to demonstrate that we pilgrims were simply representing

the great mass of the home-making wives and mothers who do feel so very strongly the need of the vote.

The third conclusion I came to was that where there is definite opposition to Women's Suffrage, it is as Miss Robertson says, anti-democratic. It comes from those people who do not want to see any further accession to the Franchise. There is not one person we have ever spoken to amongst the thousands of people we have talked to who would object to giving the woman householder the vote. But some think the wider Franchise would spell democracy, and it is for that reason that they oppose Woman Suffrage. They would just as much object to Manhood Suffrage as to Women Suffrage.

THE PRIME MINISTER: Have you gathered that from talking to them, or how?

MRS. HARLEY: We had groups of forty or fifty men, and we were talking face to face with them. The working men used to come round us after the meetings, and we used to have face to face talks with them, and I gathered it from that.

Then, fourthly, I should like to tell you what enormous indignation was aroused in the towns where we suffered violence, as we did from time to time, from the hooligan element. It was pathetic to hear the townspeople telling us the next day it was not any of them who did it; that it was only outside people. I do feel a remark a tradesman made to me is very explanatory of the general feeling. He said: "I think it is a shame that you women should have to work like this for mere justice." I do think there is a very strong feeling that we constitutional, law-abiding women are being badly treated by the Government.

MRS. FAWCETT: Miss Royden is a member of the Executive Committee of the National Union, and is now, and has been for several months, the Editor of our little paper, "The Common Cause."

MISS MAUDE ROYDEN: Mr. Asquith, I had the privilege of listening to your speech in the House of Commons

during the last debate on a Suffrage Bill, and I noticed you placed a great deal of reliance on your conviction that the House of Commons has not "unduly neglected" the interests of women. It would perhaps be a failure in the conspicuously feminine virtue of tact to enquire, Sir, what degree of neglect you regard as "due"; but our feeling is that the neglect has been very considerable. Miss Constance Smith, whom quite recently your Government was delighted to honour, in her Trade Union Quarterly newspaper, which represents the opinion of between 200,000 and 250,000 working women, had an article at the close of the Whitsuntide recess in which she pointed out that they had greatly hoped for certain alterations in the Truck Acts, and so on, which would benefit the position of women, but which had not been undertaken. You will remember that it was decided that the Truck Acts did not apply to the outworkers, and of course the large majority of outworkers are women. They have, therefore, been deprived altogether of the benefits of that Act, and even the women in factories suffer constantly from the fact that fines are levied on them in a manner which never or very rarely happens to men. I noticed in a deputation which recently approached your Government that the men admitted that fines were practically never levied on men, or only in the weaving industry, but that it was a women's question. That question has been a very crying one for a long time. I think Mr. McKenna admitted that he was compelled to wear a white sheet in this matter because it had been neglected so long. I use that as an instance because, as a politician of long standing, you will be inclined to reply that people always do grumble and have grievances, whether they have votes or not. But this particular grievance has been remedied in the case of men, and that is why I use it as an example. Although the Truck Act is a subject of much dispute, yet, on the question of fines, it has been a success. Very few men are fined, but women are constantly fined, and to a very unjust extent.

THE PRIME MINISTER: I had a deputation about that some time ago. I agree with you that there is inequality. The law is quite plain, but the difficulty is in enforcing it.

MISS ROYDEN: The law is enforced in the case of men.

THE PRIME MINISTER: Yes. But it is not the law which is defective, but the enforcement of the law.

MISS ROYDEN: You appoint a very small number of women Inspectors.

THE PRIME MINISTER: Yes, I wish there were more women Inspectors.

MISS ROYDEN: The administration of the law depends on them.

THE PRIME MINISTER: Yes, and these women unfortunately will not make complaints. They seem rather more timid than men.

MISS ROYDEN: They would complain more easily to women.

THE PRIME MINISTER: Yes, and that is the reason why we have appointed women Inspectors, and they have been a great success, but they ought to be extended in number. What I am pointing out to you is that in the case you are putting it is not defective legislation, but defective administration.

MISS ROYDEN: We could get more effective legislation if women had votes to demand it with. That at least is our conviction since it has proved true in the case of men. Another grievance, which affects not only industrial women but women as a sex, may be instanced. I suppose both Suffragists and anti-Suffragists agree that in the Divorce Law we have a real grievance. Not long ago your Government appointed a Royal Commission to enquire into this question, and when they presented their report they differed on almost every point, but on one point they were absolutely unanimous, and that was that the two sexes should be placed on an equal footing. In spite of that, it was said in the House of Commons that no legislation was proposed to be introduced.

THE PRIME MINISTER: I know it was said; but do you think that is due to the fact that women are not represented there? There are a great many other things that come in the Divorce Law.

MISS ROYDEN: Yes, but that single grievance could have been altered.

THE PRIME MINISTER: You mean it could have been confined to that?

MISS ROYDEN: Yes. I do not desire to score a debating point when I say I should prefer not to run through the gamut of the grievances, but to turn the flank of your argument, as I imagine you would have turned the flank of the Conservative argument against you, by saying, "good Government is no substitute for self Government." When you get a class with a wakening political consciousness that there are grounds on which it bases its claim, no assurance on the part of those who legislate for that class that they are doing their best for it will put to sleep again that wakening consiousness. Nothing can put to sleep again the wakening consciousness of women to the value of political power. Everything you do, especially you as leader of the Liberal Party, really continues that process. If you refuse to listen to our grievances we become more Suffragist than ever. If you endeavour to set them right you convince those who have been hitherto indifferent that legislation can help them, and therefore they desire to take a share in it.

THE PRIME MINISTER: You cannot get it right any way?

MISS ROYDEN: You cannot get it right in any way; that is my point. When you pass an Act like the Insurance Act, you convince women who thought politics was rather a foolish game which might be left to those who liked it, that an enormous benefit might be given to them through legislation—I refer to the maternity benefit—and when you have a debate in the House, like Wednesday night, you convince them that that benefit might have been better organised and better administered than it has been. Whether you seek to remove their grievance, or

whether you refuse to do so, the political consciousness of women becomes increasedly wakeful.

I think that the Pilgrimage, to which other speakers referred, is something in the nature of proof of that, and the point I want to draw your attention to with regard to it is the time at which it came. After the withdrawal of the Franchise Bill and the failure of Mr. Dickinson's Bill, those of us who were at headquarters were quite frankly prepared to set our teeth and endure a time of depression. It seemed to us that our followers would be very greatly depressed by the fact that they had no immediate object to work for. You will easily understand how much easier it is to rouse enthusiasm for a definite measure which is coming on in a few weeks or months than to have to say to our people, as we had, "There is no immediate prospect of a Bill. You must simply work in the hope that political opinion will alter and another Bill will be introduced."

Being prepared for that set-back you will realise our gratification when immediately afterwards we held by far the most successful demonstration that we have ever organised. We raised the largest sum of money we have ever raised by any single demonstration, and our Treasurer informs us that we raised it with the greatest possible ease. There was less begging and praying and less entreaty in raising this sum of money, and it has come in more easily, more readily, and more spontaneously than any sum of money before, and has been raised in a time when we might naturally have expected depression. That convinces me that it is absolutely impossible by any discouragement, or by any measures of philanthropic legislation, to convince women that politics are not their concern or that they would not benefit by having a share in them. Is it not possible, even now, in the light of this enthusiasm and this constant demand for liberty, for one who is a Liberal and therefore committed to principles of liberty, to reconsider his position and to admit that when a class so persistently,

so determinedly and over so long a period, asks for political liberty, it is right that they should have it ?

MRS. FAWCETT: I now call on Mrs. Rackham, the Chairman of our Executive Committee, and also Chairman of our Society at Cambridge, who until quite lately has been an active and very valued member of the Women's Liberal Association at Cambridge.

MRS. RACKHAM: Mr. Asquith, I want, if I may, to turn now to the treatment which this question has received in Parliament during the past few years. You will remember that in 1910 the question entered upon a new and more business-like footing through the formation of the Conciliation Committee, and public opinion was strengthened in the country. We had a good majority of Suffragists in the House, and under the guidance of the Conciliation Committee the Conciliation Bill passed its Second Reading by the large majority of 110. Facilities were asked for, but they were refused on the ground that the Bill was not capable of amendment. In the following year, that is in May, 1911, the Conciliation Bill was introduced again under the same capable management. It passed its Second Reading by the huge majority of 167. Facilities were refused again for that year, but later in the year they were promised for the following year, 1912. We then put all our energies into working for the Conciliation Bill. In the Coronation week of 1911 we held that enormous procession in London, and resolutions were sent up from 150 Town and County Councils petitioning Parliament for the Bill, and with that great majority by which it had passed, and with a measure which had undoubtedly the goodwill and support of the country behind it, success seemed really certain. You will remember that in November, 1911, you announced the introduction of the Government Franchise Bill, on which we had a chance of carrying a Women's Suffrage amendment. We loyally accepted the promises and the hopes given us at that time; but unfortunately the Militant Suffragists did not receive them in the same spirit, and there was then the outbreak of

militancy, which had subsided during the work for the Conciliation Bill, and this had most disastrous effects on our movement both in Parliament and in the country. What was really more disastrous, perhaps, was that this new promise struck a blow, unseen at the moment, at the Conciliation Bill; to use Mr. Lloyd George's picturesque language, it "torpedoed" the Conciliation Bill, and the result was that in 1912 the Conciliation Bill for which a full week of Parliamentary time had been promised, was defeated by a majority of 14. Some members, no doubt, resented that week being given to Women's Suffrage when the question was probably to come up later—I should say, would certainly come up later on the Government Franchise Bill. Other members had hopes of securing the wider measure by amendment of the Franchise Bill, and therefore did not care about the narrower proposals of the Conciliation Bill. We wasted no time in considering the causes of our defeat, but we set to work as I think I may say even the National Union has never worked before, to secure an amendment to the Franchise Bill. We were encouraged by many friendly Ministers, who told us that our hopes of a Government Franchise Bill were infinitely greater than they could ever obtain on a Private Member's Bill, however large its majority. I think I may say that in the fourteen months which elapsed between your promised Franchise Bill and January of this year, the Suffragists raised the sum of £60,000, which was spent in our campaign. Then you will remember the catastrophe of January this year when, owing to the Speaker's ruling, the Franchise Bill was withdrawn, and all our hopes of enfranchisement on those lines were dashed to the ground. Facilities were then promised by you for a Private Member's Bill of this year, and in May Mr. Dickinson's Bill was defeated on its Second Reading by a majority of 47. But we felt that the chances of that Bill ever becoming law were so remote that its defeat at one point in its career or another was not really a matter of very great importance. With regard to that defeat I

should like to say that it was due largely to the peculiar circumstances in which the Irish vote was cast, and also to the fact that the wide terms of the Bill made it unpopular with the Unionist Suffragists. But I also want to point out how strongly the progressive forces, both in the Liberal Party and the whole of the Labour Party, were in our favour. We do look now to those progressive forces in the House of Commons to rescue us from this tangle into which I think I have shown that this Women's Suffrage question has become involved in Parliament.

As you have heard, although we felt that we were baffled for the moment in the House of Commons, we instantly turned to the country, and I myself had the pleasure of being with the Pilgrimage for between two and three weeks during its passage through the Eastern Counties. I have not very much to add to what the experience of other pilgrims has been, but I should like to say how strongly it was brought home during those weeks that the country does hate militant methods, but the country does love fair play, and the country has now an uneasy feeling that women are not receiving fair play, and it is anxious to see the question dealt with.

I think the remark of a Cambridge policeman who was organising our procession through Cambridge is very typical. When he looked at us walking through the streets he said, "I cannot see why they cannot give it to them and have done with it." It was also brought home to us, especially on our approach to London, as I was with the pilgrims going through the East End, how clearly London does realise the difference between us and the Militants, and is beginning to realise the strength of our constitutional demand. As a looker-on said at the Hyde Park demonstration, "I think you constitutional ones have collared the movement," and certainly that demonstration in Hyde Park, and the forest of hands that carried the resolutions do show something of that kind.

MRS. FAWCETT: I think my colleagues have not placed before you the exact terms of the resolution that was

adopted at all our nineteen platforms in Hyde Park. It was: "That this meeting demands a Government measure for Women's Suffrage," and I think it is due to ourselves, and perhaps also to you, that I should place before you the reason why we take up this attitude of demanding a Government measure, and why we feel that nothing else will ever be of any real use to us. If I may go back to the twenty months ago referred to by Mrs. Rackham, the last time we had the honour of waiting on you in this room, you remember the promises you then gave us, that this Government was desirous of pushing through all its stages a Reform Bill, and that the Bill would be so drafted as to admit of Women's Suffrage amendments, and the Government would not oppose such amendments, and if such amendments were sanctioned by the House of Commons you would use all your power as a Government to press that Bill through all its stages in both Houses of Parliament.

THE PRIME MINISTER: I only repeated what I said three years before.

MRS. FAWCETT: Yes, just so. We accepted those promises and assurances in good faith and worked upon them, but we very soon became aware, we were aware of it almost from the outset, that the fruition of those promises depended upon our getting a free vote in the House of Commons on the merits of the question. I think it was you yourself who very largely contributed to the fact that we could not get a free vote in the House of Commons on the question of Women's Suffrage. Within a very few weeks of your having given us those assurances and promises, that is before Christmas of the year 1911, you made a public speech in which a phrase occurred that you considered Women's Suffrage a political mistake of a disastrous nature. That, I think, as well as Militancy, was one of the causes which contributed to the defeat of the Conciliation Bill.

THE PRIME MINISTER: I think you are flattering me too much.

MRS. FAWCETT: I think that is so. I know in fact to a very large extent it is so from what I have read and from what I have heard from your own supporters in the House of Commons. It was said in absolute black and white that they must rescue you from the extraordinary position in which you had placed yourself. There was an article in the public Press by one of your very well-known supporters in the House of Commons, and I can hand you the paper if you would like to see it, in which he says that you must be "rescued from the humiliating position" in which you would be placed if you were called upon to fulfil the promises you had made to us. This in itself destroyed all chance of a free vote in the House of Commons on the merits of the question.

Then we pass on to the debate on the Second Reading of your own Bill, the Government Registration and Franchise Bill. You took part in the Second Reading, and you spoke as an anti-Suffragist about the chances of a Women's Suffrage amendment being adopted by the House of Commons. You said on that occasion that you "could not conceive that the House would so far stultify itself" as to reverse in the same Session a decision at which it had arrived at an earlier period.

THE PRIME MINISTER: They had rejected the Bill.

MRS. FAWCETT: They had rejected a Bill, but you said that the considered judgment of the House of Commons would in all probability not be reversed. Why the defeat of the Conciliation Bill by 14 votes in 1912 was a "considered judgment," and its second reading in 1910 and 1911 by majorities of 110 and 167 was not a "considered judgment" requires a good deal of explanation. I should add that I entirely agree with everything that Mrs. Rackham has said about the action of the anti-Suffragist members of the Cabinet, of which we have a great deal of knowledge. It is common knowledge that some of your colleagues went amongst the Irish Members and other Members of the House who were deeply interested in the stability of your Government, and told them

that the Government would certainly break up if the Women's Suffrage Bill or an amendment was carried.

THE PRIME MINISTER: No, that is not so.

MRS. FAWCETT: We have a very large amount of evidence that it was so, and that it went on without authoritative contradiction till within twenty-four hours of the House going into Committee on the Government Bill; there was no official contradiction of those statements until Mr. Lloyd George received the working women's deputation I think on the very morning that the House went into Committee on the Franchise Bill.

But then came the Speaker's ruling, and the fiasco with which we are all familiar, that your own amendments with regard to the Occupation Franchise and the various Women's Suffrage amendments would, in the Speaker's opinion, render the Bill a new Bill, and not the Bill which had been read a second time in the House in July. Therefore, the whole fabric on which we had been encouraged to build came to the ground. You did not communicate with us, and you did not suffer us to communicate with you on the matter, but you presented as an equivalent in the House of Commons to what you had promised us in November, 1911, the chance of giving facilities for a Private Member's Bill in the following session.

THE PRIME MINISTER: I must point out it was not my doing. It was the Cabinet. I spoke as the mouthpiece of the Cabinet.

MRS. FAWCETT: Then the Cabinet did so.

THE PRIME MINISTER: You must remember that half the Cabinet are amongst your most ardent supporters.

MRS. FAWCETT: We consider what you then offered was no equivalent for what we have lost on the Franchise Bill. We consider that your promises and pledges, I will not say are broken, but are unredeemed, and I do feel that you owe us something which has not been paid. In support of our view that what you then offered us was no equivalent for the unredeemed promises made to us in November, 1911, we can quote the opinion of many of

your most distinguished colleagues, who repeatedly told us how greatly superior our chances of success were by way of amendment to a Government Bill, coupled with the promises you had given us in November, 1911, compared with any chance afforded by a Private Member's Bill.

THE PRIME MINISTER: So they were. They told you the truth.

MRS. FAWCETT: Therefore, giving us the chance of a Private Member's Bill was no equivalent for what we had lost. I do make a very strong appeal to you whether it is not possible for you to reconsider your position on this question. From the point of view of mere argument, if we accept, as we are bound to do, the good faith of your promises of November, 1911, there is not an impassible gulf between the position which you were ready to accept then that you would, if the House of Commons so wished it, accept Women's Suffrage as part of your Bill, and press it through all its stages in both Houses of Parliament, and the position of the Government itself introducing a Women's Suffrage Bill.

THE PRIME MINISTER: Do not you see any difference between those?

MRS. FAWCETT: I do see a difference, but I do not see an impassible gulf between those two things. If you were willing to accept the decision of the House of Commons, could not you also accept a decision of your own Party with regard to Women's Suffrage? You have said that you believe you are in a minority in your Party and in the Government on this question of Women's Suffrage. Twenty months ago you were prepared to adopt Women's Suffrage as an integral part of a Government Bill, if it were inserted in Committee Stage. If you were prepared to do that, why not adopt it at an earlier stage and introduce a Bill containing it? It appears to us that there are precedents, and I call to mind the precedent of the Duke of Wellington and Sir Robert Peel passing the Catholic Emancipation Bill in 1829, although they themselves remained opposed to it, and may

I remind you also of Mr. Goschen, afterwards Lord Goschen, who withdrew from active practical politics for a time in 1880 because of his unconquerable aversion to the enfranchisement of the agricultural labourer?

THE PRIME MINISTER: The Duke of Wellington's case I quite see, but how is Mr. Goschen's case in point?

MRS. FAWCETT: He stood aside.

THE PRIME MINISTER: I see. You mean that persons who happen to be members of the Government, and not in favour of Women's Suffrage should stand aside?

MRS. FAWCETT: I think that is possible.

THE PRIME MINISTER: It is quite possible.

MRS. FAWCETT: I am looking for a solution of the impasse in which we are.

THE PRIME MINISTER: I wanted to understand.

MRS. FAWCETT: I want to find a solution consonant with your position as an honourable man who is face to face with the difficulties of the question. Is it not probable at the end of this Parliament your Government will have carried into law the chief measures for which they were returned to power? You will in all probability be conferring with your colleagues as to the new programme which you are prepared to place before the Party. If you find, after the next General Election, a majority of your Party and your colleagues in favour of Women's Suffrage, would it not be possible for you to give up your own opposition to it and accept it as part of the Government Policy? The demand of women to share in the advantages of self-government is a vital and living movement. It gathers in force and intensity year by year, almost month by month. It is manifesting itself in nearly every country in the world, and is most advanced in those countries which have clung with the greatest tenacity to free institutions. It is a development of the principles of democracy, and is founded on the growth of education and the wider industrial and professional opportunities which women now enjoy. We have ceased to have the serf's mind and the serf's economic helplessness, and it follows of necessity that the

serf's political status no longer contents us. The Government is now meeting the demand of women for free institutions with coercion and nothing but coercion. It is not thus that the victories of Liberalism have been won. I readily admit that the maintenance of order is one of the first duties of every Government. Another is to redress the grievances from which disorder has sprung. We condemn and deplore acts of violence, but we say that coercion by itself will not cure them and will probably lead to even greater excesses. I do beg you to consider our question from the points of view which I have endeavoured to place before you, and if possible to find some way out of the impasse in which it is at present placed.

REPLY.

THE PRIME MINISTER : Mrs. Fawcett and Ladies ; I have been asked during the past few weeks, and indeed months, to receive a number of Deputations from various quarters in regard to this matter, and I have for reasons which I think were sufficient, and on which I need not enter, refused them all. But when I received from Mrs. Fawcett a letter suggesting that she and those whom she represented should come and see me I felt, as I said in my reply to her, that that request stood on an entirely different footing from any of those which had previously reached me. In the first place it came from a body which I believe represents practically the whole of what I may call the Constitutional Organisations which are working for Women's Suffrage. In the next place it came immediately after the pacific, law-abiding, and, if I may venture to say so as an outsider, very impressive demonstration, the one to which reference has been made, in welcome contrast in all its aspects to the disorderly and indeed criminal proceedings with which we have unhappily become too familiar elsewhere. Further, Mrs. Fawcett told me that partly as the result of the experience gained

during this pilgrimage of yours through the country she thought there were new facts, or at any rate new evidence which could be adduced, and which I would feel myself bound to consider. Those seemed to me to be very weighty reasons for acceding to the request that I should receive this Deputation, though in doing so I thought it only fair to warn Mrs. Fawcett, as I did, that I did not see my way to adding anything materially to what I had previously said in regard to the policy and intentions of the Government. But I was most anxious to hear what you had to say, and I have listened with the very greatest interest to the powerful and moving speeches which have been made.

I am not of course going to enter into a general discussion of the merits or demerits of the Cause itself. As I have pointed out more than once before, I think that if you succeed in fact in enlisting in your Cause the majority of the women in the country, and the majority of the electors of the country, you will have no difficulty in convincing Parliament that that is the case, and Parliament then, as has always hitherto happened, and as I hope and believe will always happen in the future, will yield, as it is bound to yield, to the opinion of the country. But I have always recognised (and I think you will agree with me) the peculiar difficulties, and hardships even, of the position with regard to the supporters of Women's Suffrage. Neither Party is united, and the machinery of neither Party is at the disposal of those who are interested in its promotion. Under our present Parliamentary system the facilities for what are called Private Member's Bills are, unless the Government shows them some special favour, scanty and precarious. Therefore, it seemed to be one of the cases in which it was possible that a majority—a real and actual majority—in the country might not obtain and was not obtaining fair Parliamentary treatment. It was for that reason when I succeeded to the headship of the Government as far back as 1908—the position I took up in 1911 was nothing new—after consultation with my colleagues that I made a

statement which was in substance the same as that which Mrs. Fawcett has quoted as having been made to a Deputation 3 years later, namely, that the Government would introduce—we hoped to do it then in the lifetime of that Parliament, but that Parliament was brought to a premature end, and therefore we were disabled from carrying out our intention, but it remained good for the Parliament that succeeded—a Franchise Bill so framed in its title and in its terms as to admit an amendment in the direction of Women's Suffrage, and that if by the vote of the majority of the House of Commons such an amendment was introduced it would be treated as an integral part of the Bill supported by all the forces of the Government.

I think you will agree that is a pretty strong thing for anybody to do. (Hear, hear). I am very glad you agree. I may say I have had qualms, perhaps not exactly of conscience, but of judgment, as to whether I was personally justified in taking that course, but on the whole, and for the reasons I have given—the extraordinary parliamentary hardships to which the supporters of this particular Cause were exposed; and I do not believe there is a parallel case in the whole range of the arena of political controversy—it seemed to me I was justified in taking up that position.

I am not going into the fate of the intervening measures. As you know, the "Private Member's Bill" was rejected, although it had been passed by a large majority in the previous year. But when we came as we did to the introduction of our own Franchise Bill, it was most carefully and deliberately framed with the object of giving effect to the intention that on behalf of my colleagues I had expressed, and there was not a man among us, whether he was a supporter or opposer, who had the least doubt on that point. There was not an authority whom we consulted—and we were very careful about it—who did not agree with us, and we had precedents which seemed to be directly in point. We had the precedents of 1867 and 1844, on both of which occasions the Women's

Suffrage Amendments were admitted, discussed, and divided on—I think in both cases it was divided on—two Bills with no wider title than our own. Therefore, and I hope you will believe me, and I do not know that you will invite me to do it, I cannot put the white sheet on in this matter.

MRS. FAWCETT: We have never said otherwise.

THE PRIME MINISTER: I did, and when I say "I," you must not think that I am speaking egotistically, because whatever was done by the Government, we did the utmost in our power, and with such lights as we had, and not carelessly, negligently, or improvidently, but after most careful inquiry, proceeded as we thought, and as we intended to, with what we promised. As has been said for causes for which we were not responsible, and by a ruling which of course all Members of Parliament must loyally accept, and defer to, because we are absolutely at one in our respect for the authority of the Chair, as Mrs. Fawcett said, the fabric fell to the ground, and I can tell you quite honestly that no one was more disappointed than I was, and no one regretted it more than I did.

I should be deceiving you if I said that I thought at that moment when we were actually in the course of the discussion—I think we had had one day already discussing the Amendment which was to introduce the Women's Franchise Bill—the Amendment was going to be carried. I do not believe it was, but still no one will ever know that. As far as I could judge, looking at the matter as a spectator, from the temper of the House of Commons I certainly formed the impression at the time that the Amendment was not likely to be carried. I may be quite wrong about that; but whether I was wrong or right does not matter. We intended that the Amendment should have a fair chance, and as for the suggestion, if it is seriously made, that any pressure was brought to bear by the Government or any section of the Government upon any of our supporters, certainly so far as I am concerned there is not one shadow of foundation for it.

MRS. FAWCETT: We have very good evidence for it.

THE PRIME MINISTER: I am very sorry you should say so. But speaking for myself I can say most honestly (and I believe every one of my colleagues will bear me out, because although an opponent as you know, I have always been a straightforward opponent of Women's Suffrage for reasons which may seem to you insufficient) I have never exercised the faintest influence of any sort or kind on any human being from beginning to end. I should not have thought it honourable to do so, and I did not do it. That is the situation. Remember what it comes to. Does it not come to this, that no Franchise Bill, however wide its title, can be amended so as to include Women's Suffrage?

MISS ROBERTSON: The Speaker did not say so. He said that the Bill was not so framed.

THE PRIME MINISTER: I know he did not. I am suggesting this. I quite agree with Mrs. Fawcett that if you put a Women's Suffrage Clause in the Bill, *cadet questio* naturally then it is a Women's Suffrage Bill as well as something else. But a Bill which deals in terms exclusively with the existing Franchise for its amendment and extension I rather gather—it may be going too far—is one which could not be amended in that sense. If there are any means by which it can be I shall be only too glad if anyone will point them out to me.

MRS. SWANWICK: Would it not have been possible to have an Italicised Clause, leaving that Clause to be settled by the House?

THE PRIME MINISTER: That is an ingenious idea. An Italicised Clause is a Clause not supposed to be in the Bill. They are always money Clauses. I do not think that is any precedent—I shall be very glad to be told if there is—for putting a Clause in italics which is not a money Clause. They are not supposed to be in on the Second Reading. They are not supposed to be part of the Bill until the money Clause and all that mechanical procedure has been gone through.

MISS MARSHALL: Is it not true that the Bills of 1867 and 1884 were worded "Representation of the People"

Bills, and not "Franchise and Registration Bill"? Might not that make a difference?

THE PRIME MINISTER: I would not be quite sure about that. Of course we can easily check that by reference to the records.

A MEMBER: In 1867 I am sure it was.

THE PRIME MINISTER: That is the title which it was ultimately called by. Do you suggest that makes a difference, or might?

MRS. SWANWICK: Women are the people, are they not?

THE PRIME MINISTER: I should have thought so, certainly.

MRS. SWANWICK: The title then would include them?

THE PRIME MINISTER: You see we are on a terribly technical subject.

MISS MARSHALL: With regard to an italicised clause, the point is, is it not, that that clause could only be carried by the House as a whole. It has to be left out of the Committee discussion and dealt with separately.

THE PRIME MINISTER: It is not supposed to be in the Second Reading. There are always money clauses as far as I know.

MISS MARSHALL: But would it be possible in this case?

THE PRIME MINISTER: As I say, it is a very ingenious idea, and I should like to consider it, and also this question of the title. They are both very technical points.

MRS. FAWCETT: What we particularly feel is that we do not get a free vote so long as the situation arises again that arose then.

THE PRIME MINISTER: That is another matter.

MRS. FAWCETT: We should not get a free vote.

THE PRIME MINISTER: This is a technical matter, and I think it is one which deserves consideration, and it will receive it.

MISS COURTNEY: We would have made those suggestions to you, Mr. Asquith, if you had seen us after the Speaker's ruling and before you made your announcement in the House of Commons.

THE PRIME MINISTER: This was discussed in the Cabinet.

MISS COURTNEY: Quite so, but we asked you to see *us*.

THE PRIME MINISTER: I had the very best advice that a man could possibly have, I thought, from the most ardent supporters of Women's Suffrage.

MISS ROYDEN: They were not women.

MRS. SWANWICK: That proves surely that we need representation.

THE PRIME MINISTER: We are getting on. It appears you need representation in the Cabinet, and I have always said, why not one if the other? However, as I say, those technical points are worthy of consideration, and they shall have our best attention. But with regard to the further suggestion that has been made by Mrs. Fawcett that the Government as a Government ought to make themselves responsible for the introduction—that is what you want.

MRS. FAWCETT: Yes.

THE PRIME MINISTER: I doubt very much whether anything else will satisfy you. (Hear, hear). Even these ladies who want an italicised clause and reformed titles will probably be better pleased by a Government Measure.

MRS. FAWCETT: We really feel nothing else will give us the legislation we want. We have tried all other ways.

THE PRIME MINISTER: Quite. Then you come to the question which, as Mrs. Fawcett says, cannot arise in this Parliament, but can arise and may arise in the next Parliament and future Parliaments, that is whether or not if the Liberal Government—and there are a lot of "ifs"—are then in power, which means of course that you have a Liberal majority in the House of Commons and that Liberal majority is itself composed in preponderating numbers of supporters of Women's Suffrage—that is the hypothesis—whether it would not then be the duty of the Liberal Government, whatever might be the personal opinions of some of its members on the matter, to introduce and make themselves responsible for a Franchise Bill including Women's Suffrage. That is the point.

MRS. FAWCETT: Yes.

THE PRIME MINISTER: Well, you know, I am not going to answer that question, but I am not very fond of the precedent of the Duke of Wellington and Sir Robert Peel and the Catholic Emancipation Bill. It has always seemed to me that the proper thing for him to have done was to allow his opponents to carry it. You must remember that that was a party question. The whole of the Whig Party was in favour of Catholic Emancipation, and a large minority of the Tory Party was in favour of it, and the natural thing in those circumstances I have always thought was for Sir Robert Peel to give way. And I say the proper people to deal with it are the people who believe in it. I am not very fond of that precedent. If you read Mr. Disraeli's speeches in the years 1843, 1844, and 1845 in Mr. Moneypenny's Life of Mr. Disraeli, recently published, you will see what he did and how it impaired the moral authority of Sir Robert Peel, particularly when he was going to repeat this thing as he did in 1846, that he did surrender his convictions. So I do not think that precedent is very encouraging. The other precedent is very much more encouraging, that is the precedent of Mr. Goschen, who stood aside and took no part in the matter. All I can say is that I am not going to answer the question. I am certainly not going to answer it now, but those questions certainly deserve consideration when the opportunity arises.

This I will say to you: if the Liberal Party—I am speaking now for my own Party—by a majority—a substantial majority, not a casual one—is in favour of a great measure such as that which you are advocating, it it quite impossible for the minority to obstruct or prevent the realisation of that. Of that you may be perfectly sure. What precise course the minority under those circumstances ought to take is another matter, and is a matter which really does not concern you very much. It concerns them much more. But if you could bring about that state of things—and I assume it must be a majority of the House of Commons too—I myself should

think that you might look with considerable equanimity on the precise method and manner in which it was going to be brought in.

I will promise to communicate to my colleagues the very important and serious considerations and facts which you have brought before me, some of them I agree new facts. I was very much interested in them, and particularly interested, if I might say so, in Miss Robertson's speech with regard to what she told us about the attitude of working men and women. I was interested also in the accounts which were given of the reception you met with in the various parts of the country during your pilgrimage, and of the broad distinction which people are beginning to draw—I wish they had drawn it long ago (hear, hear)—between the Militant faction, which, after all I am certain is a very small minority of those in favour of Women's Suffrage (hear, hear), and those, like yourselves, who have been content with the undramatic but thoroughly honest and straightforward constitutional law-abiding methods which have distinguished your conduct.

I agree with one of the ladies who spoke, that it is a most regrettable thing that so much prominence should be given to those repugnant actions which bulk so largely in the public eye, and that in consequence of that the real work which is being done in support of what even those who are most strongly opposed to it must regard as an honourable and worthy cause, should be left out of sight and kept in the shadow and ignored as has been done. I sympathise as strongly with your view as regards that as the most ardent supporter of Women's Suffrage.

Well, ladies, as I say, in this matter as in all large matters of policy, the Government must act as a whole. You have many very good friends in the inner councils of the Government, as you know, and no step that I take or the Government will take will be taken without their counsel, their concurrence, and their co-operation. That security I would be glad to give you, and I will promise

to take into consideration with them the new points which you have brought before me to-day.

I should like only to say one word in conclusion, and that is that if you will do me the honour to read the speech which I made this spring on the Private Member's Bill, I think you will see that my attitude in regard to this matter has been a good deal misunderstood. I am not speaking now of the policy of the Government, but what I may call my own personal attitude. I said then what I have said before, that I think there is a certain amount of exaggeration both by those who anticipate good things and by those who anticipate bad things from this change, if this change is to come about. But I said also, and I repeat what I have frequently said, that it is a matter which in the long run must be decided by the people themselves; and if you can convince them as you think you have, and you may be right. . . . . .

Mrs. Fawcett: We have gone a great deal that way.

The Prime Minister: At any rate you are doing your best, and if you succeed in convincing the judgment and conscience of the British people that this is a desirable and beneficent change, there is no combination in the world which can prevent your success, and there is no Political Party which would attempt to do so. Therefore if I might in all candour in one word counsel you, it would be to proceed as you have been proceeding, and to continue to the end, and then, I do not know that we shall any of us rejoice in a judgment which would be adverse to what we want, but I am perfectly certain if you succeed, as I have said, in persuading the judgment of the people, your most determined opponents would be the first to bow to that, and endeavour to make the change as beneficent as you expect it to be.

Miss Robertson: How do you expect the judgment to be shown?

The Prime Minister: That is a very difficult question. Of course some people in these days are very fond of what is called a Referendum, but I do not know whether that will suit you.

MRS. FAWCETT: We understand that you are yourself opposed to it, Sir.

THE PRIME MINISTER: Yes, that is so.

MRS. FAWCETT: I noticed in two parallel columns of two speeches of your colleagues against the Referendum that one said it was an "expensive way of denying justice," and the other said it was "just the thing for female suffrage."

THE PRIME MINISTER: That was an unfortunate juxtaposition .

MRS. FAWCETT: I think that represents the attitude of many of your friends.

THE PRIME MINISTER: I think in the long run there is only one way of finding out what people think, and that is by an Election.

MISS ROBERTSON: Of course there has been a majority in the House of Commons for 25 years, who have been sent there pledged to women's suffrage, so, after all, the people have shown that amount of support.

THE PRIME MINISTER: There is not a majority now.

MISS ROBERTSON: There is a majority in favour of Suffrage, but they have voted against it for tactical reasons.

THE PRIME MINISTER: Do not let us go into that. People's motives in this world are very complex. You have to judge by the way people vote.

MRS. AUERBACH: Do you think there would not be a majority in the House of Commons to-day who would vote for a Government Measure of Women's Suffrage?

THE PRIME MINISTER: Do not put that question to me, because Governments can do very strange things.

MRS. FAWCETT: I cannot help feeling that your position towards our question is very much the position of Lord Palmerston with regard to the enfranchisement of working men in the sixties. As an opponent of an extended Franchise he was able to put off the Reform Bill for many years, but it was passed at last, and passed by a Conservative Government. That might possibly happen again.

THE PRIME MINISTER: All I can say is we have not deliberately tried to put it off.

MRS. RACKHAM: Do not you think—though not your fault—something is actually owing to us?

THE PRIME MINISTER: I have said I think your position is one of great hardship.

MRS. RACKHAM: But do not you feel you could meet us?

THE PRIME MINISTER: Find a way. Mrs. Fawcett has suggested a way.

MEMBERS OF THE DEPUTATION: It is a good way.

MRS. FAWCETT: I beg to thank you, Mr. Asquith, on behalf of the Deputation, for receiving us. We appreciate the opportunity you have given us for coming to lay our views before you.

The Deputation withdrew.