England

ANNUAL REPORT

OF THE

VIGILANCE ASSOCIATION

FOR THE

DEFENCE OF PERSONAL RIGHTS,

AND FOR THE

AMENDMENT OF THE LAW IN POINTS WHEREIN IT IS INJURIOUS TO WOMEN.

PRESENTED AT THE ANNUAL MEETING OF THE ASSOCIATION,
OCTOBER 31ST, 1872.

PRICE FOURPENCE.

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REPORT.

YOUR Committee was originally formed for the purpose of watching and restraining a certain species of legislation, which has been characterised in several of its publications. The Provisional Committee for Amending the Law in points wherein it is Injurious to Women has been incorporated with your Committee. That Committee took its rise under circumstances which are thus described in its first report:—

"On the 14th of March, 1871, a meeting, largely attended by sympathisers from various parts of England, was held in Manchester, to consider the possibility of forming a National League or Association for watching, restraining, and influencing legislation, especially in matters affecting the interests of women, and the personal rights and liberties of the people.

The promoters of that meeting clearly saw, what each succeeding month has but made more manifest, that a period was approaching when the functions of legislation would be more delicate and difficult than they had ever been before, when society would be confronted with many complex social problems, and when even the philanthropic tendencies of the age would but increase the danger of over-much and over-hasty legislation. They saw, moreover, that such over-hasty legislation would introduce and perpetuate evils graver even than those which it proposed to remedy; that it would involve grave violations of personal liberty; that it would lead to the infraction of justice as between class and class; to the inevitable extension of police espionage and inquisitorial powers; to the handing over whole departments of life, in which action should be voluntary, to the control of the police; to the substitution of physical coercion for moral restraint; to the confusion of the national as well as of the individual conscience by the multiplication of technical offences, improperly ranked as crimes."*

At the conference held in Liverpool 14th November, 1871, where the report quoted was presented, the following resolution

* Report of the Provisional Committee for Amending the Law in points wherein it is Injurious to Women, presented Nov. 14th, 1871.

was unanimously adopted* :—"That in view of the tendency of modern legislation to interfere with the personal and social rights of individuals, the formal organisation of a society to watch the progress of legislation, and in the discretion of the Committee to defend those endangered, is absolutely necessary." And your Committee was then appointed, with power to add to their number, to carry out the objects of the Association and to draw up a constitution, which they have the honour to-day to submit for discussion and adoption.

Your Committee having adopted the name of "The Vigilance Association for the defence of personal rights :" considering that the personal rights of all are most secure when their equality is respected: perceiving that practically the personal rights of a people are undermined not by any attack upon the whole so much as by first attacking and destroying those of the most defenceless : have thought it right to adopt, in the constitution of the Association, the more distinct and easily recognisable object of "upholding the principle of the perfect equality of all persons before the law, irrespective of sex or class." And they have sought the attainment of that object :—

1. By labouring to effect the repeal or amendment of all existing laws which directly or indirectly violate the aforesaid principle.
2. By opposing the enactment of all new laws which violate the said principle.
3. By watching over the execution of the laws to ascertain whether that principle, in so far as it has already received legislative sanction, is duly respected in practice by administrative, judicial and police authorities.
4. By spreading among the people a knowledge of the rights and liberties to which they are legally entitled, and of the moral grounds on which those legal rights and liberties are founded.

In carrying out the programme which is thus laid down, your Committee observe that one of the chief guarantees against the infringement of the rights of the people is to be found in the localised character of the institutions and government of this country; and they view with much alarm the tendency to centralisation, which is at present to be observed in many quarters, and particularly in connection with new legislation of the character which your Committee are specially concerned to oppose; and there is the greater necessity at the present time for preserving the influence of local and municipal bodies, owing to the favour with which Parliament regards tentative and rash legislation, involving large and

* See the Report of the Conference of the Vigilance Association for Defence of Personal Rights, held in Queen's Hall, Liverpool, 14th Nov., 1871.

unusual powers over the individual, for whom, against such legislation, the only effectual barrier is to be found in the strength and stability of local institutions. Your Committee observe that at present, when any persons are possessed of some new or peculiar scheme, of the merits of which they are unwilling or unable first to persuade the masses of the people, they aim at embodying it in an Act of Parliament, and at carrying it out, not by means of local authorities, but by means of a central executive established by Parliament, and, if possible, entirely independent of local authorities.

Rash persons eager for some pet measure, and seeing no way so sure to procure its adoption as compulsion, find it easier to persuade a credulous and over-worked Parliament, apparently eager to abolish local and municipal authority, than to secure the co-operation of local authorities. The increase of such measures increases officialism, which cannot flourish under local and municipal government, and which is itself dangerous alike to national freedom and national character, and fruitful in unremedied injustice. At the same time the undertaking by Parliament of the work which has been previously in the hands of local authorities, or of new work which belongs to their province, added to the increasing work of legislation necessarily of an imperial character, gives rise to the delegating by Parliament of very large powers to the particular departments concerned; resulting in the issue of departmental orders, having more or less of the force of law, which prescribe often the most minute particulars, and which are left largely to the discretion of the temporary heads or permanent officials of these departments. A system of Bureaucratic government thus gradually arises, than which your Committee believe nothing can be more seriously opposed to the preservation of equal rights, and of personal and national freedom, both with respect to the enactment of evil laws and to the attainment of justice under the laws which are enacted.

On the other hand, while your Committee are by no means unacquainted with, or desirous of ignoring the evils connected with local government, yet they observe that in measures entrusted to local and municipal bodies, the narrower area involved, and the greater equality between those who administer the law and those whom it affects, afford a security, not afforded under a central executive, against the adoption of oppressive measures, as well as a much greater facility, not only for the prevention, but for the rectification of individual cases of injustice; while the limited and specific powers of local bodies, rendering it necessary that the purpose of and authority for every rate should be specified before it can be legally levied, forms a valuable means of continually ensuring that the people shall be acquainted with the destination of the money which

they are called upon to contribute, and of securing their vigilance over the laws to which they are subject, without which vigilance their political and social well-being cannot be maintained. A rate which does not, by its heading or otherwise on the face of it, show for what purpose or by what authority it is made, is void; not only as specially enacted by 6 and 7 William 4th, c. 96, but "by the well-known common law principle that, where any parties are acting under a limited statutory authority, they are bound to show on the face of their proceedings that they are acting within that authority," (see judgment in the case of the Eastern Counties' Railway *versus* Moulton, vol. 25 Law Journal Reports, p. 49, No. III, 1856), and it is thus easy to see that, however much the rates for various purposes may be involved, or included by Act of Parliament under heads to which they do not naturally belong, still the very nature of the case, namely, that they have to be levied by a body of limited statutory authority, necessarily ensures to those concerned an effectual power of supervision.

Your Committee for these various reasons regard the maintenance of local and municipal authority, with the greatest possible amount of freedom from central control, as one of the chief means of preserving the rights and liberties of the people, and of securing the object which your Association proposes to itself.

Entertaining these views, your Committee observed with much alarm certain provisions in the Health Act of the past session; and in consequence drew up and presented to Mr. Gladstone the following memorial, a copy of which was also sent to each member of the House of Lords and Commons, and to the editor of each newspaper:—

"*Memorial of the Executive Committee of the Vigilance Association for the Defence of Personal Rights, to the Right Hon. W. E. Gladstone, M.P., First Lord of her Majesty's Treasury.*

"Sir,—We desire respectfully to address you, and to express and explain the grounds of our apprehension in regard to a species of legislation which has occupied a very large part of the late and previous Parliamentary sessions, and which promises to attain still greater prominence, and to create a new and radical division in public opinion. Before instancing particular measures, we may characterise this legislation as entailing a considerable extension of the powers and duties of the Executive, as it enters into the municipal, or parochial, and in some instances the domestic life of the community, beyond the present limits of imperial legislation.

"We premise that, in our opinion, this nation is mainly indebted for the extraordinary stability of its political system, and its comparative immunity from social disturbance, to the

existing system of localised administration. We find in our municipal and parochial systems the main source of the self-reliance, prudence, and public spirit which render the people of the United Kingdom pre-eminent in their capacity for self-government. And we believe that if popular legislation is to escape failure, or even to continue to exist in reality, the people must not be deprived, in any considerable degree, of the discipline afforded by the administration of their own laws. We refer, in corroboration of this opinion, to the views of many leading reformers in France, Spain, and other European countries, who base their endeavours to obtain popular in place of despotic government on the discontinuance of that centralisation which is the necessary obverse of the latter. We refer, in particular, to the proposal for the resumption of their municipal powers by the department, arrondissement, canton, and commune, which has recently issued, as binding its candidates, from the Democratic Committee established in Paris—and to the measures proposed by the Committee of Decentralisation, nominated by the present Government of France.

"We also approve the close identification of the Executive with the Legislature which has hitherto been maintained in our political system; and we consider that it is essential to the continuance of this system, and to the effective maintenance of the responsibility of the Ministry to Parliament, that the work of the former should not be so largely extended as to render the present method of government impracticable. We apprehend, also, that the multiplicity of the demands which are now made upon the attention of the Ministry, and of Parliament, seriously impedes and delays reforms which are urgently required in our legal code and judicial system, as well as the efficient defence of the country.

"We consider, further, that the system of municipal taxation and expenditure provides an invaluable guarantee for economy, and the best security against an extravagance which would be liable to lead to illusive and demoralising expedients, especially in connection with the legal provision for the poor. We should therefore regard with grave fear any large substitution of imperial for local taxation, or infringement of our system o municipal control over the latter.

"We regard as an evil the multiplication of Government places and minor officials, not only on account of the notorious danger of official corruption, but as tending to withdraw public servants from the legitimate effect of public opinion, to lessen the sense of individual responsibility, and to weaken public opinion itself, and thereby to retard that social progress which depends on a general elevation of the popular intelligence.

"In regard to the sanitary legislation proposed by the Public Health Act and other projected measures, while we are deeply

conscious of the importance of the ends proposed, and while we recognise the utility of one or more centres for the purpose of general guidance and the circulation of information, we regard the system under which the municipal and parochial bodies are completely responsible as possessing an exceptional advantage in rendering the care of their health the object of individual endeavour and intelligent interest on the part of the people, in the greatest degree compatible with any external control. At the same time, in view of the provision contained in the Act referred to rendering obligatory the appointment of medical officers of health and other sanitary officers, and of the various proposals to vest in such officers larger and more arbitrary powers than have hitherto been deemed expedient, we state our belief that great evil must attend such control, if it is made or should become unduly extensive and strict. We fear that the coercion proposed will, by its excess, defeat the object of these measures; both by impairing the will and the ability of the people to interest themselves individually in the care of their own health, and by bringing odium upon the system so prescribed and enforced.

"We would urge that to accustom the people to protect their own health is of greater ultimate importance than any advantage which may be more immediately attainable; and, while we appreciate the zeal and the services of the medical faculty, we are of opinion that this, the paramount object, has been overlooked, and a narrow and false view has been taken, in the pretensions which a large portion of the faculty have advanced in relation to this and other measures, with what appears to us an indecent eagerness for the advancement of their professional interests, and a wholly unlawful ambition to place themselves in the position of masters and legislative dictators to the community, whilst we especially resent the presumptuous efforts of a portion of the medical profession to force upon the people, against their ascertained will, the maintenance and extension of the Contagious Diseases Act.

"In view of the countenance which these pretensions have received from a portion of the present House of Commons, and of the pronounced antagonism, in regard to these last-named measures, which is known to exist between the majority of that House and the majority of the electorate and the people, we desire to express our strong conviction of the vital necessity of maintaining the principle of the responsibility of the Legislature to the electoral body, as opposed to the so-called education of the people through the alien instrumentality of the Legislature, as alone justifying our system of representative government, and enabling it to fulfil its direct object of providing for the redress of social grievances, and its indirect object, the moral and intellectual discipline of as large a proportion of

the people as it may be expedient to enfranchise. We would urge the presumption which exists against all legislation which implies a denial of this responsibility—and which subordinates and delays great measures of social justice, and checks or deadens the movements of public opinion in which they originate.

"We earnestly deprecate, as a disgraceful retrogression and a fatal evil, the multiplication of restrictions on personal liberty—which appears to be threatened in greater or less degree by the supervision provided for on the part of the police, or of medical or other agents of the Executive, in several of the measures mentioned below. We would protest against such restrictions, especially on account of their injustice to the poor, whose homes are thereby rendered exceptionally liable to vexatious and tyrannical molestation.

"In view of the several dangers, which to us appear imminent, we would urge the following precautions as of vital importance in the perilous and almost unprecedented course of legislation which has been commenced:—

"1. That the constitutional guarantees of personal liberty should in no case be violated.

"2. That the imposition, direct or indirect, of exceptional burdens or restrictions on any particular section of the community, should be jealously avoided.

"3. That the multiplication of criminal offences should be regarded as in itself a certain cause of future crime and permanent demoralisation; and that the treatment of any acts as criminal, which are not in themselves necessarily such, should be avoided with the utmost possible consistency.

"4. That any law should be considered ineffectual and suicidal which tends to annihilate in the criminal the hope of social reinstatement.

"5. That the laws proposed should, whenever it may be possible, contain, or point to the means of prevention of the social evils against which such laws are directed; and, in no case, for any purpose whatever, tend to counteract those means of prevention in which the general judgment of society confides.

"6. That, in the fulfilment of the trust vested in Parliament and its duty to the unrepresented, in all domestic or social legislation, in which the interests of women are directly or indirectly concerned, the ascertained sentiments of women should guide and restrain the Legislature, and that, where moral considerations enter into the subject of legislation, whether immediately or remotely, the standard generally adopted by women, as well as that of men, should be carefully and respectfully regarded.

"We are of opinion that one or more of these precautions has been neglected in each of the following measures lately under consideration of or ratified by Parliament:—The Prevention of Crime Act, the Pedlars Act, the Act for the Protection of Infant Life, the Criminal Law Amendment Act, the Habitual Drunkards Bill, the Public Prosecutors Bill, the Contagious Diseases Prevention Bill, and, in our opinion, these precautions are each and all signally and scandalously discarded in the existing Contagious Diseases Acts. We condemn such legislation not only as contrary to social justice, but as necessarily tending, from the nature of and the implication underlying the office thereby assigned to the state, to place it in such a relation to the individual as must endanger the sense of moral freedom, and that social faith, which is essential to the life of modern society.

"James Stuart, M.A.,
"(Trinity College, Cambridge,) *Hon. Sec.*
"Signed by order and on behalf of the
Executive Committee."

Your Committee desire to call attention to the following methods whereby centralisation is generally effected by the present Acts of Parliament, and whereby a central control is established over municipal expenditure:—

1. By the method adopted in the tenth clause of the Health Act of 1872, whereby the conditions of appointment of certain officials are prescribed by the central authority, and the power of dismissing them taken out of the hands of the local body, on that body's consenting to receive part of the salary of such officials (whose appointment is compulsory) from the moneys voted by Parliament; by which method a bribe is held out to local bodies to part with their powers, and certain expenses purely local are transferred from the rates to the taxes.
2. By the method adopted in clause 15th of the Health Act, whereby the inspectors appointed by the central body are empowered to attend all meetings of the local bodies; closely akin to which is the attempt to give revenue officers a *locus standi* upon local assessment committees, and even the power of direct interference with assessments, which seems contemplated in Mr. Goschen's Rating and Local Government Bill.
3. By means of putting the local body in default, so that, in the event of its not doing what is prescribed, its powers shall necessarily lapse to the central authority.

This last method which has been adopted in the 63rd clause of the Elementary Education Act seems to have appeared first in a modified form in the 49th clause of the Sanitary Act of 1866.

In the draft Public Health Bill, as originally introduced at the beginning of the late session, the same method was adopted in the following terms:—"If any sanitary authority makes default in performing any duty imposed on it by the Sanitary Acts . . . . the local government board . . . . may make an order for the performance of the duty or the doing of the act or thing in respect of which the default has been made." And in the same clause provisions are made, should the local government board prefer that method, for delegation to others of the powers of the defaulting local authority.

With respect to an order thus made, and any orders issued by the local government board, there is the following most important clause in the original draft of the Bill referred to:—"Any order of the local government board made in pursuance of the Sanitary Acts, which is not provisional, may be enforced by mandamus; or it may, on the summary application of the board, be removed into the Court of Queen's Bench, and, when so removed, may be enforced by that court in the same way as if it were a rule of court."

This clause, if it had become law, would have given to any order of the local government board in sanitary matters, immediately the full effect of a rule of court, without the necessity of any legal proceedings; thus conferring on that board the most unlimited power of enforcing its orders and effectually coercing refractory local authorities by the strong hand of the law. The method of putting local bodies in default is closely connected with the system of inspectorate, which affords a machinery for carrying out this system in cases where no local complaint is made against the defaulting body; thus, in the original draft of the Health Bill, it is provided that "any complaint made by an inspector or other officer of the local government board in respect of any default under the said section, shall be deemed a sufficient complaint within the meaning of that section."

These provisions have happily been struck out from the Health Act as it now stands; but they should serve to put all persons interested in this question on their guard as to what may be expected in future legislation. Deeply committed as the present Parliament is on both sides of the House to a policy of centralisation, the present Government is still more deeply committed as well in its various departments as in its individual members. The Rating and Local Government Bill introduced by Mr. Goschen in 1871 (already referred to), and subsequently withdrawn, goes much further than even the first draft of the Health Bill. Besides vesting in the central authority the most absolute powers in the case of default of a local sanitary authority, it permits no local authority, whether sanitary or otherwise, to appoint or dismiss any officers without the consent of the central board, which has power to remove any officer without consent of the local authority.

The introduction in Government Bills of such sweeping provisions as these justifies your Committee in calling upon all members of the Association to watch the progress of all measures connected with local government and with local taxation, with which subject the Government has pledged itself to deal in the ensuing session.

Your Committee pronounce no opinion on the remodelling and harmonising of local institutions, so as to fit them to present times and uses, and do not deny that measures might advantageously be taken for reorganising and improving the system of rating. But they call upon your Association carefully to watch, lest the opportunity of dealing with this question, afforded by the demand for suitable reforms, is made use of not to reform, but to subvert the system of local government and local taxation.

Your Committee cannot close their remarks on the question of the connection of personal rights with that of centralisation, without pointing out the extraordinary amount of centralisation, altogether abnormal even at the present time, which is manifested in the Contagious Diseases Acts, which add to the usual features of recent centralised measures, the employment in their execution of a central police. These Acts afford the only instance in this country of the employment of a central police. Of all centralisations, that of the control of the police is the most dangerous to the liberty of the people; and the fact of its being here introduced for a specific and doubtful object, is indicative of the readiness of the present Legislature to abandon the principles which have been found necessary for the security of freedom, provided they imagine that thereby they can accomplish an immediate object which they believe expedient.

It is unnecessary here to do more than call attention to the extraordinary powers assumed under these Acts by the Admiralty and War Office, equivalent practically to the right to pass any number of subsidiary Acts, and involving duties connected with the treatment of women for which the Admiralty and War Office are ludicrously unfit. The members of your Association are probably to a considerable extent aware how much these powers have been abused, even to the extent of issuing and enforcing certain absolutely illegal orders, which, after remaining in force for some time, were only withdrawn on public attention being called to them. The onus of having issued these orders was then attempted to be shifted from one party concerned to another. Your Committee only refer to these points in this place, inasmuch as they are eminently suggestive of other possible abuses, and illustrative of the way in which a powerful central authority, to whom undue powers are granted, is led to exceed these powers, and to carry on a system of absolutely illegal proceedings with impunity.

The Bill introduced by Mr. Bruce last session for the prevention of contagious disease, is also an example of centralisation of a kind and to an extent not hitherto attempted; inasmuch as it provides hospitals and a medical staff for purely local purposes, free from local control and out of money provided by Parliament, all regulations as to this machinery being at the discretion of the Home Secretary.

It will be observed that the objections here adduced to the two measures cited, are wholly irrespective of the merits or demerits of these measures as considered on other grounds. And it especially behoves the members of a Vigilance Association to watch against the introduction of principles in executive government wholly new to this country, by means of legislation, the controversy as to which turns chiefly on other grounds.

Towards the end of April, 1872, your Committee received a letter from Mr. Francis Peek, offering to place at their disposal the sum of £100 to be employed in attempting to obtain the repeal of the 40th clause of the Mutiny Act, the provisions of which had about that time been made more publicly known, chiefly through a letter addressed to the *Beehive* by a member of your Committee, and a tract issued by the Peace Society. Your Committee believing that this clause contained a gross injustice to women and children, having duly weighed Mr. Peek's offer, accepted it; especially considering that the great increase of the number of military centres and the proposed shorter service in the army would soon expose many more individuals and many more places to the evil influence of this law. Your Committee immediately drew up and issued a circular entitled "The New Military Centres and the vice-protecting clause of the Mutiny Act," in which attention was called to this matter, and of which large numbers were distributed, and a copy sent to each member of the House of Lords and Commons immediately before the debate in the House on the Military Localisation Bill. Your Committee also issued a petition form, praying for the repeal of this clause; and in a few days ten petitions were presented, signed by 1,453 persons. Your Committee had the satisfaction of observing that this subject occupied a prominent position in the debate in question.

Your Committee understand that on the 30th of July Mr. Cardwell, during the discussion on the Military Forces Localisation Bill, pledged himself to the omission from the Mutiny Bill of the ensuing session of the obnoxious 40th section. No newspaper took note of this promise; and your Committee regret to observe that Mr. Forster, when addressing his constituents at Bradford, on September 27th, contented himself with a far less precise pledge, on his own behalf and that of

Mr. Cardwell. They take their report from the *Bradford Observer*, of September 28th :—

"Mr. Edward Priestman asked Mr. Forster, in this age of suddenly increasing military organisations, whether he would support and vote for the omission from the Mutiny Act of the 40th section, which provides that no soldier by any process of law can be compelled to maintain any relation or child belonging to him which might have become chargeable to the parish, or to pay to the support of an illegitimate child.

"Mr. Forster said the question was this—whether he was in favour of keeping upon the statute book that provision in the Mutiny Act by which a soldier was not liable, as any other person would be, to pay towards the support of a bastard child. He was not aware it was in the Mutiny Act, and when he found it he was shocked, as he had no doubt his friend was when he found it there, and he made it his business to speak to Mr. Cardwell, with whom it mainly rested, and he (Mr. Forster) was very glad to tell them that Mr. Cardwell stated in the House of Commons towards the close of last session, that although he could not at that moment, on such short notice, undertake to bring in a Bill to repeal that clause, he did not think it was in accordance with what ought to be, and he was prepared very seriously to consider it without delay. He (Mr. Forster) intended to give Mr. Cardwell's exact words, but the statement was made late at night, and did not seem to have been reported. He therefore wrote to him about it, and he was empowered to make the statement he had given."

The Committee beg that all who wish well to the morality of the nation will take the earliest opportunity of impressing upon Mr. Cardwell the necessity not only of seriously considering the subject, but of giving immediate effect to that serious consideration by omitting this disgraceful section from the Mutiny Bill of the coming session.

A copy of the circular referred to, together with a letter explaining more fully its effect on the rates, has been recently sent to every board of guardians in England, with the most satisfactory results. Your Committee have also prepared and made use of wall placards, specially addressed to electors, and have issued a question for M.P.'s on this subject. The provisions of the 56th section of the Marine Mutiny Act are similar to those of this section.

The first Mutiny Act was passed in the year 1688, on the occasion of the mutiny of a body of English and Scotch troops, who had been ordered to Holland to supply the place in that country of some Dutch troops, whom William III. had brought with him into England, and intended to keep permanently there. In this Mutiny Act (1 William and Mary, ch. 5) there is no clause of the nature of clause 40 ; but, on the contrary,

there is a clause containing precisely opposite provisions, which runs as follows :—"Provided always that nothing in this Act shall extend or be construed to exempt any officer or soldier whatsoever from the ordinary process of law."

Between that date and the year 1704 there were nine Mutiny Acts passed, in which the same clause was repeated, and no exceptions made in the Act to its provisions. In the year 1704, however, the clause assumes the following form :—"Provided also that nothing in this Act contained shall extend or be construed to exempt any officer or soldier whatsoever from the ordinary process of law, except in such cases as are particularly provided for in an Act of this present Session of Parliament, entitled 'An Act for the better recruiting of Her Majesty's land forces and the marines for the year 1705.'"

The Act referred to, which was passed under the immediate pressure of strong necessity, to increase the strength of the army at a time when the nation was straining every nerve in war, makes several provisions which now would be regarded as somewhat arbitrary. It provides "that it shall be lawful for the justices of the peace . . . to raise and levy such able-bodied men as shall not have any lawful calling, or employment, or visible means for their maintenance, to serve as soldiers." And we may gather the arbitrary character of the enlistments which were contemplated from the following clause :—"And forasmuch as great numbers of harvest labourers have been impressed during the time of harvest, and many others, being under an apprehension of being impressed, have absconded themselves, whereby the harvest hath been got in with great difficulty and charges, and such few harvestmen that did work did exact extravagant prices for their work ; for the prevention thereof, be it enacted that from the 1st of June till the 25th of September, 1705, all harvest labourers . . . shall not be impressed, . . . provided they have a certificate under the hands of the minister and churchwarden . . . allowed under the hands of two justices of the peace." In this arbitrary Act, which amounts almost to a Pressgang Act, we find the following clause :—"And for the encouragement of fit and able persons volunteering to enter themselves in Her Majesty's service, it is hereby further enacted and declared, that the officer who is to raise such recruits shall, out of the levy money, forthwith pay to every person who shall so voluntarily enter himself into Her Majesty's service the sum of forty shillings, and shall take a discharge under the hand of each volunteer so listed, signed in the presence of one or more witnesses testifying his payment of the said forty shillings. And no person so listed, under the hands and seals of three or more justices of the peace, according to the true meaning of this Act as aforesaid, shall be liable to

be taken out of Her Majesty's service by any process other than for some criminal matter."

The same two Acts are repeated and continued in each of the following years until 1711, when, on the establishment of peace, in 1713, the Mutiny Act received the following title, "An Act for better regulating the forces to be continued in Her Majesty's service and for the payment of the said forces and their quarters." In this Act the clause again resumes its original form, as in the Mutiny Act of 1688, absolutely providing for no exemptions for a soldier from being proceeded against by the ordinary course of law. There is further an express provision inserted in this Act, which for a long time formed a clause in every Mutiny Act but has now dropped out of it, namely, that a court martial might punish a soldier "for *immoralities*, misbehaviour, or neglect of duty," provided that such punishment should not exempt him from ordinary course of law. The kingdom was then in profound peace, the number of soldiers provided for by the Act was exceedingly small, and there was no need of arbitrary, extraordinary, and exceptional measures in order to keep together at all hazards an enormous army. In the following year, however, owing to the rebellion in Scotland, it became necessary to raise a greater number of troops, and we find in consequence the following clause introduced into the Mutiny Act of 1715:—"And it is hereby further enacted that no person whatsoever who is listed, or shall list or enter himself as a volunteer into His Majesty's service as a soldier, during the continuance of this Act, shall be liable to be taken out of His Majesty's service by any process other than some criminal matter. Provided always that it shall and may be lawful to and for any plaintiff upon notice first given in writing of the cause of action to such person or persons so voluntarily listed or left at his last place of residence before such listing, to file a common appearance in any action to be brought on account of any debt whatsoever, so as to entitle such plaintiff to proceed thereon to judgment and outlawry, and to have an execution thereupon other than against the body or bodies of him or them so listed."

This form of the Act is continued in 1716 and 1717, but from the form adopted in 1718, it might be conjectured that complaints had arisen. In 1718, the clause stands as follows:—"And for the more effectual enabling honest creditors to recover their just debts of or from soldiers listed or entered in His Majesty's service, and likewise as far as may be to prevent any unjust or fraudulent arrests that may be made upon soldiers, whereby His Majesty or the public may be deprived of their service, it is hereby enacted that no person who is enlisted or shall enlist as a soldier during the continuance of this Act shall be liable to be taken out of His Majesty's service by any process or execution

whatsoever, other than for some criminal matter; unless for a real debt or other just cause of action, or unless the plaintiff . . . . shall make affidavit . . . . that the debt amounts to the value of £10 at least. Provided always" (and here follow the same provisions as before).

After this period the Mutiny Act became annual, and this clause remained. It was in a few years altered into the following form, which it maintained for upwards of a century:—"And to prevent, as far as may be, any unjust or fraudulent arrests that may be made upon soldiers, whereby His Majesty and the public may be deprived of their service, it is hereby enacted that no person whatsoever who is or shall be listed, or who shall list and enter himself as a volunteer in His Majesty's service as a soldier, shall be liable to be taken out of His Majesty's service by any process or execution whatsoever other than for some criminal matter, unless for a real debt or other just cause of action; and unless, before the taking out of such process or execution, not being for a criminal matter, the plaintiff or plaintiffs therein shall make affidavit . . . . . that the original debt for which such execution shall be sued out amounts to twenty pounds at least. . . . . And to the end that honest creditors, who aim only at the recovery of their just debts due to them from persons entering into and listing in His Majesty's service, may not be hindered from suing for the same, but, on the contrary, may be assisted and forwarded in their suits, and instead of an arrest, which may at once hurt the service and occasion great expence and delay to themselves, may be enabled to proceed in a more easy and cheap method, be it further enacted by the authority aforesaid, that it shall or may be lawful to and for any plaintiff or plaintiffs, upon notice first given in writing of the cause of action to such person or persons so entered, or left at his or their last place of residence before listing, to file a common appearance in any action to be brought for or upon account of any debt whatsoever, so as to entitle such plaintiff to proceed therein to judgment and outlawry and to have an execution thereupon other than against the body or bodies of him or them so listed as aforesaid."

The provision respecting the non-liability of a soldier for the support of his wife and children first appears in the Mutiny Act of the year 1837 as follows:—"III. And be it enacted, that no person whatever enlisted into His Majesty's service as a soldier shall be liable to be arrested or taken therefrom by reason of the warrant of any justice or any process, for not supporting or for leaving chargeable on any parish, township, or union any wife or any child or children."

This alteration does not seem to have been noticed in the House, and no discussion on the Mutiny Bill of that session is reported; nor has your Committee been able to find any dis-

cussion in Parliament on this clause, in any session, at the time of the passing of the Mutiny Bill. The form of expression in the Mutiny Act of 1837 continued to be used till 1851, when the words used were, "any wife, or any child or children, legitimate or illegitimate, or other relation." It was in the Mutiny Act of 1855 that for the word *wife* was first substituted the word *relation*, which still continues to be used, and includes in this instance the word wife; affording the soldier immunity not only from the maintenance of his wife and children, but of any persons who would otherwise become chargeable to him.

In all the early Mutiny Acts there exists the following clause: "And nothing in this Act shall be in any way construed to extend to or concern any of the militia forces of this kingdom." In 1790, however, there is added the exception, "except in so far as is provided for by the Acts relating to the militia." In the course of time a similar exception was made to include the yeomanry, and latterly the volunteers, but in all cases under circumstances of strict and definite statutory limitation.

The Act of 1871 is the first in which the provisions of the Mutiny Bill, including the immunities of clause 40, are extended indiscriminately to the militia, yeomanry, and volunteers, at the discretion of the Secretary of State for War (see clauses 105, 106).

Until 1853 the original clause of the Act of 1688 was retained, "Provided always that nothing in this Act shall be construed to extend to exempt any officer or soldier whatsoever from the ordinary process of law," and is so worded in spite of the existence of a clause corresponding to clause 40. At that date, however, any possible doubt was removed by adding the words "When accused of any crime or offence other than the misdemeanours and offences herein before mentioned."

Thus this unjust and immoral law, introduced under exceptional circumstances, has been through a long series of years maintained, and expanded into its present fullness of evil.

Your Committee addressed a memorial to the Home Secretary on the subject of the Pedlars Act, especially deprecating the tendency of present legislation to increase unduly the powers of the police, believing that the familiarity of a people with extended and minute police supervision is calculated to unfit them for the development and exercise of true freedom, and to prevent the possibility of a healthy constitutional liberty. The following is a copy of the memorial:—

"*To the Right Hon. H. A. Bruce.*

"The memorial of the undersigned respectfully sheweth—

"That the Act framed last session called the Pedlars Act, 1871, is oppressive, opposed to the spirit of English constitutional liberty, and productive of bad moral results.

"A person, under this Act, having once obtained the required certificate from the police, permitting him to carry on the vocation of a pedlar within a certain district, is obliged on travelling to another district to have that certificate endorsed by the police, and in order to obtain that endorsation is required anew to bring proofs as to his qualifications, which involves unnecessary and oppressive expense and delay. Further in the event of refusal or delay in granting the required certificate, although the pedlar is permitted to appeal to a court of summary jurisdiction, yet, inasmuch as he is not allowed to practice his calling while the endorsement is still unobtained, he must starve or suffer great inconvenience or loss while the suit is pending.

"Your memorialists further desire to point out that a system of vast and minute police supervision over persons who are not criminals is entirely opposed to the spirit of English constitutional liberty; it tends to give a quasi-criminal character to a lawful calling, or to bring suspicion of criminalty on respectable persons, who are poor and helpless; and on this point your memorialists desire particularly to call your attention to the grave dangers attending the spread of such a system, and the introduction of police interference with innocent persons in a variety of forms, a species of tyranny from which this country has happily been free till very recent times, and to the absence of which in this country eminent foreign statesmen have attributed the great respect with which English people have, as a whole, up to the present time, regarded law, and their readiness to assist its execution, while at the same time they have deplored the contrary state of matters in other countries where the system which your memorialists deprecate is in force. In connection with which your memorialists beg to call your attention to the growing hatred and suspicion evinced by the poorer and more helpless part of our population towards the police, owing to the rapidly increasing powers with which the Government is continually investing this, the lowest portion of the executive.

"The provisions of the Act are specifically applied to anyone 'selling, or offering for sale his skill in handicraft,' by which an insidious blow is struck at the liberty of labour, and a step is taken towards the introduction of the mischievous French system of workmen's '*livrets*.'

"The Act prohibits any one from engaging in the calling of a pedlar who is under seventeen years of age, and thus by depriving many youths of both sexes of their only chance of earning an honest livelihood tends to drive them into recklessness and crime.

"Your memorialists therefore earnestly pray that you will use your best endeavours to obtain the repeal of the Pedlars Act,

1871, and for the discouragement of all legislation which gives vague extensive and undue powers to the police especially in connection with vaguely or inadequately defined offences.

"Signed on behalf of the Committee of the Vigilance Association for the Defence of Personal Rights.

"Josephine E. Butler, *Hon. Sec.* (pro tem.)"

To this memorial the Home Secretary replied that it was deemed advisable to give the Act a longer trial before modifying what had been carefully considered before making it law.

Your Committee in their last report drew attention to the recommendations of the Select Committee of the House of Commons on the protection of infant life, which sat during the session of 1871. The recommendations are the four following:—

1. That there should be a compulsory registration of all births and deaths within a limited period after the occurrence of those events.
2. That there should be a compulsory registration of all private houses habitually used as lying-in establishments.
3. That there should be a registration of persons who take for hire two or more infants under one year of age to nurse for longer than a day; but so guarded as not to interfere with temporary arrangements of an unobjectionable character.
4. That voluntary registration should be encouraged in the case of nurses who are not required to register compulsorily.

Your Committee then stated that it was certain that one of these recommendations would, and that it was probable that the others might, be made the basis of legislation to be attempted in the following session. Their prognostications proved correct.

Towards the end of the session Lord Morley introduced in the House of Lords a Bill to amend the law relating to the registration of births and deaths in England.

This measure passed through its several stages in the House of Lords, but was withdrawn by Mr. Stansfeld soon after its first reading in the House of Commons, and will no doubt be re-introduced by the Government early next session.

Your Committee offer no opposition to the principle of compulsory registration of births and deaths, as it is strictly within the functions and the duty of the State to ascertain by the best means at its disposal, who are its proper, natural-born subjects, and to offer to each such subject the best guarantee possible for security of life and person. Registration of births to a certain extent guarantees this in the case of infants, by showing what persons are responsible for the birth, and consequently for the life and well-being of each child. Registration of death is in some sort a further security

against violence, as it undoubtedly facilitates the detection of crime. These and many other reasons of the highest social convenience, abundantly justify the State in insisting upon a complete and compulsory system of registration. But the acceptance of such a principle makes necessary the most careful attention to detail both in the framing and in the administration of a compulsory measure, which may otherwise become the occasion of great wrong and injustice.

Your Committee are therefore glad to observe that a clause proposed in the Registration of Births Bill which was before the House of Commons in the session of 1871, and which would have enacted that "in the case of an illegitimate child the name of the father shall not be required to be stated, or if stated shall not be entered on the register *without his consent*," found no place in the Government measure of 1872.

The effect of this proviso would have been that no reputed father of an illegitimate child, even though duly declared such by legal process, could, without his special consent, have been recorded as such on the register. Your Committee reminded you last year that "this is of course a logical application of the assumption of English law that an illegitimate child has only one real natural parent—the mother; but it cannot be maintained that either the assumption itself or its application is just and equitable, and since under the present law of registration only about one-tenth of the women who acknowledge and register their illegitimate children venture to give the name of the father, it is difficult to imagine the purpose of such a provision, unless it is intended to secure men from any disagreeable result of their own actions at whatever cost of injustice to women." Your Committee rejoice to see that this view has apparently been accepted by the Government, but they ask their friends to watch carefully the progress of the Registration of Births and Deaths Bill of next session through all its stages in both Houses of Parliament, lest an attempt should be made to re-introduce this most objectionable provision.

Your Committee last year reminded you that "various proposals have from time to time been made to compel the registration of all still-births and accidents, and to confer excessive inquisitorial powers on registrars and others. They added that, in their belief, it was not very likely that the Government measure of 1872, would contain any such extreme provisions.

They wish, therefore, to draw your attention to the 19th section of the measure introduced last session by the Government, which reads as follows:—

Still-born Children.

19. The body of any still-born child, or of any child alleged to have been still-born, shall not be buried without such an order as in this Act mentioned from the registrar, or an order

from the coroner for the burial, and if any child is buried in contravention of this section, the person bringing or causing the same to be buried, and also the person burying the same, shall be liable to a penalty not exceeding five pounds.

With respect to the issue of such order by the registrar, the following provisions shall have effect :—

(1.) Any person requiring the same shall produce to the registrar either—

(*a.*) A certificate in writing signed by a *registered medical practitioner* who has been in attendance on the mother of such child, to the effect that the child was not born alive ; or,

(*b.*) In default of such certificate from such medical practitioner, a declaration in writing that such child was not born alive, made in the presence of and *attested by a witness, who is the occupier of a house*, and signed by one of the persons who, if the child were born alive, would be required to give notice of the birth of such child :

(2.) The registrar, on the delivery to him of such certificate or declaration, and *payment of the prescribed fee*, shall (unless he has good reason to doubt the truth of the statements made in such certificate or declaration) grant an order authorising the burial of the body of such still-born child, and such order shall, before such body is buried, be delivered to the person burying the same.

It is obvious that the proposal here made is one of a very different character from a proposal of registration. There will remain no permanent record of the event—no entry on the register of the parents' names—nevertheless many of the objections to the compulsory registration of still-births apply with equal force to this section.

Your Committee ask you to consider the words "payment of the prescribed fee," in sub-section 2 ; the words "who is the occupier of a house," in sub-section 1 (*b*); and the phrase "registered medical practitioner," in sub-section 1 (*a*).

The object of the section is undoubtedly to prevent infanticide, but it will necessarily lead to much evil in the way of concealment of birth, because, small as the prescribed fee, one shilling, seems, many poor creatures will be found too poor to pay it. The difficulty moreover which even respectable married women amongst the poor will have in obtaining a declaration "attested by a *witness*, who is the occupier of a house," will be almost insuperable to the mass of those who live in tenements.

Thousands of our poor in London do not even know the occupier of a house. Such a regulation will be practically unworkable, and will end in the bodies of children being thrown into the water or buried surreptitiously.

The majority of still-births, moreover, are premature, often accompanied with very little suffering, and so sudden that a woman alone in a house who would send for a friend or a neighbour, or for medical assistance, has frequently no opportunity of doing so. Such proposals for legislation undoubtedly emanate from those who practically know little or nothing of the lives of the poor.

Your Committee would remind you of the very great temptation which the cost of burial presents to very poor women, to represent as still-born infants which have died shortly after birth. In London a still-born child can be buried for 6s. If certified as having lived, though born prematurely, and in a condition making it impossible to sustain life, the burial would cost 20s.

The requisition of a certificate in writing, signed by a *registered medical practitioner* who has been in attendance on the mother of such child, to the effect that the child was born alive, suggests an intention to force *male* medical attendants, at least so far as pocketing the fees is concerned, upon women in all emergencies. At present a midwife is competent to sign some such certificates. By this section she will be hindered from doing so ; and the mother of a child born under the circumstances previously suggested, will be compelled, whatever her poverty, to send for a "registered medical practitioner," and to pay his fee for attendance, before she can obtain the certification that her child has breathed or has not breathed, without which it may not be buried.

In considering this proposal, and the cruel hardships thereby inflicted on poor women, your Committee have been led to inquire into the qualifications of midwives, and they have ascertained that, though there are many admirably trained and qualified women now following that vocation, there is yet no such status in this country as that of a legally qualified midwife.

They have further ascertained that by the Medical Act of 1858, which prescribes the conditions of registration for medical practitioners, women, however high their medical qualifications, are practically precluded from registration. The Act provides for the registration of persons who hold diplomas or licences from some one of the authorised licensing boards, who in their turn only examine the students of certain recognised medical schools in Great Britain and Ireland, and for the registration, on certain conditions, of persons who are holders of diplomas obtained before the passing of the Act, from foreign or colonial medical schools.

But as the medical schools of Great Britain and Ireland—to their shame be it said—do not provide medical instruction for women, and as foreign diplomas, however distinguished, if acquired since 1858, do not confer a title to registration, it follows that no woman can at present become, in this country, a legally qualified practitioner.

No woman doctor, therefore, however distinguished, is competent to fill up any of the numerous certificates required by statute to be signed by a legally qualified medical practitioner; nor if this Bill becomes law in its present form will she be competent, though she may be the elected physician of some well-known hospital, to sign any certificate of still-birth or death with regard to cases under her own charge.

Your Committee therefore recommend that whatever assistance this Association can give should be given to two independent efforts, which will shortly be made:—

1. To secure to duly qualified midwives a recognised legal status.

2. To obtain such an amendment of the Medical Act of 1858, as shall secure to women properly qualified, the right of registration as legally qualified medical practitioners.

With regard to the second proposal of the Select Committee, that there should be a compulsory registration of all private houses habitually used as lying-in establishments, your Committee report that no attempt has, as yet, been made to embody this proposal in positive legislation. They recommend however that a diligent watch should be kept over the proceedings of Parliament in this regard, and that any attempt at such legislation should be met by determined opposition.

The third proposal, "that there should be a registration of persons who take for hire two or more infants under one year of age, for a longer period than a day," has to their very great regret and disappointment found expression in legislation; and the Act compelling such registration will come into force on the 1st of November.

Early in the session of 1872, Mr. Charley re-introduced his "Infant Life Protection Bill," modified very considerably from the original measure, but still false in principle, and presenting many objectionable points of detail.

Your Committee at once issued a circular embodying certain reasons for objecting to the "Infant Life Protection Bill."

In spite, however, of this protest and of the fact that forty-two petitions with 2,475 signatures were presented against the Bill, there was not to be found in the House of Commons—although many members confessed the foolish and impracticable character of the measure—one member sagacious enough or bold enough to withstand the Bill. In this case, as in so many other cases, the House of Commons appeared to have made up its mind on a partial statement of facts—that "something must be done," the fitness of that something being altogether too trivial a matter for consideration.

No more striking instance could be given than this of the utter unfitness of a legislature in which men and men's views

only are represented, to legislate on matters affecting the well-being of women, and regulating the disposal of children.

The Bill passed the House of Commons without opposition, and without any material alteration.

Your Committee then appealed to the House of Lords, representing the obnoxious principle of the Bill, and their numerous objections of detail.

In the House of Lords the Bill was referred to a Select Committee of the following Peers:—The Earl of Cork and Orrery, the Earl of Courtown, the Earl of Derby, Lord Egerton, Lord Fitzwalter, Lord Kesteven, the Bishop of London, the Earl of Morley, the Earl of Shaftesbury, Lord Skelmersdale, and Lord Wharncliffe.

Whether it be that the House of Lords, as a non-representative body, felt itself more at liberty to pay regard to the opinions and feelings of the unrepresented section of the people, or for whatever other reason, certain it is that the Lords considered this matter with greater practical sagacity than the Commons. The Bill as it issued from the Select Committee, passed through the Lords, and was agreed to by the Commons, was a far less anomalous and offensive measure than as it left the Commons.

Most of the oppressive and objectionable points of detail exposed by your Committee had been withdrawn or modified. The principal change effected by the Lords was of such a character as to transform the Bill from a measure of criminal police, to a measure of sanitary administration. Although your Committee greatly regret the passing of the measure, they are bound to acknowledge that the changes made in it, have rendered it as little mischievous as any measure based on a false principle can be expected to be, and they are thankful for this proof that their efforts have not been absolutely wasted. They recommend that the operations of the Act be carefully watched, and that any attempt to alter the measure, otherwise than by its total repeal, be regarded with suspicion, and if needful, strenuously resisted.

Your Committee reported last year that "whilst prosecuting their inquiries into the causes of infant mortality they became fully aware that for the amendment of the law relating to seduction and bastardy more than one measure would be needed. The law of seduction ought to be a part of the criminal law; the law of bastardy, as it stands at present, is best described as a part of the Poor Law, with which it is closely bound up. The essential principle of this legislation is undoubtedly that the mother is the only parent, and therefore the only person responsible for the life and well-being of such a child. The natural claim of the child upon its father is completely set aside, and no aid towards its maintenance can be legally demanded from him, unless the mother has succeeded in procuring an

order in bastardy against him, and even this aid, inadequate as it is, being limited to half-a-crown a week, and ceasing with the child's thirteenth year, is but seldom obtained, and requires to be constantly re-demanded. If a woman allows payment to be suspended for more than thirteen weeks, she can only recover for thirteen weeks, whilst it would almost seem as if the law had provided as many ways of evasion for the father as possible."

For a fuller discussion of the state of the law, as it then stood, your Committee refer their friends to pp. 8-10 of their last year's Report, and to their pamphlet on "Infant Mortality" issued last year.

They are thankful to be able to state that some of these cruel injustices have been already removed from English law. Having had to oppose the action of Mr. Charley in regard to the Infant Life Protection Bill, they are glad to be able to acknowledge the services which he has rendered in the important matter of the amendment of the Law of Bastardy.

Early in the session of 1872, Mr. Charley introduced a measure entitled "A Bill to Amend the Law of Bastardy and for the Better Protection of Girls," but your Committee were unable to take action with regard to it till late in the session, as its promoters did not appear to have decided as to the form which it should take, and in consequence neither printed nor issued it. When, however, it did appear, your Committee had the satisfaction of finding that it embodied some of their own most urgently pressed recommendations for the amendment of the Law of Bastardy. They therefore felt it their duty to support the Bill introduced by Mr. Charley.

The Bill as introduced undoubtedly embodied their principle, that the father, whether his child be legitimate or illegitimate, is responsible for its life and well-being. No recognition of this principle can, however, obviate the necessity in the case of the father of an illegitimate child of some legal process for determining the paternity. Mr. Charley's Bill retained the existing forms of the law of affiliation, but by withdrawing the shameful limitation of the amount to which a putative father can be made liable for the maintenance of his child, and giving the justices power to make an order for whatever might be fair and reasonable under the circumstances, it clearly affirmed the principle, that a father is bound to provide for the maintenance of his child, according to his means, and the necessities of the child. The Bill further provided that the absconding of the father of an illegitimate child should be no bar to the procuring of an order for maintenance upon him after his return. It repealed the proviso which forbade the recovery of more than thirteen weeks' arrears. It made the father liable till the child's sixteenth year, and it enabled boards of guardians to procure orders upon the father.

As the Bill stood it offered, if not a complete, yet a comprehensive and far-reaching reform of the Law of Bastardy. But although the measure received the warm support of Mr. Henley on the Conservative side of the House, and of Mr. Stansfeld on the Treasury bench—in spite, moreover, of the fact that 55 petitions, with 4,550 signatures were presented in its favour, and not one against it—it was far too thorough-going a measure of justice to be accepted by the House of Commons.

The original Bill provided that the amount of the order should be at the discretion of the justices, the obvious intention being that the father should be made to provide according to his means, for the maintenance of his own child. The Commons, however, by the careful insertion of the words "not exceeding 5s. weekly," have again re-affirmed the false principle that the highest obligation of the richest father towards his child is to provide for it the means of bare existence, on the same scale of living as the lowest pauper. The advance of the maximum allowance to 5s. represents no more than the advance in the cost of bare necessaries since the time when the 2s. 6d. limit was imposed. Nor is the incapacity of the Commons to perceive and apply the true principle at all to be wondered at when we recollect that in England, almost alone among civilised nations, there is absolutely no law, except the Poor Law, under which a parent is bound to support his children, whether legitimate or illegitimate.

The abandonment of its central principle has changed the character of the measure from an attempt at Bastardy Law Reform to a mere mitigation of the excessive cruelty and injustice of the old law.

Yet, so great were this cruelty and this injustice, and so terrible their effects upon mothers and children, that even for this partial mitigation and relief your Committee is profoundly thankful.

It is a clear gain that the father can no longer, by running away before a summons has been served upon him, and staying away over a year, escape on his return the consequences of his actions. It is a clear gain that he can be made liable up to the child's sixteenth year, at the discretion of the justices; that the whole of any arrears in cases of disobedience to the order are now recoverable; and, above all, that boards of guardians can recover the cost of the maintenance of the child from the father during the time that the child is in receipt of parish relief.

For their support of a measure which secured these alterations of the old law, your Committee desire to render their most cordial thanks to Mr. Charley, who introduced the Bill; to Mr. Stansfeld, who supported it from the Treasury bench; and to those members on both sides of the House who voted with them.

It cannot, however, be too much regretted that, owing to some inadvertence in the drafting of the measure, the passing of the Act has involved a sad failure of justice.

The Act came into force on the 10th of August, and is now applicable, with all its advantages, to all cases of children born after that date. Unfortunately, the Act, in repealing certain important parts of the old law, provided no just line of demarcation between the operation of the old law and of the new, and thus left the mothers of illegitimate children born *before* the 10th of August, on which day the Act came into force, without any remedy at law.

Your Committee are thankful to be allowed to state that Mr. Stansfeld proposes as early as possible next session to deal legislatively with this question, and to remedy, so far as legal remedies can go, the wrongs which have been suffered through this defect of the Act.

As, however, there are at least four months to run before any such remedy can be applied, your Committee desire their friends to call the attention of all boards of guardians to section 8 of the Act, which enables guardians to obtain an order against the father whenever the child becomes chargeable to the parish, and to remind them that this section is not limited in the same way as the unfortunate section 3, which can only be made to apply to the cases of children born after the passing of the Act.

Section 8, being altogether new law, is not limited in point of time, since there could be no need or place, as in the case of a summons applied for by the mother, for a line, in point of time, between the old law and the new.

Your Committee regret to see that Mr. D'Eyncourt appears in a recent case to have entertained some doubt as to the effect of the Act in this respect, but they affirm with confidence that their view of the law is correct, and they ask their friends to urge boards of guardians throughout the country to act at once upon it, and thus save much needless suffering.

Your Committee grieve to report that the practice, first brought prominently before the public by the Kingsland tragedy, of police and other officers to assume power to order personal medical examinations of women suspected of infanticide or concealment of birth, with a view to obtain evidence against them, appears to be steadily on the increase. They regret to observe, not only on the part of officials of all grades, but even of Parliament itself, a tendency to treat a suspected woman as an undoubted criminal, and, above all, to regard a woman suspected of unchastity as having forfeited, by the mere suspicion under which she labours, all civil and human rights, and to be justly liable to the most indecent and revolting treatment.

In proof of this your Committee need only to refer to the numerous cases of which they have information, in which the

medical evidence obtained by the enforced personal examination of suspected women has been used against them when on trial, though such enforced examinations are absolutely illegal, by whomsoever ordered, being according to the opinion of the eminent Counsel whom your Committee consulted, and according to the legal adviser of the *Lancet*, contrary to the whole spirit and principles of English law. But the same tendency is clearly shown in the provisions of the Bill for the Prevention of Contagious Diseases introduced last session by Mr. Bruce, and which is to be again introduced by the Government next session.

Apart from the fact that this Bill embodies the whole evil vice-protecting principle of the existing Contagious Diseases Acts and proposes to extend the operation of this principle to the whole country, it removes so completely every legal safeguard of the liberty and reputation of all women, that he may well be called the statesman of despair who thus legislates on the assumption that men can only be kept in health by reducing all women to slavery. Mr. Bruce proposed that on the unsupported assertion of a single policeman, that he found any particular woman accosting a man for the purpose of soliciting to prostitution, any single justice of the peace sitting in closed court, may condemn her, for the first offence to three months' and for the second offence to six months' imprisonment. Under that construction of the Vagrant Act which Mr. Bruce desires to enforce upon all magistrates throughout England, the Liverpool magistrates have skilfully succeeded in almost doubling within the last four years, the number of women whom they annually commit to prison; so much so that during the last twelve months 7,794 women have been committed to the Liverpool Borough Gaol, as against 5,924 men, a feat unparalleled elsewhere in the world.* Mr. Bruce's Bill proposed that, when once trapped into prison, such a woman should, if believed by the prison surgeon to be affected with disease, be reported to a justice, who would be bound thereupon to make an order for her detention under medical treatment. Under this order the medical officer—either of the prison or of the State-provided hospital for prostitutes (to which the justice of the peace might by the same order or by any subsequent order transfer her)—might at his discretion detain her either in the prison infirmary, or in the hospital for prostitutes for any period not exceeding nine months beyond the period for which she was originally committed. During this period she was to be subject to enforced medical treatment, and bound to obey the regulations of the hospital—regulations prescribed by a "Secretary of

* In the year ending Sept. 29, 1871, 435,586 men were proceeded against summarily, and 106,130 women. Of these there were convicted—men, 335,574; women, 72,285. Proceeded against on indictment—men, 12,640; women, 3,629. In 1868 there were committed to the Liverpool Borough Gaol 4,188 women, as against 7,794 in 1872.

State." If, finding these too harsh and severe, she endeavoured to escape without obtaining the leave of her medical gaoler, or if in anything she contravened these regulations, she might be arrested without warrant, again summarily convicted and imprisoned, with or without hard labour for one month, at the end of which time she might be again sent into hospital, again to begin her nine months' term of hospital imprisonment. Nor was this all: at the discretion of the inspector of the hospitals for prostitutes, she might be transferred from any one of these hospitals to any other, so that in case of wrong or mistake she might be removed far out of the reach of friends, who might procure her any legal remedy.

But Mr. Bruce, not satisfied with placing in the hands of the police this tremendous engine of terrorism and oppression against women, proposed still further that all these outrageous punishments for an alleged offence, solicitation—constantly committed by men, but for which they are not liable to any punishment—should also be inflicted in the case of any woman convicted of *any* offence, of whom one policeman chose to affirm, and one justice of the peace to believe, that she was a common prostitute—the evidence for which might be just as slight as in the previous case.

Happily, the provisions of the Bill were so startling in their outrage upon justice and freedom, that even avowed supporters of the existing Contagious Diseases Acts have recorded their abhorrence of them.

Yet, since members of the Government have repeatedly declared that it is the intention of the administration to pass this iniquitous measure into law early next session, your Committee submit that it is the duty not only of this Association, but of everyone, to resist to the utmost any and all such infamous legislation.

Your Committee submit that the violation of the personal and civil rights of women, once sanctioned by legislation and approved by custom, must give rise to social disorders of the very gravest kind. They further submit that a government which can approve and enforce such legislation as this against women, simply because women, being unrepresented, can offer no *political* resistance, and being unarmed, can offer no violent resistance, is not likely to pay much respect to the rights and liberties of men, when a convenient occasion or excuse offers itself for infringing these.

Closely connected with the question here touched upon is the proposal in the Juries Bill of last session (withdrawn) to abolish juries *de ventre inspiciendo*. From the following extract from the notice papers of the House of Commons it may be gathered what substitute is proposed:—

"19th March, 1872: Mr. Donald Dalrymple to ask the

Secretary of State for the Home Department whether his attention has been called to the case of Rachel Busby, who was sentenced to death at the last Summer Assizes, at Oxford, and was declared by a jury of matrons not to be in a condition requiring execution to be staid; whether she has since given birth to a child in the Oxford County Gaol, and, whether, on account of the frequent instances of mistakes made, he does not think it would be desirable to amend the law relating to the plea of pregnancy in bar of execution, by having professional experts to examine into such cases."

On this subject your Committee addressed the following memorial to the Home Secretary:—

"The humble petition of the undersigned sheweth—

"That the law providing that a woman under sentence of death who pleads pregnancy as a bar to execution shall be examined by a jury of matrons is a just, proper, and decent law.

"That it endorses the principle that the interference of male surgeons with the bodies of women is, on no account or under any circumstances, to be necessitated by the law of the land, inasmuch as it protects from such interference even the body of a woman condemned to death.

"That it is a law which in its nature involves no miscarriage of justice, inasmuch as a jury of matrons, if properly elected, are better fitted than any others to determine as to a case of pregnancy.

"Your petitioner therefore humbly prays that no alteration may be made in this law which shall expose a woman condemned to death to examination by male surgeons, thereby abolishing a decent and honourable custom, and substituting in its place male surgical examination of women, which, when enforced by the law of the land, in any form or under any circumstances, is an insult to women, a scandal to the medical profession, and a disgrace to the country.

"Your petitioner, however, desires to point out that there is a grave defect in the law as it at present stands, which may lead to miscarriage of justice, and which may be very easily remedied. The defect to which your petitioner alludes consists in the custom of empannelling the jury of matrons from among the women present at the time in court, inasmuch as the women present on such occasions are frequently of the lowest and most ignorant class.

"Your petitioner further begs to call your attention to the fact that there now exist in large numbers women duly qualified to deal fully with all questions connected with child bearing.

"Your petitioner therefore humbly prays that you will propose such an alteration in this law that, while

preserving the custom of the jury of matrons, that jury shall henceforth be empannelled in such a way as either to consist wholly of duly qualified midwives or to contain such in its number.

"JOSEPHINE E. BUTLER,
"Honorary Secretary *(pro tem.)* to the Vigilance Association for the Defence of Personal Rights."

Your Committee recommend your Association to watch the Juries Bill of the ensuing session, and if possible to prevent the abolition of juries *de ventre inspiciendo*, as another instance of the usurpation of undue powers by medical experts, and of that detestable system of male medical interference with the persons of women which the present Parliament seems willing in all possible cases to legalise and enforce.

The Bill to amend the Law of Bastardy, as originally introduced by Mr. Charley, M.P., contained in its second part provisions for the better protection of girls, which proposed to raise the age of protection for the persons of female children from twelve to fourteen. In order to save the rest of his Bill Mr. Charley was obliged to abandon this part of his measure altogether. This simple fact is sufficiently indicative of the difficulty to be encountered in any serious attempt to carry through Parliament a measure which should propose to protect, on principles of justice, the young of both sexes till such age as they can justly be credited with knowledge of moral as well as of physical consequences. Your Committee have anxiously considered proposals for this end, and for the further protection of women from violence or fraud. But after most carefully weighing each of these proposals, your Committee have judged it better not to attempt the introduction next session of any Bill of their own dealing with this subject; but they recommend the Association to support, so far as it accords with their principles, the measure which Mr. Charley has pledged himself to introduce early in the session.

Your Committee hold that the deepest guilt of irregular sexual relations lies, as between the parties themselves, in the incapacity of one of them to estimate the consequences, moral as well as material and physical, therein involved, and, as regards society, in the attempt of one or both to throw off the natural responsibilities arising therefrom. Any measure dealing with these relations should therefore provide for the protection of all of either sex who, by reason of youth, ignorance, or mental incapacity, are not competent to judge of the character and consequences of such relations, and it is upon this basis that any measure must be framed to which they can give their hearty support.

Your Committee desire, before concluding this report, to call your attention to two Bills before Parliament last session,

and which will again be before Parliament in the ensuing session, namely, the Juries Bill (to the clause of which abolishing juries of matrons attention has already been called) and the Public Prosecutors Bill. They call your attention to these Bills, inasmuch as any measure dealing with the machinery of criminal law requires to be watched with the most minute attention; nor ought any change to be made in the character of that machinery without the gravest consideration.

In conclusion, your Committee, trusting that you will approve of the work which they have in hand, appeal to you for funds to carry on that work, and through you to the public at large. It is impossible for them to accomplish the work which they have undertaken, and which is indicated in this report, unless they are put liberally in possession of money. They calculate that their necessary expenses during the ensuing year will be at least eight hundred pounds.

ANNUAL MEETING

Of the Vigilance Association for the Defence of Personal Rights and for the Amendment of the Law in points wherein it is Injurious to Women, held in the Town Hall, Leeds, on Thursday, October 31st, 1872.

The Rev. GEORGE BUTLER, M.A., in the Chair.

Resolution I.—Moved by Mr. Joseph Edmondson; seconded by Miss Wilson—

That the Report and Statement of Accounts just read be adopted, and printed for circulation, under the direction of the Executive Committee.

Resolution II.—Proposed by Mrs. King; seconded by Mr. Henry Wilson—

That this Association adopt the name and title of the Vigilance Association for the Defence of Personal Rights and for the Amendment of the Law in points wherein it is Injurious to Women, together with the constitution and rules now submitted.

Resolution III.—Proposed by Mrs. Henry Richardson; seconded by Mrs. Oliver Scatcherd—

That the following persons be appointed the Executive Committee for the ensuing year:—Miss Becker, Mrs. Blackburn, Mrs. Jacob Bright, the Rev. George Butler, M.A., Mrs. Butler, Mrs. King, H. N. Mozley, Esq., Miss L. F. March Phillipps, W. Shaen, Esq., Rev. S. A. Steinthal, James Stuart, M.A., Miss Tod, Madame Venturi, George Warr, M.A., Miss Lucy Wilson, and Miss Wolstenholme, with power to add to their number.

Resolution IV.—Moved by Mrs. Edward Walker; seconded by Miss Wolstenholme—

That the best thanks of this meeting be presented to the Rev. George Butler for presiding on this occasion.

VIGILANCE ASSOCIATION FOR THE DEFENCE OF PERSONAL RIGHTS.

STATEMENT OF RECEIPTS AND EXPENDITURE

From November 15th, 1871, to October 29th, 1872.

Dr.	£ s. d.		£ s. d.	£ s. d.
1871. Nov. 15. To Balance in hand	49 12 5	Printing, per Messrs. Ireland	71 11 5	
1872. Oct. 29. „ Sale of Pamphlets	0 8 6	„ Mr. Brakell	43 2 6	
„ Subscriptions and Donations	273 11 0	„ in "Women's Suffrage Journal"	5 18 0	
				120 11 11
		Postage, &c., per Miss Wolstenholme	13 18 0	
		Miss Cooke	6 11 2	
		„ Mrs. Butler	14 7 6	
		„ Miss Becker	19 3 10	
		„ Mr. Stuart	32 17 8	
		„ Miss Tod	5 0 0	
				91 18 2
		Reporting Meeting		5 0 0
		Salary of Assistant Secretary		40 0 0
		Deputation to London		3 0 0
		Rent		5 0 0
		Legal Expenses		8 4 0
		Balance in hand		49 17 10
	£323 11 11			£323 11 11

LYDIA E. BECKER, TREASURER.

Having compared with the vouchers and audited the above accounts, I certify to their correctness:

S. ALFRED STEINTHAL.

October 29th, 1872.

SUBSCRIPTIONS AND DONATIONS,

1871-72.

	£	s.	d.
A Friend, per Mrs. Greg	10	0	0
A Friend to the cause	5	0	0
A Friend	3	3	0
A Friend to virtue	1	1	0
A Friend	0	10	0
A Friend, per Miss Hervey...	0	5	0
A Friend	0	5	0
Mr. S. Ainge...	0	10	6
Mrs. S. W. Browne	15	0	0
Mr. W. Birch, jun.	5	5	0
Birmingham Branch, per Mrs. Kenway	2	10	0
Mrs. Bingham	1	0	0
Rev. G. Butler	0	10	0
Rev. J. B. Browne	0	5	0
Mrs. J. B. Browne	0	5	0
Mrs. Black	0	5	0
Mr. James Cropper	5	0	0
Mrs. Russell Carpenter	2	0	0
Miss Lilias Craig	1	0	0
Mr. F. Clark...	1	0	0
Mrs. Claypole	0	5	0
Miss Corney	0	3	0
Mr. Dowson	0	10	0
Mr. Philip Dwyer	0	2	6
Mrs. Evans	0	5	0
Mrs. Fowler	2	0	0
Miss Finch	0	10	0
Miss Firth	0	5	0
Mr. S. Fothergill	0	5	0

	£	s.	d.
Mrs. E. Fuller	0	5	0
Mrs. Freeth	0	3	6
Mrs. Garnett...	2	0	0
Mrs. C. Garnett	0	10	0
Miss Gough	0	2	6
Misses Hunter	2	0	0
Miss R. Hall	1	1	0
Mrs. Hume-Rothery...	0	10	0
Mrs. Haslam...	0	5	0
Miss Hervey	0	5	0
Miss Rose Hervey	0	5	0
Mrs. E. M. King	1	1	0
Mrs. Kenway...	1	1	0
Rev. E. Kell	1	0	0
Mrs. Lindsay...	1	0	0
Mrs. Lewis	0	10	6
Miss Julia Leaf	0	10	0
Miss H. Lupton	0	10	0
Mrs. Livens	0	2	6
Mrs. Middlemore	5	0	0
Mr. F. Martineau	1	1	0
Mrs. M'Laren	1	0	0
Dr. Duncan M'Nab	1	0	0
Miss L. F. March-Phillipps...	0	10	0
Mr. Morgan	0	10	6
Mrs. Mactaggart	0	2	6
Prof. F. W. Newman	10	0	0
Mrs. Nichol	5	0	0
Mr. H. Nichol	1	1	0
Mr. Nutter	1	1	0
Mr. H. H. Newcombe	0	10	6
Mr. Francis Peek*	100	0	0
Mrs. J. B. Pease	10	0	0
Mrs. Edward Pease	10	0	0
Mrs. Arthur Pease	10	0	0
Mrs. Gurney Pease	5	0	0
Miss E. L. M. Praed	2	0	0
Misses Priestman	2	0	0

* To be applied in resisting the re-enactment of the 40th section of the Mutiny Act.

	£	s.	d.
Mr. and Mrs. Rogers	1	1	0
Rev. E. Roberts	1	1	0
Mrs. Ruxton	1	0	0
Mrs. Rowntree	0	10	0
Miss J. Richardson	0	5	0
Mrs. Scott	2	3	0
Mrs. G. M. Smith	0	10	0
Mr. James Stuart	0	10	0
Mrs. J. P. Thomasson	5	0	0
Mr. A. Trevelyan	1	0	0
Mrs. Tyndall	1	0	0
Mr. Taylor	0	5	0
Madame Venturi	1	0	0
Miss Williams	10	0	0
Mrs. Wakefield	2	0	0
Mrs. Winkworth	2	0	0
Mrs. Weiss	2	0	0
Mrs. Wakefield	1	0	0
Mrs. James Walton	0	10	0
Miss H. M. Walton	0	10	0
Mr. G. C. Warr	0	10	0
Mrs. E. Walker	0	10	0
Mrs. S. N. Wates	0	10	0
Miss Lucy Wilson	0	10	0
Mrs. Wilson	0	5	0
Mrs. Yorke	0	2	6

VIGILANCE ASSOCIATION

FOR THE DEFENCE OF PERSONAL RIGHTS, AND FOR THE AMENDMENT OF THE LAW IN POINTS WHEREIN IT IS INJURIOUS TO WOMEN.

Executive Committee:

MRS. JACOB BRIGHT.
MRS. BLACKBURN.
REV. G. BUTLER, M.A.
MRS. BUTLER.
MRS. KING.
HERBERT N. MOZLEY, ESQ.
MISS L. F. MARCH PHILLIPS.
W. SHAEN, ESQ.
REV. S. A. STEINTHAL.
JAMES STUART, M.A.
MISS TOD.
MADAME VENTURI.
GEORGE WARR, M.A.
MISS LUCY WILSON.

Treasurer (pro tem.):

MISS BECKER, 28, Jackson's Row, Albert Square, Manchester.

Secretary:

MISS ELIZABETH C. WOLSTENHOLME, Moody Hall, Congleton.

CONSTITUTION.

The object of this Association is to uphold the principle of the perfect equality of all persons before the law, irrespective of sex or class. It seeks the attainment of this object—

I. By labouring to effect the repeal or amendment of all existing laws which directly or indirectly violate the aforesaid principle.

II. By opposing the enactment of all new laws which violate the said principle.

III. By watching over the execution of the laws to ascertain whether that principle, in so far as it has already received legislative sanction, is duly respected in practice by administrative, judicial, and police authorities.

IV. By spreading among the people a knowledge of the rights and liberties to which they are legally entitled, and of the moral grounds on which these legal rights and liberties are founded.

RULES.

I. The Association shall be called the Vigilance Association for the Defence of Personal Rights, and for the Amendment of the Law in points wherein it is Injurious to Women.

II. Approval of the object of the Association, and an annual subscription of any amount shall constitute membership.

III. The subscriptions are due on the first day of January for the current year.

IV. An Executive Committee shall be appointed at an Annual General Meeting, which Committee shall have power to add to its number.

V. The Committee at its first meeting, subsequent to the Annual Meeting, shall appoint a Secretary and a Treasurer.

VI. A General Meeting of the Society shall be held once a year to receive the report, the statement of accounts, to appoint the Committee, and transact any other business which may arise.

VII. A Special General Meeting of the Society may be called at any time by the Committee, and, at the written request of twenty-five members, the Secretary shall call a Special Meeting. At such meeting no subjects shall be discussed but those mentioned in the notice summoning the members.

VIII. No General Meeting of the Society shall be called without eight days' public notice of such meeting.

IX. These rules shall not be altered except at a General Meeting; and no rule shall be altered at any meeting unless a month's notice of such proposed alteration has been given to the Committee.

SUGGESTIONS FOR REGULATING THE RELATIONS BETWEEN THE LOCAL AND EXECUTIVE COMMITTEES.

The object of all arrangements is to secure the greatest possible freedom on the part of the Local Committees, consistent with united and effective national action.

I. It will be the duty of the Executive Committee to undertake, in addition to its direct work of Parliamentary action, the collection of information and statistics bearing on the object of the Association, and the publication and dissemination of the same through the Agency of the Local Committees.

II. The Executive Committee will furnish to the Local Committees such printed documents as shall be necessary from time to time to explain the objects and principles of the Association, and its course of action.

It will present a report of its proceedings and a statement of accounts duly audited, and distinguishing the local from the general expenditure, to the Annual Meeting, which will be held at such time and place as the Executive shall determine; and will publish the same for distribution to all the Local Committees.

III. A Subscription to the General Fund is necessary to constitute membership of the Association; the local Committees should, therefore, thoroughly Canvass their respective districts for Subscribers. They should also furnish to the Executive Committee monthly lists of the New Members they have obtained, and collect the Subscriptions and remit them to the Executive Committee.

IV. The Local Committees shall promote the objects of the Association by the distribution of information, by public meetings, and by all other means that may seem desirable.

V. As the bulk of all printed documents required will be furnished by the Executive Committee, it is anticipated that the separate expenses of the Local Committees will be small, and it is hoped that these expenses will be met by a Special Subscription List, raised by each Committee for the purpose.

VI. Where, however, the Local Committees find it impossible or undesirable to raise such separate and special subscription, and particularly in cases where the funds remitted to the Executive Committee for the general purposes of the Association are large, the Local Committee should apply to the Executive Committee for a Grant in aid of the Local Expenses.

A. IRELAND AND CO., PRINTERS, MANCHESTER.

Copies of this Report may be had from Miss EMILY COOKE

Spring Vale, Egremont, Birkenhead.