THE

ENFRANCHISEMENT OF WOMEN

THE LAW OF THE LAND.

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There are in these British Islands at this present writing thirty-four millions of human beings. In the old-fashioned phraseology of statisticians, they used to be called millions of *souls*—a term to which it may be useful hereafter to advert. Of these, about sixteen and a half millions are males, and seventeen and a half millions women. Seafaring and adventurous islanders, our men push their way over the world, and settle in our colonies, leaving the balance of sex at home always against them. A large majority of our population, our fellow subjects, responsible to our laws, amenable to the behests of our Legislature, taxed for all the uses of the State, the town, and the parish, engaging in the toils of our industry, adjutants in the production of our material wealth, are yet denied the right of Parliamentary representation. Mothers, wives, sisters, daughters of us—

> Where we have garnered up our souls,
> Where either we must live or have no life—
> The very fountain whence our current runs
> Or else dries up—

we, fathers, husbands, brothers, turn our backs on the radical principle of our own constitution, for a pretext to leave them civilly defenceless. It is a maxim in virtue of which we have conceded the suffrage to the vagabond, the drunkard, and the thief, that they are entitled to have a voice in the laws they are to obey. Our rulers have been compelled, by the logic of the constitution, to open its doors to millions, in homage to the

doctrine that the State can only tax and govern us by consent of our representatives—to millions who can neither read nor write, of whom indeed we cannot so much as ask the question—to many who, like the men of Nineveh, know not their right hand from the left. Outlaws, convicted felons—even these may elect, nay, may be elected—but there is no room at the polling-booth or in "The House" for Mary Somerville, Harriet Martineau, Florence Nightingale, Elizabeth Browning, or Rosa Bonheur. We set their sex to reap our fields, to fill our factories; they are clerks in our Government offices, merchants, shopkeepers, manufacturers, tradeswomen, saleswomen, skilled mechanics, inn, lodging, stable keepers; they take degrees at our universities, and practise as physicians, but they have not, it seems, capacity to judge of the qualifications of a member of Parliament. It is quite a sufficing reason for giving Hodge a vote, that Tom, the cobbler over the way, has one; but there the logic of analogy halts. The successful farmer of five hundred acres, the dairywoman who keeps as many cows, and who, each by her skill, energy, and forethought, not only realises an ample income, but finds the money for the employment and maintenance of hundreds of families—these, it seems, have not the requisite ability to make a cross at a polling-booth, although the man who carries swill to their pigs, or delivers the milk on their milk-walk, is, we are assured, an independent and competent elector. If the latter are not very fit, "the schoolmaster is abroad;" give them the right now, and they may learn how to use it by and by. But no such experimental enfranchisement is conceded to their female employers.

We make women large landholders, ladies of manors, fundholders, householders, burgesses of our cities. Baroness Coutts is free of the city of London, and a member of a livery company—"anything but to the purpose." They may keep the post and money-order office; by express law they may be, and have been, sextons to bury us, constables to protect us, overseers of the poor, high-chamberlain, high-constable, marshal; they may be, and have personally *served* the office of, high-sheriff; nay, they have repeatedly exercised the function of returning officer of members to serve in Parliament; but yet we are told that they are unfit to choose their own representatives. To cap the climax of this dialectic farce, our law and

constitution set a woman to rule over us—to negative by her single veto the unanimous voice of both Houses of Parliament—to declare war, make peace, or conclude treaties binding us all—while we pronounce her congenitally incapable, by reason of her sex, to appreciate the qualifications of a single commoner. Perhaps the most perfect *reductio ad absurdum* in this regard is, that the State itself, by express Act of Parliament, has created and subsidised the office of schoolmistress. She must pass a stringent preliminary examination of her capacity to teach all that schoolmasters impart to the male sex. Oh, yes; she can *instruct* electors, but she is without the capacity herself to elect. She may be a member, president of the school board, vote for common council or aldermen, be a councillor or alderman to administer the municipal affairs of a city of 500,000 inhabitants; but no, she cannot be an elector of Little Peddlington.

Sex—what is it but a zoologic expression, referring solely to animal functions? Distinctive among the brutes "without discourse of reason," and ruled by blind instincts and prone appetites, is it to be applied to the immortal part of us? The human soul is of no sex. Can we tell the gender of the mind or intellect? Is not woman, as man, fashioned in the image of her maker? Is there one mental faculty which has been omitted in her cerebral economy? Even if it could be contended that some intellectual power has, by the habits of society or the circumstances of her position, been unequally or imperfectly developed, does not the same answer apply in her case as that which is given to the objection to the enfranchisement of male stupidity—the exercise of the function will educate for its due discharge? The Turks, more consistent than we, degrade their women to a *status* below their own, as we do; but, unlike us, they deny that they have souls.

The plain truth is, the objection to female enfranchisement is founded on utter ignorance of the natural history of the *genus homo*. There are countries in which the body-guard of the sovereign consists of his wives. The amazon is no myth, but a present reality. There are populous tribes in which the social position of the sexes is reversed, and the men, entirely subordinated to the women, fully recognise their own as a purely subservient status, deferring in everything to their

wives as the dominant power. Among savages in general, it is the women who really discharge every duty but that of fighting and hunting. Even among civilised nations, how many classes devolve, not only the industrial drudgery, but the business, of their calling, upon the women. The most contemptuous gibe the fisherwomen can fling at their neighbour is that "she cannot keep her husband." The great Napoleonic wars that drew the male population away to the army, made the women of France fill up the gap, by carrying on the work and managing the business of civil life; and to such purpose was it done, that to this day there is scarcely a department of trade or industry, hardly an office of trust or skill, in which they are not to be found creditably proficient. In our country, who is there who cannot tell off, in his own circle, or within his personal knowledge, cases of women who have, by their commanding intelligence, redeemed the fortunes of a futile husband, or, as widows, brought up and put out into life the family he failed to support? Of those who engage in business, how few become insolvent; how punctual are they, as a rule, in fulfilling trade engagements; how reliable in meeting liabilities; how rigid in the discharge of duties!

It is indeed strange that the English people should raise such distinctions as those on which this disqualification is founded. The law of inheritance excluding females which had been imported into the constitution of France, from the allodial tenure of the Salic settlers, never prevailed in Britain. This nation always recognised the right of succession in the female line. I well remember the plenipotentiary of an Indian prince declaring to me he had discovered the reason of the subjugation of the Hindoos to the Saxons. "In the zenana," said he, "we have secluded our women, and made them wholly unfit to make intelligent and capable men and women of our children." "Daughters," observes Professor Monier Williams, "are little regarded. When a boy was five years old he was betrothed. After the nuptial ceremony a boy returned without his bride to his father's house, but at the age of fifteen or sixteen he was allowed to live with his child wife. He (Professor Williams) had at Indian high schools and colleges often examined boys, half of whom were fathers. Early marriages were the curse of India. The condition of Hindoo girls was one of hopeless

ignorance; they were unable to read, they were never taught rules of health, or the most elementary truths of science. A feeling prevailed that a girl who had learned to read had committed a sin which would bring down a judgment on her or her husband. A young widow had practically no existence; an old widow was cared for by her children, but a young childless widow was regarded as worse than dead. She might not marry again (a man would marry again eleven or twelve days after the death of his wife); she was supposed to be in perpetual mourning for her dead husband, although she might never have seen him except at her child-wedding; and she was a household drudge." What has ruined Turkey and every eastern country, what ultimately sealed the doom of Athens, but leaving the culture of each rising generation of the governing classes to the sultanas and female slaves of the seraglio and the harem? The education of the citizen begins in the cradle. Habits of cleanliness, order, obedience, industry, and truth must commence in the nursery and the schoolroom. Eve was a helpmate, not a slave. The description Solomon gives of a virtuous woman is really of a wife who manages and gives law to the whole family. "Her husband is known in the gates; her children arise up, and call her blessed." "She considereth a field, and buyeth it; she perceiveth that her merchandise is good; and delivereth girdles to the merchant; she openeth her mouth with wisdom."

This is not a mere debating society question. It is something very much more significant than the exercitation of a speculative essay. The spirit which suggests women's disability for electoral functions, keeps them out of many callings whereby they might rise out of a deplorably dependent position, and earn a comfortable livelihood. The daughters of a professional man, who can save little of his income in the necessity of maintaining his position and keeping up appearances, are placed in a state of cruel suspense and dependence by the existing habits of society. In our old and highly civilised country, where the mechanism of life, artificial and precarious, rests on such hazardous contingencies, there are few new openings for those who have fallen by unmerited misfortune out of their natural circle. It was the tradition of the Bourbon kings that every prince and princess should be taught

a trade; and the wheel of fortune so turned, that the knowledge stood one of them in good stead in his extremity. Fathers scarcely do their duty to their children and to society who do not so change the habits of public opinion and the current of custom as to smooth the way for females to enter upon the pursuit of trades and professions, without suffering impediment from the prejudices of fixed but illfounded ideas of their proper sphere or mental capability. To this end no means could be more conducive than their introduction to and exercise of those political functions of citizenhood which form the outward sign of civil competency, and impart a *status* that may help them in their conflict with our settled but too sophisticated habits. It is my abiding conviction, that by having "cabined, cribbed, confined" more than one-half of our subjects in the moral zenana, the conventional nunnery of our national prejudices, and cramping their minds, as the Chinese do their feet, so that intellectually we try to make them totter when nature bids them walk as freely as their gaolers, we are depriving the nation of a power, which, if wisely and trustingly developed, would add immeasurably to its inventive enterprise and progressive energy. I have already touched, in this connection, on the part nature and necessity assigned to women in the formation of the physical constitution, the personal habits, the moral and mental character of the rising generation. It is to the gifts and faculties of the mother that we trace the genius and proclivities of the child. Can we gather grapes from thorns? The education of the nursery does not mean merely pap and caudle, or the offices of the wet and dry nurse. In spite of all our prejudices we are compelled, by the very necessities of our domestic arrangements, to delegate the most important functions of the instructor—those which mould the wax of humanity while yet it is molten, and bend the twig while yet it is lithe—to the nurse and the wife, whom yet we fail to prepare by our social culture for their momentous task. They are to educate our children—but who educates the educators? "Women," observes Lord Kaimes, "destined by nature to take the lead in educating children, would no longer be the greatest obstruction to good education by their ignorance, frivolity, and disorderly manners. Even upon the breast infants are susceptible of impressions; and the mother hath opportu-

nities without end of instilling into them good principles before they are fit for a male tutor." In a dialogue (ascribed to Tacitus) describing the glories of Rome in the age of the Commonwealth, it is observed, "Children were suckled not in the hut of a mercenary nurse, but by the chaste mother who bore them. Their education during non-age was in her hands; and it was her chief care to instil into them every virtuous principle. In her presence a loose word or an improper action were strictly prohibited. She superintended not only their serious studies, but even their amusements, which were conducted with decency and moderation. In that manner the Gracchi, educated by Cornelia their mother, and Augustus by Atia his mother, appeared in public with untainted minds—fond of glory, and prepared to make a figure in the world." If we expect our women fitly to discharge their infinitely important office in the economy of education, we must emancipate them from the bondage of conventional subordination, and call them to the exercise of those political functions in which we now inhibit their participation. I say nothing farther here on the folly of denying to the sex the salutary influences of important duties, and the openings to an honourable ambition, which to active and energetic minds alone realise the higher objects of life. Society knows not what it loses when it confines the larger half of human kind in the enchanted castle of a theory which has no real foundation in the natural history of the race. There is no elementary difference in the inherent mental and moral qualities of the sexes. Their apparent idiosyncrasies are the creatures of hereditary transmission of acquired habits, and of the influences of the manners and customs by which they are surrounded and affected. There are man milliners as well as women soldiers. The interchangeability of the supposed spiritual characteristics of the sexes is one of the best settled facts in the history of the race.

Are then these claims to be put off with banter about strong-minded women by weak-minded men? Is the earnestness with which they are pursued by those who encounter ridicule, unmannerly rudeness, and abuse, in a cause which is really identified with the best interests of the community, to be rewarded only with contumely, and baffled by mere masterly inactivity?

Are women's rights *not* rights? Is it fair that the son should be armed with all the privileges and facilities of making his way in the world, and have the family estate handed over by the law entirely to himself, while his sister is at once to be left without the means of living, and disinherited by the very laws she is forced to obey, and by the State that taxes her without her consent, to uphold a system that robs her of her natural patrimony? How many a loving father has seen a noble estate, with its ancestral halls and monumental oaks, decreed by the law itself to pass away from his only child, the last of a long and noble line, merely because she was helpless and a woman, and some "accident of an accident," the "tenth transmitter of a foolish face," far remote of kin, and having too much already, was of the dominant, perhaps only the domineering, gender. This cause is not the crotchet of a mere social oddity. The earnestness it inspires is not the eccentricity of ill-directed enthusiasm, or the mere errand of the female Quixote. We all owe a heartfelt tribute of respect to those who for its sake have patiently borne the misconstruction to which it has subjected them—the quips, and sentences, and those "paper bullets of the brain," which, because they are so light, hit all the harder in the small talk of conventional frivolity.

Let them persevere, and take heart of grace. "In due season they will reap if they faint not." The law of England is with them, although the lawyers are not. It was the deliberate and calculated statement of the Prime Minister, in his place in Parliament, that the English of Acts of Parliament and their meaning were plain enough. The obscurity lay in the ingenuity of their interpreters. It is not St. Stephen's that has shut its doors against women, but Westminster Hall. They are electors by the law of the land, and disfranchised only by the casuistry of the courts. A single decision of the Court of Common Pleas, from which there is no appeal, even to itself, degrades seventeen and a half millions of British subjects from the most clearly established of public rights. The larger half of the rational creation summarily snuffed out of political existence, by Mr. Justice Bovill! *Nulla vestigia retrorsum* from his irreversible decree! "Think of that, Master Brook!" Is it permissible to presume so far as to whisper in the ear of Queen, Lords, and Commons, that the exercise of this power

of political excommunication by a judicial pope, constituted infallible by Act of Parliament, is wholly unconstitutional, and dangerously impolitic. The House of Commons, by long, uniform, immemorial tradition, is the sole legal judge of all particulars relative to its own constitution, and the qualifications of those who elect it. Coke declares, "Judges ought not to give any opinion of a matter of Parliament, because it is not to be decided by the common law, but *secundum legem et consuetudinem Parliamenti*" (4 Inst., p. 15). An "important power," observes Sir T. E. May ("Usage of Parliament," pp. 40, *et seq.*), "peculiar to the Commons is that of determining all matters touching the election of its own members, and *involving therein the rights of the electors.*" . . . A burgess of Aylesbury brought an action against the returning officer in the Queen's Bench for rejecting his vote; and on the Court deciding it had no jurisdiction, the House of Lords reversed the decision. But the Commons resolved (1704) "that they cannot judge of the right of election without determining the right of electors; and if electors were at liberty to prosecute suits touching the right of giving voices *in other courts*, there might be different voices in other courts, which would make confusion, and be dishonourable to the House of Commons; and that, therefore, such an action was a breach of privilege." Other actions having attempted to introduce the jurisdiction of the courts of law in this regard, the suitors and their agents were sent to Newgate, and, continues May, "the question has never arisen since. The Commons have continued to exercise the sole right of determining whether electors have had the right to vote. . . and its determination declared by statute final and conclusive in all subsequent elections, and to all intents and purposes whatsoever." The privileges, the jurisdiction of the House of Commons, which is strictly a judicial tribunal, a "High Court," in all that relates to its constitution and authority, is the property of the nation; and no session of Parliament, resolution of either House, or Act of Parliament, can have or give power to part with it. In giving to courts of law a directive administrative power to regulate the details of registration, it was not in the power or contemplation of the House of Commons to give to the Court of Common Pleas the sole authority, even excluding its own jurisdiction, to determine absolutely,

and *in gremio*, the very essence and substance of the whole suffrage rights of the British people. Yet it is clear, *meo judicio*, that the Court of Common Pleas has been illegally clothed with an exclusive jurisdiction, which the House of Commons has just as unconstitutionally abdicated. The citizens of America have seen good reason to repent having set the Supreme (Law) Court of the United States paramount over the constitution.

I repeat my thesis. By the laws of England, women are entitled to be registered as parliamentary electors; and the decision—the single judgment of the Court of Common Pleas, which it has no opportunity to review, and from which no appeal is competent—is *bad law*. Is there any presumption in saying this of the judgments of a court which pronounces the same opinion of its own decisions, and which are just as commonly condemned by Courts of Appeal? After all, the fetish worship of horse-hair wigs by the exoteric public is not very accountable. You or I, are we not as able to understand and interpret our own mother-tongue as e'er a judge on the bench? *Ignorantia juris, neminem excusat*. The statutes of the realm are addressed to the subjects of the realm, and assume that they can read and understand them. Those especially which refer to the universal public rights of the poorest and most ignorant, as well as the highest and most cultured, ought to be so plain that "he who runs may read." There is no witchcraft in jurisprudence—even in that of England. No citizen need approach it as if it were a Delphic oracle to be interpreted only by its priests. The construction of English sentences uttered by one's own representatives—ought that to be "past all understanding?" It is the concrete will of the men who meet us at the polling booth, and ask us for "our most sweet voices." Why should it be "*caviare* to the million?" Do not believe it. Judge for yourselves. I shall endeavour to make the matter clear to the simple; and I shall ask my brother lawyers to allow me to take them along with us in the following examination of the point at issue.

The basis of the existing electoral system is the Reform Act of 1832. That is, so to speak, the wicket through which citizens must pass until they reach the parliamentary register. The franchises, which *for the first time* it creates, are dispensed

on the preliminary condition that they shall be restricted to "every male person of full age, and not subject to any legal incapacity." This condition precedent is repeated in reference to every qualification then *for the first time* known to the constitution. Never before, and never after, is such a term as "male person" employed in any statute of the realm. It is an entire novelty, and in reference to such an unspeakably important consideration as the right of the people to choose their representatives, I am entitled to say it is a flagrant innovation. Nay, I am warranted in going the farther length of maintaining that such was the conviction of the framers of the act themselves. While creating and dispensing new qualifications to "male persons," it reserves and perpetuates all franchises in operation at its own date, whether relating to counties or to boroughs; and in continuing to preserve alive and effectual all what are called ancient or reserved rights, which it does, not parenthetically, but by express and separate sections, it drops the word "male" every time it refers to these, and resumes it on every occasion on which it returns to enact a new qualification. What candid mind, interpreting the will of Parliament by its expressed acts, would do other than concede that if it had repeated the word "male" in the continuation of these traditional franchises, it would be restricting what the law and the constitution had left open? The distinction it preserves is too marked, too systematic, and too often repeated to have been adopted *per incuriam*. There is a settled design apparent throughout; and that is manifestly not to trench on any right of suffrage which had been handed down to us from our ancestors. I refer jurisconsults to sections 24, 25, 31, 32, and 33 of 2nd William IV., cap. 45. "The Reform Act of 1832," observes Sir J. D. Coleridge (Chorlton *v.* Lings), "in the clauses which create new franchises . . . speaks of 'male person,' but section 18, limiting the old, has simply 'person;' so sects. 22, 23, 24, et cet."

As far as concerns these ancient rights, we are therefore referred back to the common, customary, and statute law, as it prevailed before the year 1832. The judgment of the Court of Common Pleas rejecting the claim of women to the franchise assumes that at no period of our history had the sex any right of representation—and this is the dictum which I challenge

as wholly without warrant, and opposed to patent facts.

Here let me premise that our earlier statutes and Magna Charta were embodied in Latin. I need hardly add that the word *vir* indicates sex, but that *homo* is employed to signify the human species in contradistinction to the brutes. The *genus homo* applies to either and to both sexes. When Terence says *Homo sum humani nihil*, &c., it is not in the sense of being a male, but of being human. *Hominum Salvator—pater hominum deorumque* are titles which extend to the whole race, and are not restricted to either gender. In so far as English law is involved, Lord Coke (2 Inst., f. 45) expressly rules that the term *homo* employed throughout Magna Charta has been always held to "extend to both sexes." When the sign of manhood is to be indicated, it is called *toga virilis*, not *toga humana*. From this premiss let the examination of the law start. The first glimpse presented to us in this connection is 20th Henry III., cap. 10, wherein *liberi homines* and *liberi tenentes*, the owners of freeholds, were the suitors at the county courts. On the occasion of the election of knights of the shire all suitors were summoned to the county court, and the majority "on the view" returned the member. It is not denied that women were freeholders, and as such suitors, or that the suitors were the electors. The 53rd Henry III., c. 10, in prescribing who are to attend the sheriff at his courts, exempts only "*religious men and women*," and then only when they are *not required for some other cause*. Prynne, in his "Parliamenta Rediviva," refers to "The attornies of the Archbishop of York and of sundry earles, lords, nobles, and *some ladies, who were annual suitors to the county court* of Yorkshire, being the sole electors of the knights, and sealing their indentures, witness the first indenture for this county." Among these suitors is named Lucy Countess of Kent. In the Parliament of 2nd Henry V. Margaret Vavasour (not, observe, a *feme sole*) is a party to a similar indenture, and Mrs. Copley in the reign of Edward VI. attests a third. From this premiss, that the suitors or freeholders—*liberi tenentes*—in the county courts, were the electors of the knights of the shire, legislation proceeds from the reign of Henry III., to the 7th Henry IV., c. 15, which provides that "all they that be there present, as well suitors duly summoned for the same cause, as other . . . shall

proceed to the election." Women were "suitors as well as other." The 8th Henry VI., c. 7, declares the knights "shall be chosen in every county by people (therein), whereof every one of them shall have free land or tenement to the value of 40/." Women were "people, and had free land." The 10th of Henry VI., c. 2, uses the term "chooser" for elector. The 7th and 8th William III., c. 25, describes the electors as "the freeholders," directs that "the name of each freeholder shall be set down;" that "no person" shall vote as trustee unless in possession; nor "any person" under age. The 18th G. II., c. 18, continues the term "person" for elector. The 19th G. II., c. 28, referring more particularly to borough elections, still confines the description of voters to the same indefinite and purely generic title. The 3rd G. III., c. 15, prohibits "any person" from voting unless he has taken up his freedom for twelve months. The 11th G. III., c. 55; 22nd G. III., c. 31; 44th G. III., c. 60; and the 11th G. IV., and 1st Will. IV., c. 74, relating to New Shoreham, Cricklade, Aylesbury, and East Retford, confer the suffrage on "every freeholder being above the age of twenty-one years." Women are persons, people, and certainly are comprehended in the category of "every freeholder." Need I add, what is familiar to every lawyer, that the masculine pronoun "him," "his," "he," used in our statutes, extends indifferently to the other sex.

I have carefully passed before the review of the reader every statute that deals with the question at issue, and it is perfectly obvious that there is not one word in any of our Acts of Parliament that even remotely hints at the creation of any distinction or privilege of sex, as attaching to the exercise of the elective franchise. I do not believe it will be denied by any lawyer, that if any of the statutes I have enumerated had been the first to confer the right to vote, it would have been as competent to any woman who was a freeholder, a suitor, a "resiant," a burgage tenant, an "inhabitant," a "substantial householder," to poll in the year ensuing its enactment, as for any male person whatever. I do not understand, indeed, that this is seriously disputed. Certainly there is no attempt in the *rationes decidendi* of the Court of Common Pleas to support the judgment by any appeal to the phraseology of any enfranchising statute. Let me here state categorically the points at issue.

1. The Act of 1832 reserved and continued, with modifications immaterial to the question, all the pre-existent electoral qualifications.

2. In no Act before or since, is there any mention of gender as a condition precedent to the franchise.

3. Freeholders, tenants in ancient demesne, resiants, inhabitants, burgage tenants, potwallers, scot and lot occupiers, burgesses, and other holders "of ancient rights," were entitled to vote in the election of members to serve in Parliament for such counties, cities, and boroughs as retained the franchises peculiar to and the accustomed qualification of each respectively; and women were and are freeholders in counties, burgesses, inhabitants, owners and tenants, "substantial householders" in cities and towns, and are therefore embraced within the category of the enfranchised orders.

4. There is no judgment of the Common Law, nor provision in any statute of the realm, prior to that of 1832, and, as I will show, not even in that, declaring gender a legal incapacity. Common Law and statute are equally silent on the subject.

5. The only considerations the Court of Common Pleas and its followers can oppose to these unanswerable propositions are, that women have never been known in the course of our parliamentary history to exercise the suffrage, and that their votes have never been tendered, or at least received, by the returning officer.

But—

1. The proof of non-user must lie on those who urge the plea; and what judicial evidence is there to warrant the assertion? I have given chapter and verse for the right of females to vote. If it be admitted that they are freeholders, inhabitants, burgesses, and that the franchise is given to these orders, my evidence *prima facie* of their title is complete; and if it is to be cut down by the plea of non-user, the desuetude must be not merely conjectured, but judicially proved.

2. Is it capable of proof? What is it that has to be established? The application of the doctrine of prescription to such a subject is sheer nonsense. If the women of Aylesbury never voted, is that proof that those of Cricklade never can? How do you or I or anybody know that women never voted? What is to be the term of desuetude that is to shut the door upon the sex?

To poll is a public duty. The statutes make the Sovereign to call upon the lieges to return counsellors to advise with him in Parliament. The office is imprescriptible. Because women have not *chosen* to vote, is that any reason why they have no *right* to vote? It is *res mœræ facultatis.* Above all things the suffrage of the people is ever living. "*Omnis libertas regia est, et ad coronam pertinet.*" The House of Commons has repeatedly determined ("Granville," 57, 95, 114, 118) that the franchise is not lost by non-user or *laches.* The qualification in virtue of which the right is constituted is different in every borough, and not the same in city and county. Why is the want of public spirit which keeps one woman or many from the polling-booth, to forfeit the right for others who desire to exercise it? Why are the social habits of one age to fasten incapacity upon the citizens of its successor? How is the failure to poll in Yorkshire, to be counted against the suffrage in Birmingham? How far is it to go back? If it counts against sex, it ought to tell against individuals. Not above half the constituency vote at any election. There are many thousands of registered electors who have never recorded their votes for fifty, even sixty years. If there be anything in the argument of prescription, they ought to be precluded from its exercise. A retired man-of-war chaplain was sent for to read prayers to a man that had been gored by a bull; but he expressed his regret he could administer no spiritual consolation to him, because the Book of Common Prayer contained no service for a man who had been gored by a bull. That is the sort of logic presented by the Court of Common Pleas. Why does it stop at the franchise? Why does it not refuse to women a right of way, because it was not proved that any but men had ever used the road? Very likely a negro never voted. Why not stop the first black man? If we are to pick and choose fanciful exceptions at our pleasure, we may empty the polling-booth and the House. The chaplain might have been referred to the Visitation for the Sick, and informed that the gored man being sick, so came within the category. Mr. Justice Bovill might have been reminded that freeholders in counties and inhabitants in boroughs were electors, and that women were freeholders and inhabitants. It is not because they are women that they claim the vote, but because they are bur-

gesses, *liberi tenentes*, resiants. Is it because freeholders are *men* that they vote? No. It is because *men* are *freeholders*. There was probably a time when Irishmen and Scotchmen were unknown in English boroughs or counties as voters. Why were not the first to poll estopped?

3. Again I postulate, on what earthly ground is sex picked out as a disqualification of adults possessing in other respects all the legal elements of franchisement? The suffrage is a public right, the highest known to the law. The people acquire their privileges for each individual, and for all. Women are the major part of the community. If the general public, by usage, acquire a right, can nobody enjoy it who does not first of all prove that he has been in the use personally to claim its exercise? The title of custom, achieved by the habitude of some who have enjoyed it, accrues to those who have never asserted the privilege. Because *some* men have polled, many men alike qualified who have never polled are entitled to vote, even although they have never been known to do so. Women are human. They belong to our common nature—sprung *ex humo*—like men. Rights acquired by the one sex enure to the other; they are both equally citizens and subjects, amenable to the same laws, liable to the same burdens, which are the co-relatives of representative rights. That men have voted, so far from being a reason for confining public rights to the sex, is actually the foundation for the plea that by their assertion of them individually they have imparted and extended them to those who have not—a part of the public have acquired them for the whole.

The judgment of the Court of Common Pleas proceeds on Justice Bovill's two propositions, that "Women are not included in these words, 'every man,' in the Act;" and secondly, "Women are subject to legal incapacity." The last *dictum* I will examine first. Does any statute declare it? Does any resolution of the House of Commons hint at it? Does any judgment of our courts of law express it? Aliens, lunatics, outlaws, peers, servants of the crown, the constabulary, minors—for every incapacity attaching to individuals there is the warrant of enactment, resolution, or decision. Chapter and verse can be given for each. But what Act, committee, or court has ever said that women are under a legal incapacity to vote? Is

half the nation to be disfranchised by a single hazy inference of a branch of Westminster Hall? Mark, Justice Bovill is the first and only judge of England that has so declared. Point to any other shred of authority for such a dictum. If the Parliament of 1832 believed that women were then legally incapable, why did it step out of its way for the first time in the whole course of the statutes at large to insert the word "male" into the Act? Every other uses the term freeholder, people, person, without ever touching upon sex. If women at common law, or by statute, were from time immemorial excluded, why did not the Legislature continue its customary phraseology? Clearly it felt that unless it had employed the term "male," its other provisions would *not* have excluded women.

But it is also evident that the Parliament of 1832 did not regard women as subject to legal incapacity, else it would not have employed the tautology of "male." If women were in the same category as aliens, lunatics, or minors, the word male was quite superfluous. The terms "every person not subject to legal incapacity" would have included women—would have left them outside the constitution, without the use of any adjective specification. Still more singular is it, that in reserving and keeping alive all the qualifications in existence before those itself created, this statute falls back exactly to the accustomed phraseology of the earlier Acts. Whenever it confers a *new* right, it restricts it to every "male person." Whenever it perpetuates *existing* franchises, it continues them to "every person," leaving the word "male" out on set system. At the very least, Parliament manifestly leaves the question open; and I have shown that, by the constitution, the House of Commons, that "High Court of Parliament," is the only tribunal competent to determine the rights of electors. Let me not be misunderstood. It is not necessary for me to argue that the franchises created by the statute of 1832 included women. It is not worth while to argue the point, because if the earlier and later qualifications extend to them, I can make misogynists a present of the first Reform Act.

Nineteen years subsequently to the date of that statute, and sixteen years before the date of that of 1867, Lord Romilly's measure for shortening the language of Acts of Parliament pro-

vided "that in *all acts* words importing the masculine gender shall be deemed and taken to include females, unless the contrary as to gender is expressly provided." With that provision full in view, adopting its very provisions in its own clauses, the statute of 1867 enacts that "every man shall . . . be entitled to be registered as a voter . . . and to vote for a member . . . to serve in Parliament . . . who is . . . of full age and not subject to any legal incapacity." Before the Bill was passed into a law, the Hon. G. Denman, *himself at present a Judge of the Common Pleas*, gave notice of a question on the subject to the Government, which he afterwards put thus: "He desired to know why, instead of the words 'male person' in the Act of 1832, the word 'man' had been substituted in the present Bill. In the fifth clause of the Bill he found that after saying that every '*man*' should be entitled to be registered, it proceeded to say or a '*male* person' who has passed any senior middle-class examination. If the Court of Queen's Bench had to decide to-morrow on the construction of these clauses, they would be constrained to hold that they conferred the suffrage on female persons as well as males." That question was not answered by the Government or its law officers, and Justice Denman recorded his vote to the effect of his opinion. I hardly know how to approach the casuistry by which a conclusion so inevitable has been evaded. Does "man" import the masculine gender? Then it must be "deemed and taken to *include* females." Does it *not* import the masculine gender? Then it does not *exclude* females. But the Act does not stop here. It leaves no room for the judge-made law of Westminster Hall—"No loop nor peg to hang a doubt on." It permits no casuistic exception through which forensic ingenuity may carp its sinuous way. It provides that the word "man" shall include females, "unless the contrary as to gender is *expressly* provided." It will not do that the contrary may be *implied*. The clause is not to be explained away by a quirk suggesting that something else may be *inferred*. The contrary must be expressed, and the expression must be *provided*—that is, a provision directly *pro re nata* must be embodied in a clause, to permit sophistry to shirk an order of interpretation plain and "palpable as a mountain."

This were enough, but it is by no means all. Why was the

vir of 1832 changed into the *homo* of 1867 ? Why was the term "male" specifying gender transformed into the word "man" signifying species, and comprehending humanity at large—the whole race ? Had the transition no meaning ? Was it entirely *per incuriam* that the most important clause of an Act of literally incommensurable significancy, was thrown off at a heat, by the great inquest of the nation ? It is a palpable inference, incapable of avoidance, that this marked deviation from the terminology of the leading and principal Act had an object. And what other purpose could it be designed to serve than that for which I contend ? It is in harmony with the whole genius and spirit of the nation. Selden, in his "Epinomis," states, among the Britons "women had prerogative in deliberative sessions touching either peace, government, or martial affairs." We choose a queen to govern us. Scotch and English of us have always disowned the Salique law. Our Augustan age was that of a female, who took an active part in ruling her empire, and brought it to a point of greatness it never before had reached. As a rule, where it has been a custom for women to pretermit the discharge of public duties which by reason of their property, residence, or descent the owners had a right to exercise, it has been simply on account of want of interest in the function, or by exemption, not by reason of exclusion or disqualification. In the election for Gatton the "Commons' Journal" records that "*Mrs.* Copley *et omnes inhabitantes* returned." Heywood, in his "County Elections," quotes the following return : "Know ye me, the said Dame Dorathe Packyngton (tenant in dower of the town of Aylesburye), to have chosen and appointed Thomas Lichfield and George Burden, Esquires, to be my burgesses of my said town of Aylesburye, and whatsoever the said Thomas and George shall doe in the present Parliament, I do ratify and approve to be *my own act.*" In the election for Lyme, Luders observes, a list of *Burgenses sive liberi tenentes* was put in, and included Elizabetha *filia* Thomas Hyatt, Crispina Bowden *vidua*, Alicia Toller *vidua*, and the names also of several men. In another list of *liberi homines* five names of women occur. Mark—when the woman returns to the status of *feme sole*, her right revives. This was in the nineteenth of Elizabeth. In the twenty-first, in a similar roll of *liberi burgenses*

and *liberi homines*, sixteen women are included. When the present Chief Justice of the Common Pleas, in arguing as counsel for the appellants, stated "there can be no legal incapacity attributed to women unless it be from non-user, and that cannot take away a public right," Mr. Mellish, for the respondent, admitted, "No doubt, if it were conceded that the right once existed, that which is urged as to non-user would be quite correct." What reasoning in a circle have we here! The only reason assigned by either counsel or judge for women being excluded from the right to vote, is that they have never been known to exercise it; and when it is answered no public right can be lost by its not having been asserted, it is rejoined—Yes, but you must first prove the original right! We do prove it. We show that the customary law, and the statutes on which solely the right is based, are applicable to the sexes indiscriminately. Is any denial given to that? The flank is not even attempted to be turned. The objectors do not answer, do not, because they cannot grapple with that plea. They ride off upon another issue; they contend that women never have used the right, as the sufficing reason for denying it; and then, when they are met with the fact that the exercise of the right is unnecessary to its establishment, women are answered—Yes, but prove you ever had it!

In the case of Olive *v.* Ingram, the judges held "upon the foot of the Common Law," that "a person paying scot and lot" was a description that included women. It has been seen that they were deemed, as "substantial householders," liable to serve the office of overseer. The statute of Elizabeth, observes Justice Ashurst, has no reference to sex. "There are many instances where, in offices of a higher nature, they are held not to be disqualified, as in the case of the office of High Chamberlain, High Constable, and Marshal, and that of a common constable, which is both an office of trust and likewise *in a degree judicial*. So in the case of the office of sexton." "There is a difference between being exempted and being incapacitated." "An excuse from acting is different from an incapacity of doing so." Whitlock observes, "By the custom of England women are not returned of juries, &c., &c.; by reason of their sex they are *exempted* from such employments." Although all statutes ran in the name of the "Kynge," Parliament held "none but

the malitious and ignorant could be persuaded *her* Highness could not use such lyke aucthoritie," under that statutory description. In Prynne's collection of parliamentary writs, and in the journals of the House of Commons, are records of not a few returns which, made by female electors, were received. "In the cases of Holt *v.* Lyle, Coates *v.* Lyle, and Catharine *v.* Surrey, it was the opinion of the judges," observes Lee, C. J. (King's Bench), "that a *feme sole*, if she has a freehold, may vote for members of Parliament." "In Holt *v.* Lyle, it is determined that a *feme sole* freeholder may claim a voice for Parliament men." Page, J., to the same effect, "I see no disability in a woman from voting for Parliament men." Probyn, J., "The best rule seems to be, that they who pay have a right to nominate whom they will pay to. . . . An excuse from acting, &c., is different from an incapacity of doing so. The case of Holt *v.* Lyle, mentioned by my Lord Chief Justice, is a very strong case. They who pay ought to choose whom they will pay."

A still more remarkable case, which seems to have hitherto escaped the research of Westminster Hall, remains to be noticed. It has to be premised that Sir E. Coke, whose unhappy domestic history seems to have tainted his judicial authority, and who in the case of women challenged by anticipation the maxim of Justice Probyn, led the Puritan Long Parliament to object to the examination of women before the House as witnesses, on the fanatical pretence out of Saint Bernard that "a woman ought not to speak in the congregation." Let this commentary precede and explain the case following. In 1640 occurred an election for the county of Suffolk, Sir Simonds D'Ewes being High Sheriff. The election began on Monday. "Upon Tuesday morning *some women* came to be sworne for the two Knights, and Mr. Robert Clerke did suddenly take them. . . . There were divers supravisers, but they found no fault with the clerkes in my hearing." Such are extracts from the notes of the proceedings reported by a certain Samuel Dunson, one of the "clerkes." Sir Simonds D'Ewes himself supplies the following:—"By the ignorance of some of the clerkes at the other table, the oaths of *some single women* were taken without the knowledge of the said High Sheriffe; who, as soon as he had notice thereof instantly sent to forbid the same, conceiving it a

matter verie unworthy of anie gentleman, and most dishonourable in such an election to make use of their voices, ALTHOUGH THEY MIGHT IN LAW HAVE BEEN ALLOWED; nor did the said High Sheriffe allow of the said votes, upon his numbering the said poll, but with the *allowance* and *consent* of the said two knights themselves, discount them and cast them out." The two puritan candidates did not need the female votes, having a good majority without, and standing in awe of Sir E. Coke and Saint Bernard. The carnal reason of worldlings—"the law," gave the right of voting to "some single women," and the clerkes knowing and obeying "the law," took their oaths and entered them in the poll books; but the godly Sir Simonds, "with *consent*" of the "unco' gude" puritan candidates, gave their consciences the benefit of a sacrifice that cost them nothing. The significancy of these facts, however, is not to be mistaken. The "single women" knew they had their rights; devout women, they took the oath; the clerks, accustomed to the procedure, took and recorded them; the High Sheriff, fully acquainted with the law and the procedure at elections, makes his report to Parliament that "they in law might have been allowed." If at that time there was no such custom or understanding of the law, is there any likelihood he so would have reported? Moved by these facts and authorities Bovill, C. J., in the very case now under review, is obliged to concede "it is quite true that a few instances of women being parties to indentures of returns of members of Parliament have been shown, and it is quite possible that there may have been some other instances in early times of women having voted and assisted in legislation. *Indeed, such instances are mentioned by Selden*" ("Epinomis," vol. 3, p. 10). It is perhaps worthy of note that in the earlier stages of our Constitutional and Parliamentary history, peers appear to have been parties to indentures of returns of members to the House of Commons. But while, by 25 Henry VI., the Lords spiritual and temporal were thenceforth precluded from attesting such indentures as not being of the estate or order of the Commons, and no farther trace of their interposition in that regard can be found, women continued to attest returns at least to the reign of Elizabeth. Yet all his Lordship can oppose to his own admissions is that "the fact of the right, not having been asserted for centuries,

raises a very strong presumption against its ever having had legal existence;" although afterwards he candidly says, "there is no doubt that in many statutes 'man' may properly be held to mean woman." I have *proved* that the very words of the common law and of the statutes creating the franchise apply indifferently to women as to men—that the only presumption contended for against woman's rights is non-user, and that non-user never renders public rights obsolete.

There is nothing further to examine in the *rationes decidendi* of the Court against the right, but the attempt the Judges make to govern and override the Statute of 1867 by the Act of 1832. They say the Act of 1832 restricts the right to male persons. And, first, that is perfectly untrue. It confines, indeed, the franchises then *for the first time created* to male persons, but it is careful to extend the qualifications theretofore created to "persons," rigidly omitting the word "male" in every instance in which it continues these in force. They further contend that by the fifty-ninth section of the Statute of 1867, it is provided that it shall be construed as one with the Act of 1832. Even that statement is untrue. The section declares that "This Act, *so far as is consistent with the tenor thereof*, shall be construed as one with the enactments for the time being in force relating to the representation of the people." Mark—it is only so far as consistent with its own tenor it is to be so construed, which practically explodes the pretended restrictions of its interpretation. But further, the construction is not to be limited by the Act of 1832; the plural term enactments is employed, and extends the construction to all those enfranchising statutes which do not suggest one syllable of qualification as to sex, and neither use the words "man" nor "male," but "people," "freeholder," and "person." But to pour water on this drowned rat, the 56th section of the Act of 1867 provides that "the franchises conferred by this Act shall be *in addition* to, and not in substitution for any existing franchises." It is true, Byles, J., contends, that "Acts *in pari materia* are to receive the like construction;" but he fails to tell us which half of the Act of 1832 we are to take to accomplish this feat—the half which gives the new franchise to *male* persons, or the other half which continues the old franchises to *persons*, and leaves "male" out in the cold. The

same ingenious jurisconsult has discovered that "the word 'expressly' does not necessarily mean 'expressly excluded by words.'" "The word 'expressly' often means no more than 'plainly,' 'clearly,' and the like." Well, a nod is as good as a wink to a blind horse. Pray, how can an idea be "plainly" or "clearly" expressed, but by *expressing* it? Does Parliament here mean that it winks or nods "male," and that such "natural language" will have all the effect of the shake of Lord Burleigh's head in the "Critic?" "Express" is used in contradistinction to "implied." The clause directs that expression not "plainly" and "*clearly*" *alone, but* by a distinct provision is to be given to any deviation from the governing definition. To give expression to an act is to utter it in words. The very object of Romilly's Act is to ordain that wherever the word "man" is used, it shall mean "woman;" and in the very teeth of the one sole object of that Act, it pleases the Court of Common Pleas to insist on ruling that "man" shall *not* import "woman" — and to hold that "clearly" and "plainly" it does not, although the very sum of the interpreting Act is authoritatively to statute that it shall. I have heard of a coach and six being driven through an Act of Parliament, but have never before seen that feat of charioteering so thoroughly performed as here.

The authority of the Scotch Courts has been taken as a prop for this judgment, but with little reason. Before the Act of 1832 the Scottish franchises had no relation to the English. Acts and rights in the sister kingdom become obsolete and extinguished *a non utendo*; and there was in the sister kingdom no room for the contention that the Common Law right and the statutes originally imparted the franchise to the lieges irrespective of sex. In fact, before the Reform Act, it could not be said that there was an elective franchise for the people of Scotland of either the one sex or the other.

It has been seen that a distinction had been carefully drawn by the courts of law and the writers of legal institutes between exemption from the discharge of public official duties, and exclusion from the privileges attached to legal rights. By tacit consent or custom, and those usages which naturally refine the habits of civilised society, the deference which manhood and good manners extend to the fair sex, instinctively

prevailed in reference to the exercise of duties attached to the possession of civil or public rights. It was to be expected, that women themselves would not be forward to exercise functions, offering no social advantages or pecuniary profits, which would bring them into conflict with the strife of faction, or the struggles of party. Common sense suggests that men would not press wives or spinsters into the service of irksome or unseemly duties, and that their own sex would extend a like discretionary forbearance. Sheriff, overseer, constable, sexton, marshal, chamberlain—these were offices which it was unlikely females of position would have any ambition to fill or the community to force upon them; and, therefore, it is not surprising that the records are almost silent on the subject. Yet when of their own motion or by their own desire they chose to step beyond the ordinary offices of their sex, and to discharge duties attaching to certain rights, no objection prevailed to exclude them from acting as returning officer at parliamentary elections, as the constable of their hundred, or the high sheriff of their county. It became their privilege also to do that by deputy or by proxy which the other sex were compelled to discharge in person; and yet the courtesy which good manners bestowed and the refinement of the sex accepted as a privilege and exemption, it is now attempted to torture into exclusion and disfranchisement.

It has especially to be noted that the sole original use of parliaments was to levy money for the Crown. Their germ is to be found in a summons by the sovereign to the wealthiest freeholders and burgesses to be examined as to their means, and to be admonished to pay. To this all contributed without any distinction of sex. The *feme sole* had to disburse her *quota*—the *fœmina vestita viro*, by her husband for her. Hence it is, that if a female freeholder marries, her husband is entitled to be registered for her freehold, as "in right of his wife." On her death it is lost, or if the demise be to her own separate use, the husband cannot qualify. But who ever heard in law of an absurdity so glaring as that of one person deriving a right from another who has no right? How could a wife impart to her husband the qualification she herself does not possess? So entirely is the franchise vested in the wife, that whenever she dies, the husband's title *ipso facto* ceases. Could he ever have

derived from her what she herself never had? Mark—it is not because *he* has a qualification that he votes. The property is his *wife's*. If he dies, no process of law or of conveyance is required to re-transfer the qualifying tenement to her. It always was hers. It continues hers notwithstanding her coverture. It is the bare right to vote of which the law constitutes him her proxy—her mandatory—her attorney—to borrow the term used by Dames Packington and Copley. Can a trustee have powers *ultra vires* of the trust? Can a proxy do that which his author cannot? What is an attorney but one executing a power which another has? Who can impart to others a *jus devolutum*, who themselves have no *jus?*

Groping one's devious way out of the blinking twilight of the law into the "liberal air" and broad daylight of plain English, and the common sense of the lay understanding, may we appeal from the interpreters of Acts to the makers of them? If Parliament was satisfied that women never had the franchise, why, for the *first* time in the whole range of the statutes at large, and for the *last*, did it introduce the word "male?" Can it point to a single form of legal incapacity as the result of desuetude alone? Go through the whole list, and everyone will be found the creatures of express law, of specific statute, or of express resolution. Not one syllable of any of these has the slightest reference to gender. Where does the Constitution erect a moral or intellectual test of fitness for the office of elector? It confers the franchise not on *fitness* but on *right*, as the co-relative of *duty* and *burden*. Provision is made in the new Act for those who cannot so much as read the names of the candidates. A felon who has finished his term of servitude may make his mark, and have his representative; but George Eliot, Charlotte Bronté, Mrs. Oliphant, Miss Edgeworth, Miss Austen, George Sand, or Dé Stael, have no political functions, because Westminster Hall has declared they are incapable of discharging them.

Mr. Gladstone has warned his fellow-countrymen that America is "passing us at a canter." Of all great powers ours is the weakest in material resources. More than half the food we consume we have to import, and yearly our state of dependence becomes greater. It is on the breed of our men, on our people, on the force of character, the energy of cerebral

action, the sum of mental power, we must rely solely to sustain our position. Our governing classes are palpably becoming weaker and less capable to maintain their *status*. There is among them more pressure, perhaps, and excitement, but less faculty of sustained work. Our working men shorten the hours of labour, and deteriorate in productive efficiency. The military standard has to be lowered, and a larger percentage of recruits is yearly rejected. The question of the elevation of our women to higher duties becomes a great political and economical as well as social and philosophical issue. Civilised up to a point of dangerous over-sophistication, tempted to ease and luxury by an artificial social system that offers a thousand sources of self-indulgence, it is not to be disguised that this nation has reached a most critical point in its history—and that without the unanticipated development of fresh industrial and commercial resources, our future prospect is that rather of decadence than of progress. If we would not "fall from the mettle of our pasture," it must be by making our women truly our helpmates. Call them to offices that demand the exertion of higher intellectual powers, and they will impart more efficient endeavour to the rising generation. A masculine understanding—is that to be expected from mothers whose faculties lie fallow, whose moral intrepidity is systematically repressed, and whose aspirations after independence and self-exertion are obstructed and discouraged?

"The sons of Cornelia were worthy of their mother." Elizabeth, Mary of Scots, Lady Jane Grey, were eminent Grecians and Latinists, accomplishments common to their order. Our dames were the physicians of their time and districts. An exaggerated sense of sex wastes accomplishments on the pursuit of mere feminine attractiveness, which might minister to and promote the highest interests of society. We do not want

> The soul to spurn its tenement of clay,

but only that the tenement shall be subordinated to its tenant; and, if we be wise, we shall call into action resources of the value of which we have at present but a faint conception. States are great just in the ratio in which the female character is impressed upon the genius of society, and the public life of nations.

Of one other thought in this regard I must deliver myself; yet I know not how to speak or to keep silence. Society condemns our women to bear alone the skaith and scorn of its vices. Hundreds of thousands of them, abandoned and world-forsaken, once innocent, trustful, guileless, "for necessity of present life," live but to drag others down to the dust to which themselves have been cast by the human frailties which they tempt, and for which they suffer. This intensification of the idea of mere sex—this social persistence in keeping before the female mind the one idea that they are women rather than immortal creatures with reasonable souls, and something else and something more than a mere gender of the *genus homo*—this hiding out of view that they have higher destinies and loftier duties than merely to attract, or to "suckle fools and chronicle small beer"—can we wonder that so many, merely taught that their destiny is to live to please, should at last fall to the depth of pleasing to live! Call them to a mission more worthy of their origin, more deserving of their destiny. Arm them with that self-protecting culture that will enable them to pursue a useful calling. Fit them—our girls, as we do our boys—to enter, if need be, upon the great business of life. Fill the empty mind, supply the aimless soul with objects, energise the supine character, by placing before it rational hopes as the result of diligent exertion. *Cy gist l'oisiveté.* Idleness is the mother of the vices, and frivolous pursuits are idleness. Think of it! Think of what we might be and do by calling in to the responsible work of civil society a whole half of all the human beings whose minds we stunt and whose faculties we cramp until, finding no intelligent and worthy outlet for the cravings of their spiritual energies, they waste the talents given them to return with usury, and pervert gifts which, wisely improved, might double the wealth of society, and immeasurably raise the public virtue of the nation.

Replace the desire for the admiration of others by the nobler ambition of self-respect; make our women too proud to be vain—proud of useful duties faithfully discharged, of lofty purposes successfully achieved, of solidity of character, and the spirit of independence. No longer a domestic burden, they may lighten by gainful industry the cares of the fireside hearth, and prop by prudent foresight the house too many help to

undermine. *Si monumentum quæris, circumspice.* What women can do, the conduct of their own cause can best avouch. Where has sounder judgment, more unfailing prudence, more indefatigable assiduity, and more conspicuous practical ability sustained the life and ministered to the promotion of a great public object, than the gifts which have distinguished the chief agents in the assertion of Woman's Rights? It has been the business of my life to form public opinion, to organise the issues of national conviction, and to give a practical direction to political forces. I can therefore speak with at least the authority of experience, when I express the conviction that the conduct of this controversy has revealed the possession of moral and intellectual qualities which prove that the sex to the achievement of whose social status these faculties have been devoted, is in no respect less capable of the highest endeavour than those who seek to withhold from them their rights on the ground of the inferiority of their deserts.

Remember—not the High Court of Parliament, but the Court of Common Pleas, shuts on our women the door of the Constitution—they are denied their suffrage rights, not by the Law, but only by the Lawyers.

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