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SUFFRAGE FOR WOMEN

SPEECH BY

JOHN STUART MILL,

IN THE BRITISH PARLIAMENT, MAY 20, 1867.

[Reprinted by the College Equal Suffrage League.]

I RISE, sir, to propose an extension of the suffrage which can excite no party or class feeling in the house—which can give no umbrage to the keenest assertor of the claims either of property or of numbers; an extension which has not the faintest tendency to disturb, what we have heard so much about lately, the balance of political power; which cannot afflict the most timid alarmist by any revolutionary terrors, or offend the most jealous democrat as an infringement of popular rights, or a privilege granted to one class of society at the expense of another. There is nothing to distract our minds from the simple consideration whether there is any reasonable ground for excluding an entire half of the nation, not only from actual admission, but from the very possibility of being admitted within the pale of citizenship, though they may fulfill every one of the conditions legally and constitutionally sufficient in all cases but theirs. This is, under the laws of our country, a solitary case. There is no other example of an exclusion which is absolute. If it were the law that none should have a vote but the possessors of £5,000 a year, the poorest man in the community might, and now and then would, attain to the privilege. But neither birth, nor merit, nor exertion, nor intellect, nor fortune, nor even that great disposer of human affairs—accident, can enable any woman to have her voice counted in those common concerns which touch her and hers as nearly as any other person in the nation.

Now, sir, before going any farther, permit me to say that a *prima facie* case is already made out. It is not just to make distinctions, in rights and privileges, between one of Her Majesty's subjects and another, unless for a positive reason. I do not mean that the suffrage, or any other political function, is an abstract right, or that to withhold it from any one, on sufficient grounds of expediency, is a personal wrong; it is an utter misunderstanding of the principle I maintain to confound this with it; my whole argument is one of expediency. But all expediencies are not on exactly the same level. There is a kind of expediency which is

called justice; and justice, though it does not necessarily demand that we should bestow political rights on every one, does demand that we should not capriciously and without cause give those rights to one, and withhold them from another. As was most justly said by my right honorable friend, the member for South Lancashire, in the most misunderstood and misrepresented speech that I ever remember, to lay a ground for the denial of the franchise to any one, it is necessary to allege either personal unfitness or public danger. Can either of these be asserted in the present case? Can it be pretended that women who manage a property or conduct a business, who pay rates and taxes, often to a large amount, and often from their own earnings, many of whom are responsible heads of families, and some of whom, in the capacity of schoolmistresses, teach more than a great many of the male electors have ever learnt, are not capable of a function of which every male householder is capable? Or is it supposed that, if they were allowed to vote, they would revolutionize the State, subvert any of our valuable institutions, or that we should have worse laws, or be, in any single respect, worse governed by means of their suffrage? [Hear, hear.]

No one thinks any thing of the kind; and it is not only the general principles of justice that are infringed, or at any rate set aside by excluding women, merely as women, from the election of representatives. That exclusion is repugnant to the particular principles of the British Constitution. It violates the oldest of our constitutional axioms—a principle dear to all reformers, and theoretically acknowledged by conservatives—that taxation and representation should be co-extensive; that the taxes should be voted by those who pay them. Do not women pay taxes? Does not every woman who is *sui juris* pay exactly the same as a man who has the same electoral qualifications? If having a stake in the country means any thing, the owner of freehold or leasehold property has the same stake, whether it is owned by a man or a woman.

There is evidence in our constitutional records that women have voted in counties and in some boroughs at former, though certainly distant, periods of history. But the house will expect that I should not rest my case on general principles, either of justice or of the Constitution, but should produce what are called practical arguments. Now I frankly admit that one very serious practical argument is entirely wanting in the case of women: they do not hold great meetings in Hyde Park—[laughter]—nor demonstrations as Islington.

How far this omission may be considered to invalidate their claims, I will not pretend to say. But other practical arguments—practical even in the most restricted sense of the term—are not wanting; and I am ready to state them if I may first be allowed to ask, Where are the practical objections? In general,

the difficulty which people feel on this subject is not a practical objection; there is nothing practical in it; it is a mere feeling—a feeling of strangeness. The idea is so very new; at least they think so, though that is a mistake: it is a very old idea. Well, sir, strangeness is a thing which wears off. Some things were strange enough to many of us three months ago which are not at all so now; and many which are strange now will not be strange to the same person a few years hence, not to say a few months; and, as for novelty, we live in a world of novelties.

The despotism of custom is on the wane: we are not now content to know that things are: we ask whether they ought to be; and in this house, I am bound to suppose that an appeal lies from custom to a higher tribunal, in which reason is judge. Now, the reasons which custom is in the habit of giving for itself on this subject are very brief: that, indeed is one of my difficulties. It is not easy to refute an interjection. Interjections, however, are the only arguments among those we usually hear on this subject which it appears to me at all difficult to refute.

The others chiefly consist of such aphorisms as these: Politics is not women's business, and would make them neglect their proper duties. Women do not desire the suffrage, and would rather not have it. Women are sufficiently represented through their male relatives. Women have power enough already. I shall perhaps be thought to have done enough in the way of answering, when I have answered all these: it may perhaps instigate any honorable gentleman who takes the trouble of replying to me, to produce something more recondite. [Hear.]

Politics, it is said, is not a woman's business. Well, sir, I am not aware that politics is a man's business either, unless he is one of the few who is paid for devoting his time to the public service, or is a member of this or of the other house. The great majority of male visitors have their own business, which engrosses nearly the whole of their time; but I have never heard that the hours occupied in attending, once in a few years, at a polling booth, even if we throw in the time spent in reading newspapers and political treatises, has hitherto made them neglect their shops or their counting-houses. I have not heard that those who have votes are worse merchants, or worse lawyers, or worse physicians, or even worse clergymen, than other people. One would think that the British Constitution allowed no man to vote who was not able to give up the greater part of his time to politics; if that were the case, we should have a very limited constituency.

But let me ask, what is the meaning of political freedom? Is it not the control of those who do make a business of politics by those who do not. It is the very principle of constitutional liberty that men come from their looms and their forges to decide—and decide well—whether they are properly governed, and whom they

will be governed by; and the nations who prize this privilege, and who exercise it fully, are invariably those who excell most in the common affairs of life.

The occupations of most women are, and are likely to remain, principally domestic; but the idea that those occupations are incompatible with taking an interest in national affairs, or in any of the great concerns of humanity, is as futile as the terror once sincerely entertained, lest artisans should desert the workshops and the factory if they were taught to read.

I know there is an obscure feeling, a feeling which is ashamed to express itself openly, that women have no right to care about any thing but how they may be the most useful and devoted servants of some man. But as I am convinced that there is not one member of this house whose conscience accuses him of any such mean feeling, I may say that the claim to confiscate the whole existence of half the human species for the convenience of the other half, seems to me, independently of its injustice, particularly silly. For who that has had ordinary experience of human life, and ordinary capacity for profiting by that experience, fancies that those do their own business best who understand nothing else? A man has lived to little purpose who has not learned that without general mental cultivation no particular work that requires understanding can be done in the best manner. It requires brains to use practical experience; and brains, even without practical experience, go further than any amount of practical experience without brains.

But perhaps it is thought that the ordinary occupations of women are more antagonistic than men's occupations are to any comprehension of public affairs. Perhaps it is thought that those who are principally charged with the moral education of the future generations of men must be quite unfit to judge of the moral and educational interest of a community; or that those whose chief daily business is the judicious laying-out of money so as to produce the greatest results with the smallest means, could not give any lessons to right honorable gentlemen on that side of the house, or on this, who produce such singularly small results with such vast means. [Laughter.]

I feel a degree of confidence, sir, on this subject, which I could not feel if the political change, in itself not a great or formidable one, for which I contend, were not grounded, as beneficent and salutary political changes usually are, upon a previous social change. The idea of a peremptory and absolute line of separation between men's province of thought and women's—the notion of forbidding women to take interest in what interests men—belongs to a gone-by state of society which is receding farther and farther into the past. We think and talk about the political revolutions of the world, but we do not pay sufficient attention to the fact that there has taken place among us a silent domestic revolution: women and men are,

for the first time in history, really companions. Our traditions about the proper relations between them have descended to us from a time when their lives were apart—when they were separate in their thoughts because they were separate both in their amusements and in their serious occupations. The man spent his hours of leisure among men: all his friendships, all his real intimacies were with men: with men alone did he converse on any serious subject: the wife was either a plaything or an upper servant. All this among the educated classes is changed: men no longer give up their spare time to violent out-door exercise and boisterous conviviality with male associates: the home has acquired the ascendency: the two sexes now really pass their lives together: the women of the family are the man's habitual society: the wife is his chief associate, his most confidential friend, and often his most trusted counsellor. [Cheers.]

Now, does any man wish to have for his nearest companion, linked so closely with himself, and whose wishes and preferences have so strong a claim upon him, one whose thoughts are alien from those which occupy his own mind—one who can give neither help nor comfort nor support to his noblest feelings and purposes? [Hear, hear.] Is this close and almost exclusive companionship compatible with women being warned off all large subjects—taught that they ought not to care about what it is man's duty to care for, and that to take part in any serious interests outside the household is stepping beyond their province? Is it good for a man to pass his life in close communion of thought and feeling with a person studiously kept inferior to himself, whose earthly interests are forcibly confined within four walls, who is taught to cultivate as a grace of character ignorance and indifference about the most inspiring subjects, those among which his highest duties are cast? [Hear, hear.] Does any one suppose that this can happen without detriment to the man's own character?

Sir, the time has come when, if women are not raised to the level of men, men will be pulled down to theirs. [A laugh.] The women of a man's family are either a stimulus and a support to his higher aspirations, or a drag upon them. You may keep them ignorant of politics, but you cannot keep them from concerning themselves with the least respectable part of politics—its personalities. If they do not understand, and cannot enter into the man's feelings of public duty, they do care about his private interests, and that is the scale into which their weight is certain to be thrown, They are an influence always at hand, coöperating with his selfish promptings, watching and taking advantage of every moment of moral irresolution, and doubling the strength of every temptation. Even if they maintain a modest neutrality, their mere absence of sympathy hangs a dead weight upon his moral energies, and makes him averse to incur sacrifices which they will feel, and to forego

worldly successes and advantages in which they would share, for the sake of objects which they cannot appreciate. But suppose him to be happily preserved from temptation to an actual sacrifice of conscience, the insensible influence on the higher parts of his own nature is still deplorable. Under an idle notion that the beauties of character of the two sexes are mutually incompatible, men are afraid of manly women [a laugh]; but those who have reflected on the nature and power of social influences, know that, when there are not manly women, there will not much longer be manly men. [Laughter.] When men and women are really companions, if women are frivolous, men will be frivolous; if women care only for personal interests and trifling amusements, men in general will care for little else. The two sexes must now rise or sink together.

It may be said that women can take interest in great national questions without having a vote. They can, certainly; but how many of them will? All that society and education can do is exhausted in inculcating on women that the rule of their conduct ought to be what society expects from them, and the denial of the vote is a proclamation, intelligible to every one, that society does not expect them to concern themselves with public interests. Why, the whole of a girl's thoughts and feelings are toned down by it from her earliest school-days; she does not take the interest, even in national history, that a boy does, because it is to be no business of hers when she grows up. If there are women, and fortunately there now are, who do care about these subjects, and study them, it is because the force within is powerful enough to bear up against the worst kind of discouragement, that which acts not by interposing obstacles which may be struggled against, but by deadening the spirit which faces and conquers obstacles.

We are told that women do not wish the suffrage. If this be so, it only proves that nearly all women are still under this deadening influence, that the opiate still benumbs their mind and conscience. But there are many women who do desire the suffrage, and have claimed it by petitions to this house. How do we know how many more thousands there are who have not asked for what they do not hope to get, either for fear of being ill thought of by men or by other women, or from the feeling so sedulously cultivated by the whole of their education—aversion to make themselves conspicuous.

Men must have a great faculty of self-delusion if they suppose that leading questions put to the ladies of their families, or of their acquaintances, will elicit their real sentiments, or will be answered with entire sincerity by one woman in ten thousand. No one is so well schooled as most women are in making a virtue of necessity. It costs little to disclaim caring for what is not offered; and frankness in expressing feelings that may be disagreeable or unflattering to their nearest connections is not one of the virtues

which a woman's education tends to cultivate. It is, moreover, a virtue attended with sufficient risk to induce prudent women to reserve its exercise for cases in which there is some nearer interest to be promoted by it.

At all events, those who do not care for the suffrage will not use it. Either they will not register, or if they do, they will vote as their male relatives advise them, by which, as the advantage would probably be about equally shared among all classes, no harm would be done. Those, whether they be few or many, who do value the privilege, would exercise it, and would experience that stimulus to their faculties, and that widening and liberalizing influence on their feelings and sympathies, which the suffrage seldom fails to exert over every class that is admitted to a share in it. Meanwhile, an unworthy stigma would have been taken off the whole sex, the law would have ceased to stamp them as incapable of serious things, would have ceased to proclaim that their opinions and wishes do not deserve to have any influence in things which concern them equally with men, and in many that concern them much more then men. They would no longer be classed with children, idiots, and lunatics—[laughter and cheers]—as incapable of taking care either of themselves or others, and needing that everything should be done for them without asking for their consent. If no more than one woman in twenty thousand used the vote, it would be a gain to all women to be declared capable of using it. Even so purely theoretical an enfranchisement would remove an artificial weight from the expansion of their faculties, the real evil of which is far greater than the apparent.

Then it is said that women do not need direct political power because they have so much indirect through the influence they possess over their male relatives and connections. [Laughter.] Sir, I should like to try this argument in other cases. Rich people have a great deal of indirect influence. Is this a reason for denying them a vote? [Cheers.] Did any one ever propose a rating qualification the wrong way, and bring in a reform bill to disfranchise everybody who lives in a £500 house, or pays £100 a year in direct taxes. [Hear, hear.] Unless this rule for distributing the franchise is to be reserved for the exclusive benefit of women, the legitimate consequences of it would be that persons above a certain amount of fortune should be allowed to bribe, but should not be allowed to vote. [Laughter.]

Sir, it is true that women have already great power. It is part of my case that they have great power. But they have it under the worst possible conditions, because it is indirect, and, therefore, irresponsible. [Hear, hear]. I want to make that power a responsible power. [Hear, hear.] I want to make the woman feel her conscience interested in its honest exercise. I want to make her feel that it is not given to her as a mere means of personal ascend-

ency. I want to make her influence work by a manly interchange of opinions, and not by cajolery. [Laughter and cheers.] I want to awaken in her the political point of honor. At present many a woman greatly influences the political conduct of her male connections, sometimes by force of will actually governs it; but she is never supposed to have any thing to do with it. The man she influences, and perhaps misleads, is alone responsible. Her power is like the back-stairs influence of a favorite. The poor creature is nobody, and all is referred to the man's superior wisdom; and as, of course, he will not give way to her if he ought not, she may work upon him through all his strongest feelings without incurring any responsibility. Sir, I demand that all who exercise power should have the burden laid upon them of knowing something about the things they have power over. With the admitted right to a voice would come a sense of the corresponding duty.

A woman is not generally inferior in tenderness of conscience to a man. Make her a moral agent in matters of public conduct. Show that you require from her a political conscience, and when she has learnt to understand the transcendant importance of these things, she will see why it is wrong to sacrifice political convictions for personal interest and vanity; she will understand that political honesty is not a foolish personal crochet, which a man is bound for the sake of his family to give up, but a serious duty; and the men whom she can influence will be better men in all public relations, and not, as they often are at present, worse men by the whole effect of her influence. [Hear, hear.]

But, at all events, it will be said women, as women, do not suffer any practical inconvenience by not being represented. The interests of all women are safe in the hands of their fathers, husbands, and brothers, whose interest is the same with theirs, and who, besides knowing better than they do what it good for them, care a good deal more for them than they care for themselves.

Sir, this is exactly what has been said of all other unrepresented classes—the operatives, for instance; are they not all virtually represented through their employers? are not the interests of the employer and that of the employed, when properly understood, the same? To insinuate the contrary, is it not the horrible crime of setting class against class? Is not the farmer interested along with his laborer in the prosperity of agriculture? Has not the cotton manufacturer as great an interest in the high price of calicoes as his workmen? Is not the employer interested as well as his men in the repeal of taxes? Have not employer and employed a common interest against outsiders, just as man and wife have against all outside the family? And are not all employers kind, benevolent, charitable men, who love their work-people, and always know and do what is most for their good? Every one of these assertions is exactly as true as the parallel assertion respecting men and women.

Sir, we are not living in Arcadia, but, as we were lately reminded, in *fæce Romuli;* and in that region workmen need other protection than that of their masters, and women than that of their men.

I should like to see a return laid before the house of the number of women who are annually beaten to death, kicked to death, or trodden to death, by their male protectors. [Hear, hear.] I should like this document to contain, in an opposite column, a return of the sentences passed in those cases in which the dastardly criminal did not get off altogether; and in a third column a comparative view of the amount of property, the unlawful taking of which had, in the same sessions or assizes, by the same judge, been thought worthy of the same degree of punishment. [Cheers.] We should thus obtain an arithmetical estimate of the value set by a male legislature and male tribunals upon the murder of a women by habitual torture, often prolonged for years, which, if there be any shame in us, would make us hang our heads. [Cheers.]

Sir, before it is contended that women do not suffer in their interests, especially as women, by not being represented, it must be considered whether women, as women, have no grievances—whether the law, and those practices which law can reach, treat women in every respect as favorably as men. Well, sir, is that the case? As to education, for example, we continually hear it said that the education of the mothers is the most important part of the education of the country, because they educate the men. Is as much importance really attached to it? Are there many fathers who care as much, or are willing to expend as much, for the good education of their daughters as of their sons? Where are the universities, where the public schools, where the schools of any high description for them. [Hear.]

If it is said that girls are best educated at home, where are the training schools for governesses? What has become of the endowments which the bounty of our forefathers established for the instruction, not of boys alone, but of boys and girls indiscriminately? I am informed by one of the highest authorities on the subject that, in the majority of the deeds of endowment, the provision was for education generally, and not especially for boys. One great endowment—Christ's Hospital—was designated expressly for both. That establishment maintains and educates one thousand one hundred boys, and exactly twenty-six girls.

Then when they have attained womanhood, how does it fare with the large and increasing portion of the sex, who, though sprung from the educated classes, have not inherited a provision; and, not having obtained one by marriage, or disdaining to marry merely for a provision, depend on their exertions for support? Hardly any decent educated occupation, save one, is open to them. They are either governesses, or nothing.

A fact has quite recently occurred which is worth commemorating. A young lady, Miss Garrett, from no pressure of necessity, but from an honorable desire to find scope for her activity in alleviating the sufferings of her fellow-creatures, applied herself to the study of medicine. Having duly qualified herself, she, with an energy and perseverance which cannot be too highly praised, knocked successively at every one of the doors through which, in this country, a student can pass into medical practice. Having found every other door fast shut, she at last discovered one which had been accidently left ajar. The Society of Apothecaries, it appears, had forgotten to shut out those whom they never thought would attempt to come in; and through that narrow entry this young lady obtained admission into the medical profession. But so objectionable did it appear to this learned body that women should be permitted to be the medical attendants, even of women, that the narrow wicket which Miss Garrett found open has been closed after her, and no second Miss Garrett is to be suffered to pass through it. [Cheers.]

Sir, this is *instar omnium.* As soon as ever women become capable of successfully competing with men in any career, if it be lucrative and honorable, it is closed to them. A short time ago women could be associates of the Royal Academy; but they were so distinguishing themselves, they were taking so honorable a rank in their art, that this privilege, too, has been taken from them. That is the kind of care taken of women by the men who so faithfully represent them. [Cheers.] That is our treatment of unmarried women; and now about the married.

They, it may be said, are not directly concerned in the amendment which I have moved, but it concerns many who have been married as well as others who will be so. By the common law of England, every thing that a woman has belongs absolutely to her husband; he may tear it all away from her, may spend the last penny of it in debauchery, leaving her to maintain by her labor both herself and her children; and if, by heroic exertion, she earns enough to put by any thing for their future support, unless she is judicially separated from him, he can pounce upon her savings, and leave her penniless; and such cases are of very common occurrence. If we were besotted enough to think such things right, there would be more excuse for us; but we know better. The richer classes have found a way of exempting their own daughters from this iniquitous state of the law. By the contrivance of marriage settlements, they can make in each case a private law for themselves, and they always do. Why do we not provide that justice for the daughters of the poor which we take good care shall be done to our own daughters? Why is not what is done in every particular case that we personally care for made the general law of the land?—that a poor man's child, whose parents could not afford

the expense of a settlement, may be able to retain any little property which may devolve on her, and may have a voice in the disposal of her own earnings, often the best and only reliable part of the sustenance of the family? [Hear.] I am sometimes asked what practical grievance I propose to remedy by enabling women to vote. I propose, for one thing, to remedy this. I have given these few instances to prove that women are not the petted favorites of society which some people seem to imagine; that they have not that abundance, that superfluity of influence, which is ascribed to them, and are not sufficiently represented by the representation of those who have never cared to do in their behalf so obvious an act of justice. Sir, grievances of less magnitude than the laws of the property of married women, when affecting persons and classes less inured to passive endurance, have provoked revolutions.

We ought not to take advantage of the security which we feel against any such danger in the present case to refuse to a limited class of women that small amount of participation in the enactment and the improvement of our laws which this motion solicits for them, and which would enable the general feelings of women to be heard in this house through a few female representatives. We ought not to deny to them what we are going to accord to everybody else: a right to be consulted; the common chance of placing in the great council of the nation a few organs of their sentiments; of having what every petty trade or profession has—a few members of the legislature, with a special call to stand up for their interests, and direct attention to the mode in which those interests are affected by the law, or by any changes in it. No more is asked by this motion; and when the time comes, as it is certain to come, when this will be conceded, I feel the firmest conviction that you will never repent of the concession. I move, sir, that the word "man" be omitted, and the word "person" inserted in its place. [Cheers.]

There were 73 votes for Mr. Mill's amendment, 196 against it—it was lost, therefore, by 123 votes.

"The Tribune" correspondent says, "Some of the greatest intellects in Parliament, and nearly all the young men on whom the future of England depends, made an honorable record on this great question. Among them were Hughes, Stansfield, Taylor, Lord Amberley, Oliphant, Mr. Denman, Mr. Fawcett, the O'Donoghue, and the sturdy old Roman Catholic, Sir George Bowyer."

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Equal Rights for All

—Charles Sumner

George William Curtis

IN THE

NEW YORK STATE

Constitutional Convention 1867

The Suffrage Committee reported as follows:

SECTION 1. Every man of the age of twenty-one years who shall have been an inhabitant of this State * * * * * * *.

Mr. Curtis moved as an amendment:

In the first section, strike out the word "man"; and wherever in that section the word "he" occurs, add "or she"; and wherever the word "his" occurs, add "or her."

IN proposing a change so new to our political practice, but so harmonious with the spirit and principles of our Government, it is only just that I should attempt to show that it is neither repugnant to reason nor hurtful to the State. Yet I confess some embarrassment; for, while the essential reason of the proposition seems to me to be clearly defined, the objection to it is vague and shadowy. From the formal opening of the general discussion of the question in this country, by the Convention at Seneca Falls in 1848, down to the present moment, the opposition to the suggestion, so far as I am acquainted with it, has been only a repetition of a traditional prejudice, or the protest of mere sentimentality; and to cope with these is like wrestling with a malaria, or arguing with the east wind.

I do not know, indeed, why the Committee have changed the phrase "male inhabitant or citizen," which is uniformly used in a constitutional clause limiting the elective franchise. Under the circumstances, the word "man" is obscure, and undoubtedly includes women as much as the word "mankind." But the intention of the clause is evident, and the report of the Committee makes it indisputable. Had they been willing to say

directly what they say indirectly, the eighth line and what follows would read: "Provided that idiots, lunatics, persons under guardianship, felons, women, and persons convicted of bribery, etc., shall not be entitled to vote." In their report the Committee omit to tell us why they politically class the women of New York with idiots and criminals. They assert merely that the general enfranchisement of women would be a novelty, which is true of every step of political progress, and is, therefore, a presumption in its favor; and they speak of it in a phrase which is intended to stigmatize it as unwomanly, which is simply an assumption and a prejudice.

I wish to know, sir, and I ask in the name of the political justice and consistency of this State, why it is that half of the adult population, as vitally interested in good government as the other half, who own property, manage estates, and pay taxes, who discharge all the duties of good citizens, and are perfectly intelligent and capable, are absolutely deprived of political power and classed with lunatics and felons.

The boy will become a man and a voter; the lunatic may emerge from the cloud and resume his rights; the idiot, plastic under the tender hand of modern science, may be moulded into the full citizen; the criminal, whose hand still drips with the blood of his country and of liberty, may be pardoned and restored; but no age, no wisdom, no peculiar fitness, no public service, no effort, no desire, can remove from woman this enormous and extraordinary disability. Upon what reasonable grounds does it rest? Upon none whatever. It is contrary to natural justice, to the acknowledged and traditional principles of the American Government, and to the most enlightened political philosophy.

The absolute exclusion of women from political power in this State is simply usurpation. "In every age and country," says the historian Gibbon nearly a hundred years ago, "the wiser or at least the stronger of the two sexes has usurped the powers of the State, and confined the other to the cares and pleasures of domestic life." The historical fact is that the usurping class, as Gibbon calls them, have always regulated the position of women by their own theories and convenience. The barbaric Persian, for instance, punished an insult to the woman with death, not because of her but of himself. She was part of him. And the civ-

ilized English Blackstone only repeats the barbaric Persian, when he says that the wife and husband form but one person—that is the husband.

Sir, it would be extremely amusing, if it were not tragical, to trace the consequences of this theory on human society and the unhappy effect upon the progress of civilization of this morbid estimate of the importance of men. Gibbon gives a curious instance of it, and an instance which recalls the spirit of the modern English laws of divorce. There was a temple in Rome to the goddess who presided over the peace of marriages. "But," says the historian, "her very name, Viriplaca—the appeaser of husbands—shows that repentance and submission were always expected from the wife," as if the offense usually came from her.

In the "Lawe's resolution of Women's Rights," published in the year 1632, a book which I have not seen, but of which there are copies in the country, the anonymous and quaint author says, and with a sly satire: "It is true that man and woman are one person, but understand in what manner. When a small brooke or little river incorporateth with Rhodanus, Humber, or the Thames, the poor rivulet looseth her name; it is carried and recarried with the new associate—it beareth no sway—it possesses nothing during coverture. A woman as soon as she is married is called *covert*—in Latine, *nupta*—that is, veiled; as it were, overclouded and shadowed; she hath lost her streame. I may more truly, farre away, say to a married woman, her new self is her superior; her companion her master. . . . See here the reason of that which I touched before—that women have no voice in Parliament; they make no laws; they consent to none; they abrogate none. All of them are understood either married or to be married, and their desires are to their husbands."

From this theory of ancient society, that woman is absorbed in man; that she is a social inferior and a subordinate part of man, springs the system of laws in regard to women which in every civilized country is now in course of such rapid modification; and it is this theory which so tenaciously lingers as a traditional prejudice in our political customs. But a State, which, like New York, recognizes the equal individual rights of all its members, declaring that none of them shall be disfranchised unless by the law of the land or the judgment of his peers, and which acknowledges women as property-holders and taxable, responsible citi-

zens, has wholly renounced the old Feudal and Pagan theory, and has no right to continue the evil condition which springs from it.

The honorable and eloquent gentleman from Onondaga said that he favored every enlargement of the franchise consistent with the safety of the State. Sir, I heartily agree with him, and it was the duty of the Committee in proposing to continue the exclusion of women to show that it is necessary to the welfare and safety of the State that the whole sex shall be disfranchised. It is in vain for the Committee to say that I ask for an enlargement of the franchise and must, therefore, show the reason. Sir, I show the reason upon which this franchise itself rests, and which, in its very nature, forbids arbitrary exclusion; and I urge the enfranchisement of women on the ground that whatever political rights men have women have equally.

I have no wish to refine curiously upon the origin of government. If any one insists, with the honorable gentleman from Broome, that there are no such things as natural political rights, and that no man is born a voter, I will not now stop to argue with him; but as I believe the honorable gentleman from Broome is by profession a physician and surgeon, I will suggest to him that if no man is born a voter, so no man is born a man, for every man is born a baby. But he is born with the right of becoming a man without hindrance; and I ask the honorable gentleman, as an American citizen and political philosopher, whether, if every man is not born a voter, he is not born with the right of becoming a voter upon equal terms with other men? What else is the meaning of the phrase which I find in the *New York Tribune* of Monday, and have so often found there: "The radical basis of government is equal rights for all citizens."

There are, as I think we shall all admit, some kinds of natural rights. This summer air that breathes benignant around our national anniversary is vocal with the traditional eloquence with which those rights were asserted by our fathers. From all the burning words of the time, I quote those of Alexander Hamilton, of New York, in reply, as my honorable friend the Chairman of the Committee will remember, to the Tory farmer of Westchester: "The sacred rights of mankind are not to be rummaged for among old parchments or dusty records. They are written as with a sunbeam in the whole volume of human nature by the

hand of the Divinity itself, and can never be erased or obscured by mortal power."

In the next year, Thomas Jefferson, of Virginia, summed up the political faith of our fathers in the Great Declaration. Its words vibrate through the history of those days. As the lyre of Amphion raised the walls of the city, so they are the music which sing, course after course, of the ascending structure of American civilization into it's place. Our fathers stood indeed upon technical and legal grounds when the contest with Great Britain began, but as tyranny encroached they rose naturally into the sphere of fundamental truths as into a purer air. Driven by storms beyond sight of land, the sailor steers by the stars, and our fathers, compelled to explore the whole subject of social rights and duties, derived their government from what they called self-evident truths. Despite the brilliant and vehement eloquence of Mr. Choate, they did not deal in glittering generalities, and the Declaration of Independence was not the passionate manifesto of a revolutionary war, but the calm and simple statement of a new political philosophy and practice.

The rights which they declared to be inalienable are indeed what are usually called natural, as distinguished from political rights, but they are not limited by sex. A woman has the same right to her life, liberty and property that a man has, and she has, consequently, the same right to an equality of protection that he has; and this, as I understand it, is what is meant by the phrase, the right of suffrage. If I have a natural right to that hand, I have an equal natural right to everything that secures to me its use, provided it does not harm the equal right of another; and if I have a natural right to my life and liberty, I have the same right to everything that protects that life and liberty which any other man enjoys.

I should like my honorable friend, the Chairman of this Committee, to show me any right which God gave him, which He also gave to me, for which God gave him a claim to any defense which He has not given to me. And I ask the same question for every woman in this State. Have they less natural right to life, liberty and property than my honorable friend the Chairman of the Committee; and is it not, to quote the words of his report, an extremely "defensible theory" that he cannot justly deprive the least of those women of any protec-

tion of those rights which he claims for himself? No, sir, the natural, or what we call civil right, and its political defense, go together. This was the impregnable logic of the Revolution.

Lord Gower sneered in Parliament at the American Colonists a century ago, as Mr. Robert Lowe sneers at the English Reformers to-day: "Let the Americans talk about their natural and divine rights. . . . I am for enforcing these measures." Dr. Johnson bellowed across the Atlantic, "Taxation, no Tyranny." James Otis spoke for America, for common sense and for eternal justice in saying: "No good reason, however, can be given in any country why every man of a sound mind should not have his vote in the election of a representative. If a man has but little property to protect and defend, yet his life and liberty are things of some importance." And long before James Otis, Lord Somers said to a committee of the House of Commons that the possession of the vote is the only true security which an Englishman has for the possession of his life and property.

Every person, then, is born, with an equal claim to every kind of protection of his natural rights which any other person enjoys. The practical question, therefore, is how shall this protection be best attained? and this is the question of government which, according to the Declaration, is established for the security of these rights. The British theory was that they could be better secured by an intelligent few than by the ignorant and passionate multitude. Goldsmith expressed it in singing:

> "For just experience shows in every soil,
> That those who think must govern those who toil."

But nobody denies that the government of the best is the best government; the only question is how to find the best, and common sense replies:

> "The good, 'tis true, are Heaven's peculiar care;
> But who but Heaven shall show us who they are?"

Our fathers answered the question of the best and surest protection of natural right by their famous phrase: "the consent of the governed." That is to say, since every man is born with equal natural rights, he is entitled to an equal protection of them with all other men; and since government is that protection, right reason and experience, alike, demand that every person shall have a voice in the government upon perfectly equal and

practicable terms; that is, upon terms which are not necessarily and absolutely insurmountable by any part of the people.

Now, these terms cannot rightfully be arbitrary. But the argument of the honorable gentleman from Schenectady, whose lucid and dignified discourse needs no praise of mine, and the arguments of others who have derived government from society, seemed to assume that the political people may exclude and include at their pleasure; that they may establish purely arbitrary tests, such as height, or weight, or color, or sex. This was substantially the squatter sovereignty of Mr. Douglas, who held that the male white majority of the settlers in a territory might deprive a colored minority of all their rights whatever; and he declared that they had the right to do it. The same right that this Convention has to hang me at this moment to that chandelier, but no other right. Brute force, sir, may do anything; but we are speaking of rights, and of rights under this Government, and I deny that the people of the State of New York can rightfully, that is, according to right reason, and the principles of this Government derived from it, permanently exclude any class of persons or any person whatever from a voice in the Government, unless it can be clearly established that their participation in political power would be dangerous to the State; and, therefore, the honorable gentleman from Kings was logically correct in opposing the enfranchisement of the colored population upon the ground that they were an inferior race, of limited intelligence, a kind of Chimpanzee at best. I think, however, sir, the honorable and scholarly gentleman—even he—will admit that at Fort Pillow, at Milliken's Bend, at Fort Wagner, the Chimpanzees did uncommonly well; yes, sir, as gloriously and immortally as our own fathers at Bunker Hill and Saratoga.

"There ought to be no pariahs," says John Stuart Mill, "in a full grown and civilized nation; no persons disqualified except through their own default. . . . . Every one is degraded, whether aware of it or not, when other people, without consulting him, take upon themselves unlimited power to regulate his destiny." "No arrangement of the suffrage, therefore, can be permanently satisfactory in which any person or class is peremptorily excluded; in which the electoral privilege is not open to all persons of full age who desire it" (Rep. G., p. 167).

And Thomas Hare, one of the acutest of living political

thinkers, says that in all cases where a woman fulfills the qualification which is imposed upon a man, "there is no sound reason for excluding her from the parliamentary franchise. The exclusion is probably a remnant of the feudal law and is not in harmony with the other civil institutions of the country. There would be great propriety in celebrating a reign which has been productive of so much moral benefit by the abolition of an anomaly which is so entirely without any justifiable foundation" (Hare, p. 280).

The Chairman of the Committee asked Miss Anthony the other evening whether, if suffrage was a natural right, it could be denied to children. Her answer seemed to me perfectly satisfactory. She said, simply, "All that we ask is an equal and not an arbitrary regulation. If *you* have the right *we* have it." The honorable Chairman would hardly deny that to regulate the exercise of a right according to obvious reason and experience is one thing, to deny it absolutely and forever is another. And this is the safe practical rule of our government, as James Madison expressed it, that "it be derived from the great body of the people, not from an inconsiderable portion or favored class of it."

When Mr. Gladstone, in his famous speech that startled England, said in effect, that no one could be justly excluded from the franchise, except upon grounds of personal unfitness or public danger, he merely echoed the sentiment of Joseph Warren, which is gradually seen to be the wisest and most practical political philosophy: "I would have such a government as should give every man the greatest liberty to do what he chooses, consistent with restraining him from doing any injury to another." Is not that the kind of government, sir, which we wish to propose for this State? And if every person in New York has a natural right to life, liberty and property, and a co-existent claim to a share in the government which defends them, regulated only by perfectly equitable conditions, what are the practical grounds upon which it is proposed to continue the absolute and hopeless disfranchisement of half the adult population?

It is alleged that women are already represented by men! Where are they so represented? and when was the choice made? If I am told that they are virtually represented I reply, with James Otis, that "no such phrase as virtual representation is

known in law or Constitution. It is altogether a subtlety and illusion, wholly unfounded and absurd." I repeat, if they are represented, when was the choice made? Nobody pretends that they have ever been consulted. It is a mere assumption to the effect that the interest and affection of men will lead them to just and wise legislation for women as well as for themselves. But this is merely the old appeal for the political power of a class. It is just what the British parliament said to the colonies a hundred years ago. "We are all under the same government," they said, "our interests are identical; we are all Britons; Brittania rules the wave; God save the King! and down with sedition and the Sons of Liberty!" The colonies chafed and indignantly protested, because the assumption that therefore fair laws were made was not true; because they were discovering for themselves what every nation has discovered—the truth that shakes England to-day, and brings Disraeli and the Tory party to their knees, and has already brought this country to blood—that there is no class of citizens, and no single citizen, who can safely be intrusted with the permanent and exclusive possession of political power.

"There is no instance on record," says Buckle, in his history of civilization in England, "of any class possessing power without abusing it." It is as true of men as a class as it is of an hereditary nobility, or of a class of property-holders. Men are not wise enough, nor generous enough, nor pure enough to legislate fairly for women. The laws of the most civilized nations depress and degrade women. The legislation is in favor of the legislating class.

In the celebrated debate upon the Marriage Amendment Act in England, Mr. Gladstone said that "when the gospel came into the world woman was elevated to an equality with her stronger companion." Yet, at the very time he was speaking, the English law of divorce, made by men to regulate their domestic relations with women, was denounced by the law lords themselves as "disgusting and demoralizing" in its operation, "barbarous," "indecent," "a disgrace to the country," and "shocking to the sense of right." Now, if the equality, of which Mr. Gladstone spoke, had been political as well as sentimental, does he or any other statesman suppose that the law of divorce would have been what it then was, or that the

law of England to-day would give all the earnings of a married woman to her husband, or that of France forbid a woman to receive any gift without her husband's permission?

We ask women to confide in us, as having the same interests with them. Did any despot ever say anything else? And, if it be safe or proper for any intelligent part of the people to relinquish exclusive political power to any class, I ask the Committee, who proposed that women should be compelled to do this? To what class, however rich, or intelligent, or honest, they would themselves surrender *their* power? and what they would do if any class attempted to usurp that power? They know, as we all know, as our own experience has taught us, that the only security of natural right is the ballot. They know, and the instinct of the whole loyal land knows, that when we had abolished slavery the emancipation could be completed and secured only by the ballot in the hands of the emancipated class. Civil rights were a mere mocking name until political power gave them substance.

A year ago Gov. Orr of South Carolina told us that the rights of the freedmen were safest in the hands of their old masters. "Will you walk into my parlor? said the spider to the fly." New Orleans, Memphis, and countless and constant crimes showed what that safety was. Then, hesitating no longer, the nation handed the ballot to the freedmen and said: "Protect yourselves!" And now Gov. Orr says that the part of wisdom for South Carolina is to cut loose from all parties and make a cordial alliance with the colored citizens. Gov. Orr knows that a man with civil rights merely is a blank cartridge. Give him the ballot and you add a bullet and make him effective. In that section of the country, seething with old hatreds and wounded pride, and a social system upheaved from the foundation, no other measure could have done for real pacification in a century what the mere promise of the ballot has done in a year. The one formidable peril in the whole subject of reconstruction has been the chance that Congress would continue in the Southern States the political power in the hands of a class, as the report of the Committee proposes that we shall do in New York.

If I am asked, what do women want the ballot for? I answer the question with another, what do men want it for? Why do the British workmen at this moment so urgently demand it? Look into the British laws regulating labor and you will see why.

They want the ballot because the laws affecting labor and capital are made by the capitalist class alone and are, therefore, unjust.

I do not forget the progressive legislation of New York in regard to the rights of women. The Property Bill of 1860 and its supplement, according to the *New York Tribune*, redeemed five thousand women from pauperism. In the next year Illinois put women in the same position with men, as far as property rights and remedies are concerned. I mention these facts with pleasure, as I read that Louis Napoleon will, under certain conditions, permit the French people to say what they think. But, if such reforms are desirable, they would certainly have been sooner and more wisely effected could women have been a positive political power. Upon this point one honorable gentleman asked Mrs. Stanton whether the laws both for men and women were not constantly improving, and whether, therefore, it was not unfair to attribute the character of the laws about women to the fact that men made them. The reply is very evident. If women alone made the laws legislation for both men and women would undoubtedly be progressive. Does the honorable gentleman think, therefore, that women only should make the laws?

Is it true, Mr. Chairman, that in the ordinary and honorable sense of the words, women are represented? Laws are made for them by another class, and upon the theories which that class, without the fear of political opposition, may choose to entertain, and in direct violation of the principles upon which, in their own case, they tenaciously insist. I live, sir, in the county of Richmond. It has a population of some 27,000 persons. They own property and manage it. They are taxed and pay their taxes; and they fulfill the duties of citizens with average fidelity. But if the Committee had introduced a clause into the section they propose to this effect: "Provided that idiots, lunatics, persons under guardianship, felons, inhabitants of the county of Richmond, and persons convicted of bribery shall not be entitled to vote," they would not have proposed a more monstrous injustice, nor a grosser inconsistency with every fundamental right and American principle, than in the clause they recommend; and in that case, sir, what do you suppose would have been my reception had I returned to my friends and neighbors and had said to them: "The Convention thinks that you are virtually represented by the voters of Westchester and Chautauqua?"

Mr. Chairman, I have no superstition about the ballot. I do not suppose it would immediately right all the wrongs of women any more than it has righted all those of men. But what political agency has righted so many? Here are thousands of miserable men all around us; but they have every path opened to them. They have their advocates; they have their votes; they make the laws, and, at last and at worst, they have their strong right hands for defense. And here are thousands of miserable women pricking back death and dishonor with a little needle; and now the sly hand of science is stealing that little needle away. The ballot does not make those men happy nor respectable nor rich nor noble; but they guard it for themselves with sleepless jealousy, because they know it is the golden gate to every opportunity; and precisely the *kind* of advantage it gives to one sex it would give to the other. It would arm it with the most powerful weapon known to political society; it would maintain the natural balance of the sexes in human affairs and secure to each fair play within its sphere.

But, sir, the Committee tell us that the suffrage of women would be a revolutionary innovation; it would disturb the venerable traditions. Well, sir, about the year 1790 women were first recognized as school-teachers in Massachusetts. At that time the New England "school-marm" (and I use the word with affectionate respect) was a revolutionary innovation. She has been abroad ever since and has been by no means the least efficient, but always the most modest and unnoticed of the great civilizing influences in this country.

Innovation!—why, sir, when Sir Samuel Romilly proposed to abolish the death-penalty for stealing a handkerchief, the law officers of the crown said it would endanger the whole criminal law of England.

When the bill abolishing the slave trade passed the House of Lords, Lord St. Vincent rose and stalked out, declaring that he washed his hands of the ruin of the British Empire.

When the Greenwich pensioners saw the first steamer upon the Thames they protested that they did not like the steamer, for it was contrary to nature.

When, at the close of the reign of Charles II., London had half a million of people, there was a fierce opposition to street-lamps—

such is the hostility of venerable traditions to an increase of light.

When Mr. Jefferson learned that New York had explored the route of a canal he benignly regarded it, in the spirit of our Committee as, doubtless, "defensible in theory"; for he said that it was "a very fine project, and might be executed a century hence."

And, fifty-six years ago Chancellor Livingston wrote from this city that the proposition of a railroad, shod with iron, to move heavy weights four miles an hour, was ingenious, perhaps "theoretically defensible"; but, upon the whole, the road would not be so cheap or convenient as a canal.

In this country, sir, the venerable traditions are used to being disturbed. America was clearly designed to be a disturber of traditions, and to leave nobler precedents than she found.

So, a few months ago, what the Committee call a revolutionary innovation was proposed by giving the ballot to the freedmen in the District of Columbia. The awful results of such a revolution were duly set forth in one of the myriad veto messages of the President of the United States. But they have voted. If anybody proposed to disturb the election it was certainly not the new voters. The election was perfectly peaceful, and not one of the presidential pangs has been justified.

So with this reform. It *is* new in the extent proposed. It is as new as the harvest after the sowing, and it is as natural. The resumption of rights long denied or withheld never made a social convulsion: that is produced by refusing them. The West-Indian slaves received their liberty, praying upon their knees; and the influence of the enfranchisement of women will glide into society as noiselessly as the dawn increases into day.

Or, shall I be told that women, if not numerically counted at the polls, do yet exert an immense influence upon politics, and do not really need the ballot. If this argument was seriously urged I should suffer my eyes to rove through this chamber and they would show me many honorable gentlemen of reputed political influence. May they, therefore, be properly and justly disfranchised? I ask the honorable Chairman of the Committee whether he thinks that a citizen should have no vote because he has influence? What gives influence? Ability, intelligence, honesty. Are these to be excluded from the polls? Is it only

stupidity, ignorance and rascality which ought to possess political power?

Or, will it be said that women do not want the ballot and ought to be asked? And upon what principle ought they to be asked? When natural rights or their means of defense, have been immemorially denied to a large class, does humanity or justice or good sense require that they should be registered and called to vote upon their own restoration? Why, Mr. Chairman, it might as well be said that Jack the Giant Killer ought to have gravely asked the captives in the ogre's dungeon whether they wished to be released. It must be assumed that men and women wish to enjoy their natural rights, as that the eyes wish light or the lungs an atmosphere. Did we wait for emancipation until the slaves petitioned to be free? No, sir, all our lives had been passed in ingenious and ignominious efforts to sophisticate and stultify ourselves for keeping them chained; and when war gave us a legal right to snap their bonds, we did not ask them whether they preferred to remain slaves. We knew that they were men, and that men by nature walk upright, and if we find them bent and crawling, we know that the posture is unnatural whether they may think so or not.

In the case of women we acknowledge that they have the same natural rights as ourselves—we see that they hold property and pay taxes, and we must of necessity suppose that they wish to enjoy every security of those rights that we possess. So when in this State, every year, thousands of boys come of age, we do not solemnly require them to tell us whether they wish to vote. We assume, of course, that they do, and we say to them: "Go, and upon the same terms with the rest of us, vote as you choose."

But gentlemen say that they know a great many women who do not wish to vote, who think it is not ladylike, or whatever the proper term may be. Well, sir, I have known many men who habitually abstained from politics because they were so "ungentlemanly," and who thought that no man could touch pitch without defilement. Now, what would the honorable gentleman who know women who do not wish to vote, have thought of a proposition that I should not vote because my neighbors did not wish to? There may have been slaves who preferred to remain slaves—was that an ar-

gument against freedom? Suppose that a majority of the women of this State do not wish to vote—is that a reason for depriving *one* woman who is taxed of her equal representation, or one innocent person of the equal protection of his life and liberty?

Shall nothing ever be done by statesmen until wrongs are so intolerable that they take society by the throat? Did it show the wisdom of British Conservatism that it waited to grant the Reform Bill of 1832 until England hung upon the edge of civil war? When women and children were worked sixteen hours a day in English factories, did it show practical good sense to delay a "short time" bill until hundreds of thousands of starving workmen agreed to starve yet more, if need be, to relieve the overwork of their families, and until the most pitiful procession the sun ever shone upon, that of the factory children, just as they left their work, marched through the streets of Manchester, that burst into sobs and tears at the sight?

Yet, if in such instances, where there was so plausible an adverse appeal founded upon vested interests and upon the very theory of the government, it was unwise to wait until a general public outcry imperatively demanded the reform, how wholly needless to delay in this State a measure which is the natural result of our most cherished principles, and which threatens to disturb or injure nothing whatever. The amendment proposes no compulsion like the old New England law, which fined every voter who did not vote. If there are citizens of the State who think it unladylike or ungentlemanlike to take their part in the government let them stay at home. But do not, I pray you, give them authority to detain wiser and better citizens from their duty.

But I shall be told, in the language of the Report of the Committee, that the proposition is openly at war with the distribution of functions and duties between the sexes. Translated into English, Mr. Chairman, this means that it is unwomanly to vote. Well, sir, I know that at the very mention of the political rights of women there arises in many minds a dreadful vision of a mighty exodus of the whole female world, in bloomers and spectacles, from the nursery and kitchen to the polls. It seems to be thought that if women practically took part in politics the

home would be left a howling wilderness of cradles and a chaos of undarned stockings and buttonless shirts.

But how is it with men? Do they desert their workshops, their plows and offices to pass their time at the polls? Is it a credit to a *man* to be called a professional politician? The pursuits of men in the world, to which they are directed by the natural aptitude of sex, and to which they must devote their lives, are as foreign from political functions as those of women. To take an extreme case: there is nothing more incompatible with political duties in cooking and taking care of children than there is in digging ditches or making shoes, or in any other necessary employment, while in every superior interest of society growing out of the family the stake of women is not less than of men, and their knowledge is greater.

In England, a woman who owns shares in the East-India Company may vote. In this country she may vote as a stockholder upon a railroad from one end of the country to another. But if she sells her stock and buys a house with the money, she has no voice in the laying out of the road before her door, which her house is taxed to keep and pay for. And why, in the name of good sense, if a responsible human being may vote upon specific industrial projects, may she not vote upon the industrial regulation of the State? There is no more reason that men should assume to decide participation in politics to be unwomanly, than that woman should decide for men that it is unmanly. It is not our prerogative to keep women feminine. I think, sir, they may be trusted to defend the delicacy of their own sex. Our success in managing ours has not been so conspicuous that we should urgently desire more labor of the same kind. Nature is quite as wise as we. Whatever their sex incapacitates women from doing they will not do. Whatever duty is consistent with their sex and their relation to society they will properly demand to do until they are permitted.

The reply to the assertion that participation in political power is unwomanly, and tends to subvert the family relation, is simple and unanswerable. It is that we can not know what is womanly until we see the folly of insisting that the theories of men settle the question. We know now what the convenience and feelings of men decide to be womanly. We shall know what is womanly in the same sense that we know what is manly, only when women

have the same equality of development and the same liberty of choice as men.

The amendment I offer is merely a prayer that you will remove from women a disability, and secure to them the same freedom of choice that we enjoy. If the instincts of sex, of maternity, of domesticity, are not persuasive enough to keep them in the truest sense women, it is the most serious defect yet discovered in the divine order of nature. When, therefore, the Committee declare that voting is at war with the distribution of functions between the sexes, what do they mean?

Are not women as much interested in good government as men? There is fraud in the Legislature; there is corruption in the courts; there are hospitals, and tenement houses, and prisons; there are gambling houses, and billiard-rooms, and brothels; there are grog-shops at every corner, and I know not what enormous proportion of crime in the State proceeds from them; there are 40,000 drunkards in the State, and their hundreds of thousands of children—all these things are subjects of legislation, and under the exclusive legislation of men the crime associated with all these things becomes vast and complicated.

Have the wives and mothers and sisters of New York less vital interest in them, less practical knowledge of them and their proper treatment than the husbands and fathers? No man is so insane as to pretend it. Is there then any natural incapacity in women to understand politics? It is not asserted. Are they lacking in the necessary intelligence? But the moment that you erect a standard of intelligence which is sufficient to exclude women as a sex, that moment most of the male sex would be disfranchised. Is it that they ought not to go to public political meetings? But we earnestly invite them. Or that they should not go to the polls? Some polls, I allow, in the larger cities, are dirty and dangerous places; and those it is the duty of the police to reform. But no decent man wishes to vote in a grog-shop, nor to have his head broken while he is doing it. The mere act of dropping a ballot in a box is about the simplest, shortest and cleanest that can be done.

Last winter Senator Frelinghuysen, repeating, I am sure thoughtlessly, the common rhetoric of the question, spoke of the high and holy mission of women. But if people with a high and holy mission may innocently sit bare-necked in

hot theatres to be studied through pocket-telescopes until midnight by any one who chooses, how can their high and holy mission be harmed by their quietly dropping a ballot in a box? What is the high and holy mission of any woman but to be the best and most efficient human being possible? To enlarge the sphere of duty and the range of responsibility where there are adequate power and intelligence is to heighten not to lessen the holiness of life.

But if women vote they must sit on juries. Why not? Nothing is plainer than that thousands of women who are tried every year as criminals are not tried by their peers. And if a woman is bad enough to commit a heinous crime, must we absurdly assume that women are too good to know that there is such a crime? If they may not sit on juries certainly they ought not to be witnesses. A note in Howell's State Trials, to which my attention was drawn by one of my distinguished colleagues in the convention, quotes an ancient work, "Probation by Witnesses," by Sir George Mackenzie, in which he says: "The reason why women are excluded from witnessing must be either that they are subject to too much compassion, and so ought not to be more received in criminal cases than in civil cases; or else the law was unwilling to trouble them, and thought it might learn them too much confidence, and make them subject to too much familiarity with men and strangers if they were necessitated to vague up and down at all courts upon all occasions." Hume says this rule was held as late as the beginning of the eighteenth century. But if too much familiarity with men be so pernicious, are men so pure that they alone should make laws for women, and so honorable that they alone should try women for breaking them? It is within a very few years at the Liverpool Assizes in a case involving peculiar evidence, that Mr. Russell said: "The evidence of women is, in some respects, superior to that of men. Their power of judging of minute details is better, and when there are more than two facts and something be wanting their intuitions supply the deficiency." "And precisely the qualities which fit them to give evidence," says Mrs. Dall, to whom we owe this fact, "fit them to sift and test it."

But, the objectors continue, would you have women hold office? If they are capable and desirous, why not? They hold

office now most acceptably. In my immediate neighborhood a post-mistress has been so faithful an officer for seven years that when there was a rumor of her removal it was a matter of public concern. This is a familiar instance in this country. Scott's "Antiquary" shows that a similar service was not unknown in Scotland. In "Notes and Queries" ten years ago (Vol. II., Sec. 2, 1856. pp. 83, 204) Alexander Andrews says: "It was by no means unusual for females to serve the office of overseer in small rural parishes," and a communication in the same publication (First Series, Vol. II., p. 383) speaks of a curious entry in the Harleian Miscellany (MS. 980, fol. 153): "The Countess of Richmond, mother to Henry VII., was a justice of the peace. Mr. Atturney said if it was so it ought to have been by commission, for which he had made many an hower's search for the record, but could never find it, but he had seen many arbitriments that were made by her. Justice Joanes affirmed that he had often heard from his mother of the Lady Bartlett, mother to the Lord Bartlett, that she was a justice of the peace, and did set usually upon the bench with the other justices in Gloucestershire; that she was made so by Queen Mary, upon her complaint to her of the injuries she sustained by some of that county, and desiring for redress thereof; that as she herself was Chief-Justice of all England, so this lady might be in her own county, which accordingly the Queen granted.

Another example was alleged of one —— Rowse, in Suffolk, who usually at the assizes and sessions there held, set upon the bench among the Justices *gladio cincta*."

The Countess of Pembroke was hereditary sheriff of Westmoreland, and exercised her office.

Henry VIII. granted a commission of inquiry, under the great seal, to Lady Ann Berkeley, who opened it at Gloucester, and passed sentence under it.

Henry VIII.'s daughter, Elizabeth Tudor, was Queen of England in name and in fact during the most illustrious epoch of English history. Was Elizabeth incompetent? Did Elizabeth unsex herself? Or do you say that she was an exceptional woman? So she was, but no more an exceptional woman than Alfred, Marcus Aurelius or Napoleon were exceptional men.

It was held by some of the old English writers that a woman might serve in almost any of the great offices of the kingdom.

And, indeed, if Victoria may deliberate in council with her ministers why may not any intelligent English woman deliberate in Parliament, or any such American woman in Congress?

I mention Elizabeth, Maria Theresa, Catherine, and all the famous empresses and queens, not to prove the capacity of women for the most arduous and responsible office, for that is undeniable, but to show the hollowness of the assertion that there is an instinctive objection to the fulfillment of such offices by women. Men who say so do not really think so. The whole history of the voting and office-holding of women shows that whenever men's theories of the relation of property to the political franchise, or of the lineal succession of the government, require that women shall vote or hold office the objection of impropriety and incapacity wholly disappears. If it be unwomanly for a woman to vote or to hold office it is unwomanly for Victoria to be Queen of England. Surely if our neighbors had thought they would be better represented in this convention by certain women there is no good reason why they should have been compelled to send us. Why should I or any person be forbidden to select the agent whom we think the most competent and truly representative of our will? There is no talent or training required in the making of laws which is peculiar to the male sex. What is needed is intelligence and experience. The rest is routine.

The capacity for making laws is necessarily assumed when women are permitted to hold and manage property and to submit to taxation. How often the woman, widowed, or married, or single, is the guiding genius of the family—educating the children, directing the estate, originating, counseling, deciding. Is there anything essentially different in such duties and the powers necessary to perform them from the functions of legislation?

In New Jersey the Constitution of 1776 admitted to vote all inhabitants of a certain age, residence, and property. In 1797, in an act to regulate elections, the ninth section provides: "Every voter shall openly and in full view deliver his or her ballot, which shall be a single written ticket, containing the names of the persons for whom he or she votes." An old citizen of New Jersey says that "the right was recognized, and very little said or thought about it in any way." But in 1807 the suffrage

was restricted to white male adult citizens of a certain age, residence, and property, and in 1844 the property qualification was abolished.

At the hearing before the committee, the other evening, a gentleman asked whether the change of the qualification excluding women did not show that their voting was found to be inconvenient or undesirable. Not at all. It merely showed that the male property-holders out-voted the female. It certainly showed nothing as to the right or expediency of the voting of women. Mr. Douglas, as I said, had a theory that the white male adult squatters in a territory might decide whether the colored people in the territory should be enslaved. They might, indeed, so decide, and with adequate power they might enforce their decision. But it proved very little as to the right, the expediency, or the constitutionality of slavery in a territory.

The truth is that men deal with the practical question of female suffrage to suit their own purposes. About twenty-five years ago the Canadian government by statute rigorously and in terms forbade women to vote. But in 1850, to subserve a sectarian purpose, they were permitted to vote for school trustees. I am ashamed to argue a point so plain. What public affairs need in this State is "conscience," and woman is the conscience of the race. If we in this convention shall make a wise Constitution, if the Legislatures that follow us in this chamber shall purify the laws and see that they are honorably executed, it will be just in the degree that we shall have accustomed ourselves to the refined, moral, and mental atmosphere in which women habitually converse.

But would you, seriously, I am asked, would you drag women down into the mire of politics? No, sir, I would have them lift us out of it. The duty of this Convention is to devise means for the improvement of the government of this State. Now, the science of government is not an ignoble science, and the practice of politics is not necessarily mean and degrading. If the making and administering of law has become so corrupt as to justify calling politics filthy, and a thing with which no clean hands can meddle without danger, may we not wisely remember, as we begin our work of purification, that politics have been wholly managed by men? How can we purify them? Is there no radical method,

no force yet untried, a power not only of skillful checks, which I do not undervalue, but of controling character?

Mr. Chairman, if we sat in this chamber with closed windows until the air became thick and fetid, should we not be fools if we brought in deodorizers—if we sprinkled chloride of lime and burned assafœtida, while we disdained the great purifier? If we would cleanse the foul chamber, let us throw the windows wide open, and the sweet summer air would sweep all impurity away and fill our lungs with fresher life. If we would purge politics let us turn upon them the great stream of the purest human influence we know.

But I hear some one say, if they vote they must do military duty. Undoubtedly when a nation goes to war it may rightfully claim the service of all its citizens, men and women. But the question of fighting is not the blow merely, but its quality and persistence. The important point is, to make the blow effective. Did any brave Englishman who rode into the jaws of death at Balaklava serve England on the field more truly than Florence Nightingale? That which sustains and serves and repairs the physical force is just as essential as the force itself. Thus the law, in view of the moral service they are supposed to render, excuses clergymen from the field, and in the field it details ten per cent. of the army to serve the rest, and they do not carry muskets nor fight.

Women, as citzens, have always done, and always will do that work in the public defense for which their sex peculiarly fits them, and men do no more. The care of the young warriors, the nameless and innumerable duties of the hospital and home, are just as essential to the national safety as fighting in the field. A nation of men alone could not carry on a contest any longer than a nation of women. Each would be obliged to divide its forces and delegate half to the duties of the other sex.

But while the physical services of war are equally divided between the sexes, the moral forces are stronger with women. It was the women of the South, we are constantly and doubtless very truly told, who sustained the rebellion, and certainly without the women of the North the Government had not been saved. From the first moment to the last, in all the roaring cities, in the remote valleys, in the deep woods, on the country hill-sides, on the open prairie, wherever there were wives, mothers, sisters, lovers, there

were the busy fingers which, by day and by night, for four long years, like the great forces of spring-time and harvest, never failed. The mother paused only to bless her sons, eager for the battle; the wife to kiss her children's father, as he went; the sister smiled upon her brother, and prayed for the lover who marched away. Out of how many hundreds of thousands of homes and hearts they went who never returned. But those homes were both the inspiration and the consolation of the field. They nerved the arm that struck for them. When the son and the husband fell in the wild storm of battle, the brave woman-heart broke in silence, but the busy fingers did not falter. When the comely brother and lover were tortured into idiocy and despair, that woman-heart of love kept the man's faith steady, and her unceasing toil repaired his wasted frame. It was not love of the soldier only, great as that was; it was knowledge of the cause. It was that supreme moral force operating through innumerable channels like the sunshine in nature, without which successful war would have been impossible. There are thousands and thousands of these women who ask for a voice in the government they have so defended. Shall we refuse them?

I appeal again to my honorable friend, the Chairman of the Committee. He has made the land ring with his cry of "universal suffrage and universal amnesty." Suffrage and amnesty to whom? To those who sought to smother the government in the blood of its noblest citizens, to those who ruined the happy homes and broke the faithful hearts of which I spoke. Sir, I am not condemning his cry. I am not opposing his policy. I have no more thirst for vengeance than he, and quite as anxiously as my honorable friend do I wish to see the harvests of peace waving over the battle-fields.

But, sir, here is a New York mother, who trained her son in fidelity to God and to his country. When that country called, they answered. Mother and son gave, each after his kind, their whole service to defend her. By the sad fate of war the boy is thrown into the ghastly den at Andersonville. Mad with thirst, he crawls in the pitiless sun toward a muddy pool. He reaches the dead-line, and is shot by the guard, murdered for fidelity to his country. "I demand amnesty for that guard, I demand that he shall vote," cries the honorable Chairman of the Committee. I do not say that it is an unwise

demand. But I ask him, I ask you, sir, I ask every honorable and patriotic man in this State, upon what conceivable ground of justice, expediency, or common-sense shall we give the ballot to the New York boy's murderer and refuse it to his mother?

Mr. Chairman, I have thus stated what I conceive to be the essential reasonableness of the amendment which I have offered. It is not good for man to be alone. United with woman in the creation of human society, their rights and interests in its government are identical, nor can the highest and truest development of society be reasonably conceievd, so long as one sex assumes to prescribe limits to the scope and functions of the other.

The test of civilization is the position of women. Where they are wholly slaves, man is wholly barbarous; and the measure of progress from barbarism to civilization is the recognition of their equal right with man to an unconstrained development. Therefore, when Mr. Mill unrolls his petition in Parliament to secure the political equality of women, it bears the names of those English men and women whose thoughts foretell the course of civilization. The measure which the report of the Committee declares to be radically revolutionary and perilous to the very functions of sex, is described by the most sagacious of living political philosophers as reasonable, conservative, necessary, and inevitable; and he obtains for it seventy-three votes in the same House in which out of about the same whole number of voters, Charles James Fox, the idol of the British Whigs, used to be able to rally only forty votes against the policy of Pitt.

The dawn in England will soon be day here. Before the American principle of equal rights, barrier after barrier in the path of human progress falls. If we are still far from its full comprehension and further from perfect conformity to its law, it is in that only like the spirit of Christianity, to whose full glory even Christendom but slowly approaches. From the heat and tumult of our politics we can still lift our eyes to the eternal light of that principle; can see that the usurpation of sex is the last form of caste that lingers in our society; that in America the most humane thinker is the most practical man, and the organizer of justice the most sagacious statesman.

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LEGAL CONDITION OF WOMEN IN MASSACHUSETTS IN 1875.

BY HON. SAMUEL E. SEWALL.

This little tract was originally prepared in 1868. A revised edition was issued in 1870, containing notices of the changes in the laws in regard to women, which had been made since 1868. Statutes since passed render it necessary to embody in a new edition still farther and important changes.

My object, in the following pages, is to present an outline of the laws of Massachusetts affecting women, as distinguished from men, with occasional comments. The law of this Commonwealth, however, is so like that of most of the States, that the greater part of what I write will apply to many of the others.

Nothing more than a mere sketch, and that an imperfect one, is possible within the limits that I propose. I shall aim to present the most important features of the system; though even of these many of the qualifications, distinctions and exceptions, will be necessarily passed without notice. A large and instructive volume in regard to the subject might be written.

Most people have a general idea of the legal disabilities of the female sex. But very few, except lawyers, understand, in their full extent, the annoyance and oppression to which our system subjects women, until some hard case directs their attention to a peculiar form of this injustice.

The Declaration of Independence proclaims that "all men are created equal" and have inalienable rights. We all admit this. And it is conceded that the word "men" here includes persons of both sexes, and the word "equal" means equality of rights, not of capacity.

When Jefferson wrote these words, which have been cited many thousands of times, and are still worth citing, he was, no doubt, far from thinking of all the applications of the truth he was publishing.

The Constitution of Massachusetts, following the Declaration, says, "All men are born free and equal,", and have unalienable rights.

The Constitution of Massachusetts denies Suffrage to Woman, and thus is inconsistent with itself, and also violates the great principle of the Declaration of Independence, the organic law of the nation, by giving man a great right and privilege, and refusing them to her who is entitled to them as his equal.

The denial of this franchise is the most serious wrong done to women, since granting them the ballot would, no doubt, lead eventually to the redress of their other wrongs.

This refusal of the ballot perpetuates the stigma of inferiority on more than one half of the whole population of the State. The effect is obvious. We look upon the ballot as one of the great educators of male citizens, because it interests them in public affairs, and leads them to consider and discuss important questions of legislation. Our Constitution not only shuts out this great avenue of education from our female citizens, but the legal inferiority tends in every direction to produce the mental inferiority which it presupposes. It cramps thought, and paralyzes effort.

The secondary effects of this inferiority are equally if not more disastrous. Men fall short of the high character which would be infused into them through the superior moral and intellectual power which women would acquire in consequence of gaining the great franchise. Our legislation is degraded, and our society debased, because the two sexes do not associate as equals in the most important business of the nation.

It is hardly necessary to add, that to deprive any class of persons who pay taxes of the right of voting, violates the principle for which our fathers contended during the revolution, that taxation without representation is tyranny. Thousands of women pay taxes in Massachusetts, some of them very large ones. In 1871, women paid nearly two million dollars of the sums raised by taxation on real and peronal property in cities and towns in Massachusetts, being very nearly one eleventh of the whole amount assessed. In Boston, in 1873, women paid nearly thirteen hundred thousand dollars of the taxes levied by the city, being more than one tenth of the whole amount.* Yet women have no voice in directing the appropriation of their money, are compelled to submit to enactments from which their moral instinct revolts, and have no power to urge effectually reforms which they believe to be all-important. Since women are not allowed to vote they are generally considered ineligible to any public office, and incapable of holding any by appointment of the governor. I am far from assenting to this view of the law; for, in my opinion, any person, even an alien or a woman, is legally capable of holding any office, unless expressly prohibited by the Constitution or Statutes.

* William I. Bowditch, Esq., has lately published a pamphlet called "Taxation of Women in Massachusetts." It is full of valuable historical and statistical matter bearing on the subject, with an able commentary. It ought to be read by all interested in the elevation of women.

Governor Claflin, in 1871, nominated several ladies for Justices of the Peace. Some of the Council doubting whether women could hold the office, the opinion of the judges of the Supreme Court was asked on the subject. The judges delivered an opinion that women could not be Justices of the Peace. The ground of the decision appears to be that the office of Justice of the Peace under the Constitution is judicial and therefore cannot be held by a woman, according to the common law, which had not been altered by the Constitution. I doubt the soundness of this decision. But it is needless to argue the question here. The opinion does not seem to make any change in the Constitution necessary. The Legislature ought to pass an act declaring women capable of holding any office which the Constitution does not prohibit them from holding. Though the Legislature cannot repeal the Constitution, it can remedy the defects of the common law. Practically, women are disabled from holding many offices for which they are admirably qualified, even by the judgment of those who regard them as unfit for other positions. Far the greater part of the public school teachers in Massachusetts are women. Male teachers are but a small fraction of the whole number. Yet we find no woman on the Board of Education. I had added, in a former edition of this tract, that there was no woman "on the Board of Trustees of the State Industrial School for Girls at Lancaster, or, except in a very few cases, on a School Committee;" and showed how desirable it was to have women as official visitors. The change on this subject, in public opinion and the law, in the few years which have passed since the tract appeared, is truly wonderful and most encouraging.

Monroe, the smallest town in the State, set the example of having a lady on its School Committee for several years before 1868. But in the years commencing with 1868, a large number of women have been chosen on School Committees in different cities and towns. Worcester and Lynn were among the first to place women in this position.

Three ladies were chosen members of the School Committee in Boston for 1874. The School Committee declared them ineligible. One of the ladies applied to the Supreme Court to be reinstated. But the judges refused to decide the question of her right to a seat, and dismissed her petition on the ground that the Charter of the city gave the School Committee power to decide on the qualifications of members of the Board. The Legislature, as soon as the decision was known, passed with great alacrity and almost by acclamation, "An act to *declare* women eligible to serve as members of School Committees." There can be no doubt that within a few years women will be members of School Committees in most of the towns of the State. This year (1875), six ladies are members of the School Committee in Boston.

The Legislature, in 1868, authorized the appointment of an advisory board of women for the Lancaster School. But by an act passed in 1873 this board was discontinued; and three of the trustees, the whole number being ten, were required to be women.

No woman is to be found on the Board of State Charities, or as an Overseer of the Poor, or as a Trustee of a Lunatic Hospital. Yet the warm sympathy which women feel for the sick and poor, to say nothing of their other qualifications, would make them very useful in these positions.

By an act passed June 18, 1870, the Governor is directed to appoint three Commissioners of Prisons, who, among their other duties, are to classify the prisoners, and to separate male and female prisoners; and, for this purpose, are authorized to remove prisoners from one jail to another, and from one house of correction to another. The same act directs the Governor "to appoint three competent women as an advisory Board of Overseers to the prisons designated under this act for the imprisonment of women." The Board, or one of them, are required to visit these prisons at least once a month. They have the same power to visit and inspect such prisons as inspectors of prisons have. They are required to make quarterly reports to the Commissioners of Prisons, with such suggestions and recommendations as they think proper.

Though I protest against having men only for Commissioners of Prisons, yet I regard this act as very valuable, because it recognizes the special fitness of women for the severe duties which it imposes on them.

The Legislature in 1874 passed an act to establish a reformatory prison for women. The deputy-superintendent, chaplain, physician, and clerk of the institution are required to be women: and "either men or women may be appointed superintendent, treasurer and steward, at the discretion of the governor and council."

The creation of a separate reformatory prison for female convicts forms an era in our penal legislation. The principle on which this measure is based, is carried out by giving almost the entire administration of the establishment to women.

Fifteen hundred dollars a year have been given for several years by the Legislature to provide aid for female discharged convicts. This is liberal considering that only two thousand a year have usually been given for discharged male convicts, who exceed female convicts in a far greater ratio than twenty exceeds fifteen.

This recent legislation, especially in regard to the prison for women, and the Lancaster School, and the readiness which municipalities have shown to place women on School Committees, are sure omens that the ballot will soon be placed in female hands; for those who have made women public officers must soon acknowledge that women ought to vote for public officers. The statutes of the last twenty-five years, in regard to married women, indicated a growing recognition of their capacity, which the common law denied them. Yet, after all, these statutes did nothing but gradually remove servile chains, and aim to place wives on an equal footing with maids, but not with men. The recent acts which make women public officers are of an entirely different character, and tend to raise both married and single women to an equality with the other sex.

Women pay no poll-tax, and are not required to serve in the militia. These are proper exemptions at the present time. When legal equality is given to the sexes, women ought to pay a poll tax. They can never perform military duty.

The statute exempts from taxation property to the amount of $500, of a widow or unmarried female, and of any female minor whose father is deceased, if her whole estate not otherwise exempted from taxation does not exceed $1000.

Women are not allowed to serve on juries.

This may be regarded either as an exemption or a disability. Yet it is very clear that there are cases in which women ought to be required to serve as jurors. Where one of the parties to a suit is a woman, a portion of the jurors ought always to be of her own sex. As the novelist can depict persons of his or her own sex more successfully than he or she can those of the other, so female jurors would be likely to judge better of the truth, intentions, character, and sanity of female parties to actions, and of female witnesses, than men can do.

No woman can be arrested on any civil process except for tort.

I do not propose here to discuss the great questions, whether the two sexes should pursue all branches of study together, or what is the best liberal education for women. But the inequality of the position of the two sexes in respect to educational advantages is very striking.

This tract, when it first appeared, said that there are no colleges in Massachusetts open to women; and that they are also denied admission into medical and theological schools; and that though they have the greatest zeal and aptitude for the study of medicine and theology, and become useful physicians and ministers of the gospel, yet they are obliged to qualify themselves for these professions under the greatest difficulties. It gives me great pleasure to modify these remarks by saying that the recently founded and flourishing Boston University opens for women its doors to all its undergraduate classes, and all its professional studies.

A recent statute contains the provision:

"Any parish or religious society may admit to membership women, who shall have all the rights and privileges of men." This is perhaps a little ambiguous, by leaving it uncertain whether all the women who are admitted members of religious societies do necessarily have all the rights of men, or whether the religious society choosing them is to decide whether they are to have, when admitted, the rights of men. But the act is valuable, as it aims to give women the right of voting.

A statute passed in 1874 prohibits, under a penalty, the employment of any minor under eighteen and any woman over that age, more than ten hours a day, except to make repairs to prevent the stoppage of machinery. The act, however, permits a different apportionment of the hours of labor, for the sole purpose of giving a shorter day's work for one day of the week, but in no case allows more than sixty hours per week.

This act, though no doubt well intended, is founded, as it regards grown up women, on a false principle. It supposes women to be too weak and reckless to take proper care of their health. The law as it respects minors is excellent. But men and women should be allowed to regulate their hours of labor for themselves. I cannot but regard it as an insult and injury to women to class them with children.

The unfortunate mother of an illegitimate child, enjoys at least one advantage over her happier sisters, she has the sole care and custody of her minor children, which the father can never interfere with.

Fraudulently and deceitfully enticing away an unmarried female under sixteen years, from her residence, in order to effect a clandestine marriage, without the consent of the parent, guardian, or master under whose care she is living, is punishable by imprisonment or fine or both.

Fraudulently and deceitfully enticing or taking away an unmarried woman of a chaste life and conversation, from her father's house, or wherever else she may be found, for the purpose of prostitution, or aiding in such abduction, is punishable by imprisonment or fine, or both.

By statute an unmarried man who has criminal connection with a married woman, is guilty of adultery, but an unmarried woman by such connection with a married man is not guilty of adultery.

The mother of a bastard child may compel the father to maintain the child, and assist her in such manner as the court may order.

So far I have considered the law as it relates equally to both classes of females, the married and unmarried. I now come to the law relating to married women.

To show the present state of the law on this subject, I am compelled to exhibit some of the provisions of the English common law. This is the fountain from which the law in almost all our States has sprung. This is what it was, with very little change, thirty years ago. The greater part of the States have by legislation made astonishing improvements on it since that period. The common law held a man and wife to be one person; not, to be sure, in any high spiritual sense, as the harmonious union of two souls; but as signifying that after marriage the husband was the one person for both, and the wife nothing. So entire was the annihilation of the wife, that an old law-writer, referring to Æsop's fable, calls marriage *leonina societas*, a leonine partnership, of which the husband has all the profits, and the wife none.

By marriage, all the wife's personal property, of every description, which belonged to her at the time of the marriage, and all which came to her afterwards by bequest, gift, or otherwise, became absolutely vested in the husband, even her clothes and jewels.

It is true that the wife's choses in action, that is, rights of action, such as debts due to her, if they were not reduced to possession by him, would, if she survived him, still be hers.

He became also the owner of all her real estate, so far that he was entitled to the rents and profits of it, certainly during their joint lives; and, if he survived her, he retained the real estate during his life, in case they had had any child born alive. This right of the husband in the wife's real estate after her death is called the tenancy by the curtesy.

All the earnings of the wife, as long as the union lasted, belonged to the husband.

Not being a person recognized by the law, she was absolutely incapable of making any contract. Every contract she made was null and void.

For the same reason she could make no will, not even of the legal interest she still retained in her real estate. She could bring no action in any court for any injury to her person, her character, or her property, without her husband's consent and joining in the suit.

The wife, on her husband's death, became absolutely entitled to her dower, which he could not deprive her of by will.

If the husband died intestate, the wife became entitled to one third of his personal property, remaining after payment of his debts. But he might by will deprive her of every part of this property, even what had been hers before marriage, except her paraphernalia, that is, her clothing and personal ornaments.

The husband had the sole right to the custo-

dy of the minor children. He had also the control and custody of her person, though bound to exercise this power in a reasonable manner. This was fully recognized, even at quite a recent period in England, in a case where the wife had been confined by her husband at his lodgings. By a *habeas corpus* she was brought before the Court of Queen's Bench, which remanded her to her husband's custody, on the ground that this was a reasonable exercise of his authority, if he thought she would make an improper use of her liberty. Thus the husband was made the judge, jury, and jailor of his wife. He settled the law, tried the facts, and executed the sentence himself. I ought to add that I do not believe any Court in Massachusetts, during the last fifty years, would have adopted the extreme doctrine of this decision.

Neither husband nor wife could be witnesses for or against each other in any court.

The common law, however, did not absolutely forget the wife; for it made the husband liable for her debts contracted before marriage, and compelled him to maintain her in a manner suitable to his station and ability.

Among the wealthy, the severity of the common law in England, and to some extent in this country, has long been mitigated by marriage-settlements, which enable wives, independently of their husbands, through the intervention of trustees, to have the absolute control of the income, and sometimes even of the capital of their property. We all know, too, that the great majority of English and American wives have long been placed incomparably higher in the social scale than their legal condition would indicate. But when a selfish and brutal husband, either in the higher or lower ranks, chose to exercise the tyrannical power vested in him by the law, the condition of the wife was worse, if possible, than that of a slave on a Southern plantation. He could steal her children, rob her of her earnings, and neglect to give her that maintenance which the law requires of him. Practically she often had no sufficient redress for this neglect.

The improvement in the law regulating the matrimonial relation has been so marked and rapid in almost all of the Northern and some of the Southern States, that it affords a glorious augury for the future in all that relates to Woman's legal condition. In Massachusetts, the progress made is very gratifying, as is apparent from the following summary of the present law affecting married women when it is compared with the older law. Such property of women married before 1855, when the first great improvement in our law was made, as had already vested in their husbands, could not be taken from the husbands; but even this class was greatly benefited by the changes in the law.

In order to give the present state of our law with accuracy, I shall, to a great extent, adopt the words of the General Statutes, and subsequent legislation.

The property, real and personal, which any married woman now owns as her separate property; that which comes to her by descent, devise, bequest, gift, or grant; that which she acquires by her trade, business, labor, or services, carried on or performed on her separate account, or received by her for releasing her dower by a deed executed subsequently to a conveyance of the estate of her husband; that which a woman married in this State owns at the time of her marriage, and the rents, issues, profits, and proceeds of all such property—are, notwithstanding her marriage, her separate property, and may be used, collected and invested by her in her own name, and are not subject to the control of her husband, or liable for his debts.

A married woman, prior to an act passed in 1874, might sell and convey her separate property, enter into any contracts in reference to the same, carry on any trade or business, and perform any labor or services on her separate account, and sue and be sued in all matters having relation to her separate property, business, trade, services, labor and earnings, as if she were sole. But no conveyance by her of shares in a corporation, or of any real property, except a lease for a term not exceeding one year, and a release of dower executed subsequently to a conveyance of the estate of her husband, was valid without his assent in writing, or his joining with her in the conveyance, or the consent of a judge granted for good reason.

The act passed in 1874 enables the wife to convey her shares in corporations, and lease and convey her real property in the same manner as if she were sole, thus entirely relieving her from the degrading necessity of asking her husband's written consent, as if she were a child. It also enables her to make contracts, oral and written, sealed and unsealed, in the same manner as if she were sole, and to sue and be sued in the same manner as if she were sole, thus removing the annoying limitations expressed in the last paragraph. An act passed in 1870, had enabled married women to sue and be sued in actions of tort as if sole, making the damages recovered in the action the wife's separate property; and, if she was defendant, providing that the husband should not pay any judgment recovered against her. The statute of 1874 very carefully says, that the wife's separate conveyance of her real estate shall be subject to her husband's contingent interest therein. This refers to the tenancy by the curtesy above mentioned. The provision is right, and exactly corresponds to the law which has always prevented the husband from depriving his wife of her right of dower by his deed. Whether his curtesy should be three times as much as her dower is a very different question.

The same great act of 1874 provides that all work performed by a married woman "for others than her husband and children shall, unless there is an express agreement on her part to the contrary, be presumed to be on her separate account." This provision was necessary, because the Supreme Court had decided that work done by the wife must be considered as done on the husband's account, unless there was evidence to show that it was done on her separate account.

The Statute further adds that nothing in it shall authorize a married woman to convey property to or to make contracts with her husband, or authorize suits between husband and wife. All this is a mere iteration of the old law, and a very unwise one as it seems to me. Every lawyer knows that married women are constantly conveying property, both real and personal, to their husbands by circuitous but very open methods, to which the courts make no objection. As to contracts between husband and wife being prohibited, the chief effect of this principle which I have noticed is, that it enables husbands and, more frequently, after their deaths, their representatives, to refuse to pay money lent them in trusting good faith by their wives. As to

prohibiting suits between husbands and wives it is just as improper an interference with personal rights as it would be to prohibit suits between parents and children, or brothers and sisters. Public exhibitions of family quarrels are to be regretted. They are, however, not the causes of quarrels or ill-feeling, but the effects of injustice on one side or the other. And to prevent a wife from calling in law to her aid in getting justice, is no more reasonable than to deny a son or a sister the same privilege.

Though ever since the Statute of 1855 married women have been enabled to carry on any business, yet, by an act passed in 1862, any wife doing or proposing to do so is obliged to file a certificate in the office of the city or town clerk, giving her husband's name, the nature of the proposed business, and the place where it is proposed to be done. If she does not file a certificate her property is liable to be taken for her husband's debts. The husband may file a certificate if she neglects to do it. If neither file a certificate the husband becomes liable for the debts that she contracts in carrying on her business.

An old statute gave a married woman who came into this State without her husband, he never having lived with her here, the same power of making contracts, conveying property, and bringing suits, as if she were unmarried, and the same liability to be sued. The recent legislation renders this law superfluous, as such a wife now has no more power than any other.

The provisions of the following two paragraphs affect principally if not solely women married before June 3, 1855.

A wife abandoned by her husband, who has left the State, and does not sufficiently maintain her, or whose husband is confined in the State Prison, may be authorized by the Supreme Court to sell and receipt for her real and personal property, and any personal estate which may have come to her husband, and any which he is entitled to by reason of the marriage, and to use the property and its proceeds as if unmarried. She may also get full power to sue and be sued, as if unmarried.

The real estate and shares in any corporation standing in the name of a married woman, which were her property at the time of her marriage, or which became her property by devise, bequest, or gift of any person except her husband, are not liable to be taken on execution against her husband for auy debt contracted or cause of action arising after June 3, 1855.

A married woman having separate property may be sued for any cause of action which originated against her before marriage; and her property may be attached, and taken on execution, as if she were sole. The husband of a woman married in this State, after June 3, 1855, is not liable to be sued for any cause of action which originated against her before marriage; but she is liable to be sued for the same.

A married woman may make a will of her real and separate personal estate, in the same manner as if she were sole; but such will does not operate to deprive her husband of more than one half of her personal property, without his consent in writing; nor can it take away his life-interest in her real estate, if they have had a living child.

Where the parents of children live separate, whether divorced or not, the court can regulate the custody and maintenance of the children, and determine with which of the parents the children or any of them shall remain; "and the rights of the parents, in the absence of misconduct, shall be held to be equal."

By an act passed in 1874 a wife, whom her husband without just cause fails to support or deserts, or who is for any justifiable cause living separate from him, may obtain an order of the Supreme Court or any judge thereof to prohibit her husband from imposing any restraint on her personal liberty, and may on the application of either husband or wife make such further order as the court or judge thinks expedient concerning her support, and the care, custody and maintenance of the minor children of the parties, and subsequently may revise and alter the order on the application of either party.

This last act was no doubt passed because some wives who have separated from their husbands, from conscientious scruples do not seek a divorce; and sometimes a separation is justifiable for reasons which would not justify a divorce.

I have not space to discuss the principles which should regulate the law of divorce. It is certain, however, that the tendency in Massachusetts, as in most of the other States, has, for a long period, been to render the legal separation of husband and wife more easy to be effected.

The only causes of divorce from the bond of matrimony, prior to 1870, were adultery, impotency, joining and continuing three years with a religious sect or society which believes the relation of husband and wife void or unlawful, and a sentence to confinement to hard labor in the state prison or jail for life, or five years or more, and desertion for five years.

The Legislature, in 1870, wisely abolished divorces from bed and board, and made the following additional causes for divorce from the bond of matrimony: to wit, extreme cruelty, utter desertion, gross and confirmed habits of intoxication,* and cruel and abusive treatment by either party; and on the libel of the wife, when the husband, being of sufficient ability, grossly, or wantonly and cruelly, refuses or neglects to provide suitable maintenance for her. In this latter class of cases, however, the decree of divorce was not made absolute till three years at least after the date of the original decree.

But in 1873, this long delay of the absolute decree was entirely removed, and divorces for the last named causes are now granted as promptly as for any others, except that no divorce for desertion is granted unless the desertion has been continued for at least three consecutive years next prior to the filing of the libel in the case.

In order to remedy the defects of the old system an act was passed in 1875, which provides that when the parties to a divorce suit have lived separately three consecutive years next after a decree of divorce from bed and board or of divorce *nisi*, a divorce from the bonds of matrimony may be decreed on petition of the party who gained the decree, and when the parties have lived separately for five years next after the decree, a divorce from the bonds of matrimony may be decreed in favor of either party.

In all suits for divorce the court may require the husband to pay money to enable the wife to maintain or defend the suit, and also alimony during the pendency of the suit.

* The Act of 1870 had the words "contracted after marriage" following the word "intoxication." But the sagacious Act of 1873 struck out those words.

The court, on granting a divorce to a wife, may allow her to resume her maiden name or that of a former husband.

During the pendency of a libel for divorce, the court may make any order concerning the care and custody of the minor children of the parties that may be expedient and for the children's benefit, and a similar order concerning their care, custody, and maintenance on the final decree.

In case of a divorce, the guilty party is prohibited from marrying again during the life of the other party; yet the guilty party may get leave to marry again by petitioning the Supreme Court. This legislation in restraint of lawful matrimony is not creditable to Massachusetts. How idle to subject parties to the expense, delay, and trouble of petitioning the judges, who, as far as I have heard, have never refused to grant permission to marry.

Many years ago the law provided that, in case of a divorce on account of the wife's adultery, "the husband shall hold her personal estate forever and her real estate so long as they both live," and should he survive her, during his own life, if there have been living issue of the marriage; "but the court may decree to the wife, for her subsistence, as much of her personal or real estate, or of the income thereof, as it deems necessary."

The same old law provides that in case of a divorce for any cause except the wife's adultery, the wife becomes entitled to the immediate possession of her real estate; and the court may also make a decree restoring to the wife the whole or any part of the personal estate which came to the husband by reason of the marriage, or the value thereof in money. And the court, if it please, may order the same to be delivered to a trustee, for the support and benefit of the wife and minor children of the marriage.

The provisions in the last two paragraphs in regard to the wife's personal property seem now only to affect persons married before the law of 1855 came into force. Wives married since that time, as already stated, own their property, both real and personal, after marriage as they did before. A statute passed in 1873, while it does not repeal prior legislation in regard to alimony, provides that when a divorce is decreed for any cause, the court "may decree alimony to the wife, or any part of her estate to her husband in the nature of alimony."

There may still be a question whether the provision in regard to the wife's real estate in case of a divorce obtained against her for adultery, operates on persons married since the act of 1855 came in force. I shall not discuss it here, for the provision ought to be entirely repealed.

In case of a divorce on account of the husband's adultery, or his confinement at hard labor, the wife becomes entitled to her dower in the same manner as if he were dead; and if the estate and effects restored to the wife are not sufficient for the suitable support of herself and the children committed to her care, the court may further decree to her such part of the husband's personal estate and such alimony out of his estate as it deems just and reasonable.

The whole law of divorce obviously needs revision, as the language of the old legislation did not recognize that the wife's personal estate remained hers after her marriage, and that the husband had no possessory right in her real estate during her life.

In the former editions of this tract here followed a long statement of how much it was necessary to do in order to remove the legal incapacity of married women. The law of 1874 has done so much in this direction, that I gladly omit the sentences referred to. It may turn out, however, that new legislation may be necessary to give full effect to the principles of the new law.

Still the unequal condition of the wife remains in many respects, notwithstanding the removal of so much of her legal incapacity.

It is strikingly apparent in case of the death of either husband or wife. If the wife die, leaving no will, the husband has the whole of her personal property, and, if they have had a living child, her real estate during his life. If she die intestate, leaving no kindred, he takes her real estate in fee. By will, as before stated, she may deprive her husband of one-half of her personal property.

If the husband die without a will, but leaving issue, the wife is entitled to one-third of his personal property absolutely, and her dower, which is a life interest in one-third of all the real estate of which he had been seized during the coverture. Whether he leaves a will or not, she is always entitled to such an allowance from his estate as the Probate Court, having regard to all the circumstances of the case, may allow as necessaries for herself and the family under her care, besides the use of his house and furniture, and sufficient provisions and other articles for the reasonable sustenance of his family for forty days. This provision for widows, where the estate of the deceased is small or insolvent, as is generally the case, is often very important. If the husband leave a will, and his widow waive the provisions of it, she has the same legal rights as if he died intestate, provided, that if her third of the personal estate exceed $10,000, she takes $10,000 and is only entitled to the income of the rest of her third for life. It ought to be noticed that in order to entitle a widow to this benefit, she must file a written waiver of the will in the probate office within six months from the time of the probate of the will. An act, passed in 1871, provides still further that a widow for whom no provision is made in the will of the husband, may file her waiver of the provisions of the will in like manner and with the same effect as if provision had been made for her in the will.

The provision for compelling a widow to make her choice within six months between the bounty given her by the will, and her legal rights, appears to me harsh and oppressive. It may easily happen that within that period it is impossible for a widow to decide which is for her interest. After that time the husband's estate may turn out to be insolvent, or may prove unexpectedly large. Why should she be driven to make a hasty decision in a matter so important to her? No widower is driven to such a choice. The act of 1871 seems as if it was dictated by greedy heirs, thinking that if a poor widow neglected to do an act utterly absurd and superfluous, it might enure to their benefit.

A woman may be barred of her dower by a jointure settled on her before marriage with her assent, such jointure to consist of a freehold estate in lands for the life of the wife at least, to take effect in possession or profit

on the husband's death. Any pecuniary provision made with the like assent of the intended wife also bars her dower.

If the jointure or pecuniary provision is made before marriage, without her assent, or if it be made after marriage, it shall bar her dower, unless within six months after her husband's death she makes her election to waive such provision and take her dower. If the husband dies while absent from the wife, she has six months after notice of his death in which to make her election; and in all cases has six months for that purpose, after notice of the existence of such jointure or provision.

A widow cannot be endowed of wild lands of which her husband dies seized, nor of wild lands conveyed by him, though they should afterwards be cleared; but this does not bar her right of dower in any wood-lot or other land used with the farm or dwelling-house, although the same has never been cleared.

The husband's tenancy by the curtesy is subject to no similar limitation. The difference is unjust to the wife, and might under very conceivable circumstances prove a serious injury to her.

When a man dies intestate, leaving no issue, the widow is entitled for life to one-half the real estate of which he was seized at the time of his death; and to the whole of his personal property, to the amount of five thousand dollars, and to one-half the excess of it over ten thousand dollars; and if he leave no kindred whatever, then she inherits absolutely his whole property, real and personal.

The provisions just stated are much in advance of the old law, which allowed the husband to will all his personal property away, without leaving anything to his widow, even if it all had belonged to her before marriage. The inequality between the husband and wife, however, is still manifest. Why should they not be equal? The wife usually needs the husband's property more than he needs hers. And if the one who dies leaves children, those children are as much entitled to a share of the property left whether they have lost a father or mother.

If a man or woman, at the time of marriage, has a large property which it is desired to take out of the general law, it can be done by a marriage-settlement. But, where there is no settlement, the husband and wife, in case of the death of either, ought to have equal claims on the property of the deceased.

One provision for widows deserves mention. If the husband gains a homestead right,—that is, a right to have the estate on which he resides, to the extent of eight hundred dollars, free from all liability for his debts,—his widow retains the estate, with the same right, till she dies or marries again.

The statute, in this beneficent provision in regard to homesteads, appears to endow men only with the power of creating them. But there seems no reason why a woman having a family should not have the same power.

If a son or a daughter, of full age, die intestate, leaving no issue, the father inherits all the property of the deceased, to the exclusion of the mother, sisters, and brothers. In case, however, the father be dead, the property is divided between the mother and the surviving brothers and sisters. The theory of the law of inheritance is, to give the intestate's property to those to whom in a majority of cases he would be likely to leave it. Now, every one knows that nineteen persons out of twenty dying without leaving issue, would desire a part, at least, of their property to go to their mothers. Yet the law violates this principle in favor of the obsolescent notion of the person of the wife being absorbed in the husband. As long as the wife was incapable of owning personal property, the law was consistent; for it would have been a mere farce to give her property as a mother, which, as soon as it vested in her, would become her husband's. Now that she is capable, the law should regard her as a person in all relations.

By the common law, if an unmarried woman, who is an executrix, administratrix, or guardian, marry, her powers in that capacity devolve on her husband. In Massachusetts, until 1869, the condition of married women was rendered by statute worse in this respect than the common law left it; for, in such case, not only did her functions cease, but they did not devolve on her husband, and a new person had to be appointed in her place. By the English law, too, a married woman could, with her husband's consent, accept the office of executrix or administratrix. He, however, would act for her. The law as administered in Massachusetts was more unfavorable for married women. Here a wife who was appointed executrix or trustee by will was not allowed to act as such, nor could she be an administratrix or guardian under any circumstances.

But a statute passed in 1869 allowed a married woman to be an executrix, administratrix, guardian, or trustee, interposing, however, the unjust and foolish provision, that the written consent of her husband, if of sound mind, must be filed in the probate court before she could be appointed. This provision was repealed by the act of 1874, which re-enacted the enabling part of the act of 1869. After a woman is once appointed to any one of these offices, her subsequent marriage does not deprive her of it; and, when once appointed, she holds it entirely independent of her husband.

Another great improvement in our law has been made since the first edition of this pamphlet appeared. At that time, if the children of a widow were under the guardianship of another person, as long as she remained unmarried she was entitled to the custody of their persons and the care of their education; but, if she married again, the statute deprived her of this natural right. As this atrocious enactment must seem incredible to mothers, I copy its very words:

"The guardian of a minor shall have the custody and tuition of his ward, and the care and management of all his estate. But the father of the minor, if living, and, in case of his death, the mother, *while she remains unmarried*, they being respectively competent to transact their own business, shall be entitled to the custody of the person of the minor, and the care of his education."

This cruel provision no longer exists. For, by an act passed in 1870, the words, "while she remains unmarried," were struck from the statute.

A father may appoint a testamentary guardian to his minor children; a mother even if a widow cannot by will appoint a guardian to hers.

The inequality of these provisions is obvious. No objection can be made to a father's appointing by will a guardian of his children, who would only have the care of their property. There is no cruelty in such a power. Why should not a woman be allowed to appoint a testamentary guardian of her children, as well as their father? There ought

to be perfect equality. Either parent should be allowed to appoint a testamentary guardian to his or her children. But, as long as one parent survives, the guardian appointed by the other ought to have only the care of the children's property, leaving to the survivor the custody of their persons and charge of their education—powers, which, in the case of the death of both parents, ought to go to the testamentary guardian appointed by the survivor.

The Legislature passed, in 1869, another act which is now only worth noticing as showing the rapid progress of improvement. By the statute referred to, a married woman was allowed to make contracts for necessaries to be furnished to herself and family and to be sued thereon. The general power of making contracts, and of suing and being sued, already mentioned as given by the act of 1874, renders the statute of 1869 superfluous.

The husband or wife, &c., of any person who has the habit of drinking intoxicating liquors to excess,—I will call him A,—may give a written notice to any person,—call him B,—not to deliver intoxicating liquor to A. If B, within a year after the notice, deliver such liquor to A, the person giving the notice may recover by action not less than $100, nor more than $500, against B; and, if a married woman gives the notice, she may bring the action in her own name, and all damages recovered go to her separate use.

This last provision is not strictly within the scope of this tract, for it gives the wife exactly the same rights as the husband, and the clause giving the amount recovered to the wife's separate use, re-enacted in 1875, is now superfluous. I retain the paragraph however to show how careful the Legislature is of wives

A husband is always entitled to administration on his wife's estate; but the Probate Court may grant administration of the husband's to his widow, next of kin, or both.

The Supreme Court decided that a husband, under the new law, could not form a business partnership with his wife. The Legislature afterwards ordered that no married woman should carry on business in partnership with any one. The Legislature, however, in 1874, repealed this retrograde law. But still a wife and husband cannot form a business partnership together. How difficult it is to eradicate all the roots of a great tree after the trunk is cut down. Business partnerships between husband and wife are often natural and convenient. How much better, too, is this than where both carry on a business to compel one to be the master or mistress, and the other the servant.

By the common law husbands and wives could usually not be witnesses for or against each other in any legal proceedings. After various enactments diminishing this disqualification the Legislature finally, in 1870, allowed their testimony to be received like that of all other persons in all civil and criminal proceedings, except that "neither husband nor wife shall be allowed to testify as to private conversations with each other," or "compelled to be a witness on any trial upon an indictment, complaint or criminal prosecution against the other." This is a great step forward.

On looking at the law of Massachusetts in regard to husband and wife, as it now exists, although there still remain great defects in it, some of them bearing unfairly on both sides, and although the just equality of the two spouses is not acknowledged in all respects, yet we must admit that within thirty years a great revolution in the law respecting this relation has been effected, and all of it favorable to wives, recognizing and enforcing their rights to their property, their persons and their children.

The last thirty years have done more to improve the law for married women than the four hundred preceding. It is evident that a public sentiment is at work, not only in Massachusetts but throughout the greater part of the United States, that must continue in operation until women have gained Suffrage, and every other right and privilege to make them the legal equals of men.

The great difficulty to be overcome in effecting the complete emancipation of women is, not that most men are unwilling to do complete justice to the sex, or that the majority of women care nothing for this object; but it is simply a superstitious dread, lest a change so radical should unsettle all the foundations of society, and bring down the whole fabric in ruins. The history of the great legal reforms which have been accomplished in our generation shows how idle is this fear. We need never doubt the practical operation of a great reform in a community like ours, where it is based on a sound principle. Two great rules of evidence pervaded the common law: the first, that no person could be a witness in his own case; the second, that no person having a pecuniary interest in the result of a suit, be it ever so small, could be a witness for the party whose success would benefit him. The soundness and importance of these rules were acknowledged by bench and bar. They were, however, assailed with overwhelming logic by Bentham and his followers. The result we see. Within a few years, both rules have been very generally abrogated. Now a person can be a witness for himself; and any one interested in his favor can also be a witness for him, in any civil suit; and a person charged with crime can testify in his own favor. Even a woman can now testify for or against her husband, and he for or against her. Though it was predicted that great evils would flow from these changes, it is certain that truth and justice have been wonderfully promoted by them.

So the great and fundamental changes already stated, which have recently been made in regard to the laws affecting married women, violently as they were resisted, are now, as admitted by many of their former opponents, producing an amount of good which it is difficult to over-estimate, and no evil.

The next step which is to relieve Woman from all remains of feudal oppression and restore her to the equality with man with which nature endowed her, is far less difficult than the ones already taken.

When men and women are made equals in the eye of the law, and not before, shall we complete the foundations of a just commonwealth, which were laid by the Puritans and strengthened by the Declaration of Independence. Then we may hope, by the united action of both sexes, to regenerate the republic, and make it an example for the world and future ages. The experiment of a republic based on equal rights can never be fairly tried while one-half of the adult population remains an inferior caste, with no voice in the government.

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Woman Suffrage in the U. S. Senate.

1879.

Argument for a Sixteenth Amendment.

SENATOR HOAR ON WOMAN SUFFRAGE.

In the Senate of the United States, February 1, 1879, Senator George F. Hoar, from the Committee on Privileges and Elections, submitted the following, as the views of the minority:

"The undersigned, a minority of the Committee on Privileges and Elections, to whom was referred the resolution proposing an amendment to the Constitution prohibiting discrimination in the right of Suffrage on account of sex, and certain petitions in aid of the same, submit the following minority report:—

"The undersigned dissent from the report of a majority of the committee. The demand for the extension of the right of Suffrage to women is not new. It has been supported by many persons in this country, in England, and on the Continent, famous in public life, in literature, and in philosophy. But no single argument of its advocates seems to us to carry so great persuasive force as the difficulty which its ablest opponents encounter in making a plausible statement of their objections. We trust we do not fail in deference to our esteemed associates on the committee when we avow our opinion that their report is no exception to this rule.

"The people of the United States and of the several States have founded their political institutions upon the principle that all men have an equal right to a share in the government. The doctrine is expressed in various forms. The Declaration of Independence asserts that "all men are created equal," and that "governments derive their just powers from the consent of the governed." The Virginia Bill of Rights, the work of Jefferson and George Mason, affirms that "no man or set of men are entitled to exclusive or separate emoluments or privileges from the rest of the community, but in consideration of public services." The Massachusetts Bill of Rights, the work of John Adams, besides reaffirming these axioms, declares that "all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected for public employment." These principles, after full and profound discussion by a generation of statesmen, whose authority upon these subjects is greater than that of any other that ever lived, have been accepted by substantially the whole American people as the dictates alike of practical wisdom and of natural justice. A hundred years of experience has strengthened their hold upon the popular conviction. Our fathers failed in three particulars to carry these principles to their logical result. They required a property qualification for the right to vote and to hold office. They kept the negro in slavery. They excluded women from a share in the government. The first two of these inconsistencies have been remedied. The property test no longer exists. The fifteenth amendment provides that race, color, or previous servitude shall no longer be a disqualification. There are certain qualifications of age, of residence, and, in some instances, of education, demanded; but these are such as all sane men may easily attain.

"This report is not the place to discuss or vindicate the correctness of this theory. In so far as the opponents of Woman Suffrage are driven to deny it, so far, for the purposes of an argument addressed to the American people, they are driven to confess that they are in the wrong. This people are committed to the doctrine of universal Suffrage by their constitutions, their history, and their opinions. They must stand by it or fall by it. The poorest, humblest, feeblest of sane men has the ballot in his hand, and no other man can show a better title to it. Those things wherein men are unequal—intelligence, ability, integrity, experience, title to public confidence by reas-

on of previous public service—have their natural and legitimate influence under a government wherein each man's vote is counted, to quite as great a degree as under any other form of government which ever existed.

"We believe that the principle of universal Suffrage stands to-day stronger than ever in the judgment of mankind. Some eminent and accomplished scholars, alarmed by the corruption and recklessness manifested in some of our great cities, deceived by exaggerated representations of the misgovernment of the Southern States by a race just emerging from slavery, disgusted by the extent to which great numbers of our fellow-citizens have gone astray in the metaphysical subtleties of financial discussion, have uttered their eloquent warnings of the danger of the failure of universal Suffrage. Such utterances from such sources have been frequent. They were never more abundant than in the early part of the present century. They are, when made in a serious and patriotic spirit, to be received with the gratitude due to that greatest of public benefactors—he who points out to the people their dangers and their faults. But popular Suffrage is to be tried not by comparison with ideal standards of excellence, but by comparison with other forms of government. We are willing to submit our century of it to this test. The crimes that have stained our history have come chiefly from its denial, not from its establishment. The misgovernment and corruption of our great cities have been largely due to men whose birth and training have been under other systems. The abuses attributed by political hostility to negro governments at the South—governments from which the intelligence and education of the State held themselves sulkily aloof—do not equal those which existed under the English or French aristocracies within the memory of living men. There have been crimes, blunders, corruptions, follies in the history of our republic. Aristides has been banished from public employment, while Cleon has been followed by admiring throngs. But few of these things have been due to the extension of the Suffrage. Strike out of our history the crimes of slavery, strike out the crimes, unparalleled for ferocity and brutality, committed by an oligarchy in its attempt to overthrow universal Suffrage, and we may safely challenge for our national and State governments comparison with monarchy or aristocracy in their best and purest periods.

"Either the doctrine of the Declaration of Independence and the Bills of Rights is true, or government must rest on no principle of right whatever, but its powers may be lawfully taken by force and held by force by any person or class who have strength to do it, and who persuade themselves that their rule is for the public interest. Either these doctrines are true, or you can give no reason for your own possession of the Suffrage except that you have got it.

"If this doctrine be sound, it follows that no class of persons can rightfully be excluded from their equal share in the government, unless they can be proved to lack some quality essential to the proper exercise of political power.

"A person who votes, helps, first, to determine the measures of government; second, to elect persons to be intrusted with public administration. He should, therefore, possess, first, an honest desire for the public welfare; second, sufficient intelligence to determine what measure or policy is best; third, the capacity to judge of the character of persons proposed for office; and, fourth, freedom from undue influence, so that the vote he casts is his own, and not another's. That person or class casting his or their own vote, with an honest desire for the public welfare, and with sufficient intelligence to judge what measure is advisable and what person may be trusted, fulfills every condition that the State can rightfully impose,

"We are not now dealing with the considerations which should affect the admission of citizens of other countries to acquire the right to take part in our government. All nations claim the right to impose restrictions on the admission of foreigners trained in attachment to other countries or forms of rule, and to indifference to their own, wherever they deem the safety of the State requires.

"We take it for granted that no person will deny that the women of America are inspired with a love of country equal to that which animates their brothers and sons. A capacity to judge of character, so sure and rapid as to be termed intuitive, is an especial attribute of Woman. One of the greatest orators of modern times has declared:—

'I concede away nothing which I ought to assert for our sex when I say that the collective womanhood of a people like our own, seizes with matchless facility and certainty on the moral and personal peculiarities and character of marked and conspicuous men, and that we may very wisely address ourselves to her to learn if a competitor for the highest honors has revealed that truly noble nature that entitles him to a place in the hearts of a nation.'

"We believe that in that determining of public policies by the collective judgment of the State, which constitutes self-government, the contribution of Woman will be of great importance and value. To all questions into the determination of which considerations of justice or injustice enter, she will bring a more refined moral sense than that of man. The most important public function of the State is the provision for the education of youths. In those States in which the public school system has reached its highest excellence, more than ninety per cent. of the teachers are women. Certainly the vote of the women of the State should be counted in determining the policy which shall regulate the school system which they are called to administer.

"It is seldom that particular measures of government are decided by direct popular vote. They are more often discussed before the people after they have taken effect, when the party responsible for them is called to account. The great measures which go to make up the history of nations are determined not by the voters but by their rulers, whether those rulers be hereditary or elected. The plans of great campaigns are conceived by men of great military genius, and executed by great generals. Great systems of finance come from the brain of statesmen who have made finance a special study. The mass of the voters decide to which party they will intrust power. They do not determine particulars. But they give to parties their general tone and direction, and hold them to their accountability. We believe that Woman will give to the political parties of the country a moral temperament which will have a most beneficent and ennobling effect on politics.

"Woman also is specially fitted for the performance of that function of legislative and executive government which, with the growth of civilization, becomes yearly more and more important—the wise and practical economic adjustment of the details of public expenditures. It may be considered that it would not be for the public interest to clothe with the Suffrage any class of persons who are so dependent that they will, as a general rule, be governed by others in its exercise. But we do not admit that this is true of women. We see no reason to believe that women will not be likely to retain their independence of political judgment, as they now retain their independence of opinion in regard to the questions which divide religious sects from one another. These questions deeply excite the feelings of mankind, yet experience shows that the influence of the wife is at least as great as that of the husband in determining the religious opinion of the household. The natural influence exerted by members of the same family upon each other would doubtless operate to bring about similarity of opinion on political questions as on others. So far as this tends to increase the influence of the family in the State, as compared with that of unmarried men, we deem it an advantage. Upon all questions which touch public morals, public education, all which concern the interest of the household, such a united exertion of political influence cannot be otherwise than beneficial.

"Our conclusion, then, is that the American people must extend the right of Suffrage to Woman or abandon the idea that Suffrage is a birthright. The claim that universal Suffrage will work mischief in practice is simply a claim that justice will work mischief in practice.

"Many honest and excellent persons, while admitting the force of the arguments above stated, fear that taking part in politics will destroy those feminine traits which are the charm of Woman, and are the chief comfort and delight of the household. If we thought so we should agree with the majority of the committee in withholding assent to the prayer of the petitioners. This fear is the result of treating the abuses of the political function as essential to its exercise. The study of political questions, the forming an estimate of the character of public men or public measures, the casting a vote which is the result of that study and estimate, certainly have in themselves nothing to degrade the most delicate and refined

nature. The violence, the fraud, the crime, the chicanery, which, so far as they have attended masculine struggles for political power, tend to prove, if they prove anything, the unfitness of men for the Suffrage, are not the result of the act of voting, but are the expressions of coarse, criminal, evil natures, excited by the desire for victory. The admission to the polls of delicate and tender women would, without injury to them, tend to refine and elevate the politics in which they took a part. When, in former times, women were excluded from social banquets, such assemblies were scenes of ribaldry and excess. The presence of women has substituted for them the festival of the Christian home.

"The majority of the committee state the following as their reasons for the conclusion to which they come:

"First. 'If the petitioners' prayer be granted it will make several millions of female voters.'

"Second. 'These voters will be inexperienced in public affairs.'

"Third. 'They are quite generally dependent on the other sex.'

"Fourth. 'They are incapable of military duty.'

"Fifth. 'They are without the power to enforce the laws which their numerical strength may enable them to make.'

"Sixth. 'Very few of them wish to assume the irksome and responsible duties which this measure thrusts upon them.'

"Seventh. 'Such a change should only be made slowly and in obedience to a general public demand.'

"Eighth. 'There are but thirty thousand petitioners.'

"Ninth. 'It would be unjust to impose the heavy burden of governing, which so many men seek to evade, on the great mass of women who do not wish for it, to gratify the few who do.'

"Tenth. 'Women now have the sympathy of judges and juries to an extent which would warrant loud complaint on the part of their adversaries of the sterner sex.'

"Eleventh. 'Such a change should be made, if at all, by the States. Three fourths of the States should not force it on the others. In any State in which any considerable part of the women wish for the right to vote, it will be granted without the intervention of Congress.'

"The first objection of the committee is to the large increase of the number of the voting population. We believe, on the other hand, that to double the numbers of the constituent body, and to compose one-half that body of women, would tend to elevate the standard of the representative, both for ability and manly character. Macaulay, in one of his speeches on the reform bill, refers to the quality of the men who had for half a century been members for the five most numerous constituencies in England—Westminster, Southwark, Liverpool, Bristol, and Norwich. Among them were Burke, Fox, Sheridan, Romilly, Windham, Tierney, Canning, Huskisson. Eight of the nine greatest men who had sat in Parliament for forty years, sat for the five largest represented towns.

"To increase the numbers of constituencies diminishes the opportunity for corruption. Size is itself a conservative force in a republic. As a permanent general rule the people will desire their own best interest. Disturbing forces, evil and selfish passions, personal ambitions, are necessarily restricted in their operation. The larger the field of operation, the more likely are such influences to neutralize each other.

"The objection of inexperience in public affairs applies, of course, alike to every voter when he first votes. If it be valid, it would have prevented any extension of the Suffrage, and would exclude from the franchise a very large number of masculine voters of all ages.

"That women are quite generally dependent on the other sex is true. So it is true that men are quite generally dependent on the other sex. It is impossible so to measure this dependence as to declare that man is most dependent on woman or woman upon man. It is by no means true that the dependence of either on the other affects the right to the Suffrage.

"Capacity for military duty has no connection with capacity for Suffrage. The former is wholly physical. It will scarcely be proposed to disfranchise men who are unfit to be soldiers by reason of age or bodily infirmity. The suggestion that the country may be plunged into wars by a majority of women who are secure from military dangers is not founded in experience. Men of the military profession and men of the military age are commonly quite as eager

for war as non-combatants, and will hereafter be quite as indifferent to its risks and hardships as their mothers and wives.

"The argument that women are without the power to enforce the laws which their numerical strength may enable them to make, proceeds upon the supposition that it is probable that all the women will range themselves upon one side in politics, and all the men on the other. Such supposition flatly contradicts the other arguments drawn from the dependence of women and from their alleged unwillingness to assume political burdens. So men over fifty years of age are without the power to enforce obedience to laws against which the remainder of the voters forcibly rebel. It is not physical power alone, but power aided by the respect for law of the people on which laws depend for their enforcement.

"The sixth, eighth, and ninth reasons of the committee are the same propositions differently stated. It is that a share in the government of the country is a burden, and one which, in the judgment of a majority of the women of the country, they ought not to be required to assume. If any citizen deems the exercise of this franchise a burden and not a privilege, such a person is under no constraint to exercise it. But if it be a birth-right, then it is obvious that no other person than the individual concerned can rightfully restrain its exercise. The committee concede that women ought to be clothed with the ballot in any State where any considerable part of the women desire it. This is a pretty serious confession. On the vital, fundamental question whether the institutions of this country shall be so far changed that the number of persons in it who take a part in the government shall be doubled, the judgment of women is to be, and ought to be, decisive. If Woman may fitly determine this question, for what question of public policy is she unfit? What question of equal importance will ever be submitted to her decision? What has become of the argument that women are unfit to vote because they are dependent on men, or because they are unfit for military duty, or because they are inexperienced, or because they are without power to enforce obedience to their laws?

"The next argument is that by the present arrangement the administration of justice is so far perverted that one-half the citizens of the country have an advantage from the sympathies of juries and judges which 'would warrant loud complaint' on the part of the other half. If this be true, it is doubtless due to an instinctive feeling on the part of juries and judges that existing laws and institutions are unjust to women, or to the fact that juries composed wholly of men are led to do injustice by their susceptibility to the attractions of Woman. But certainly it is a grave defect in any system of government that it does not administer justice impartially, and the existence of such a defect is a strong reason for preferring an arrangement which would remove the feeling that women do not have fair play, or for so composing juries that, drawn from both sexes, they would be impartial between the two.

"The final objection of the committee is that 'such a change should be made, if at all, by the States. Three-fourths of the State should not force it upon the others. Whenever any considerable part of the women in any State wish for the right to vote, it will be granted without the intervention of Congress.' Who can doubt that when two-thirds of Congress and three fourths of the States have voted for the change, a considerable number of women in the other States will be found to desire it, so that, according to the committee's own belief, it can never be forced by a majority on unwilling communities? The prevention of unjust discrimination by States against large classes of people in respect to Suffrage, is even admitted to be matter of national concern, and an important function of the national constitution and laws. It is the duty of Congress to propose amendments to the Constitution whenever two-thirds of both houses deem them necessary. Certainly an amendment will be deemed necessary if it can be shown to be required by the principles on which the Constitution is based, and to remove an unjust disfranchisement from one-half the citizens of the country. The constitutional evidence of general public demand is to be found not in petitions, but in the assent of three-fourths of the States through their Legislatures or Conventions.

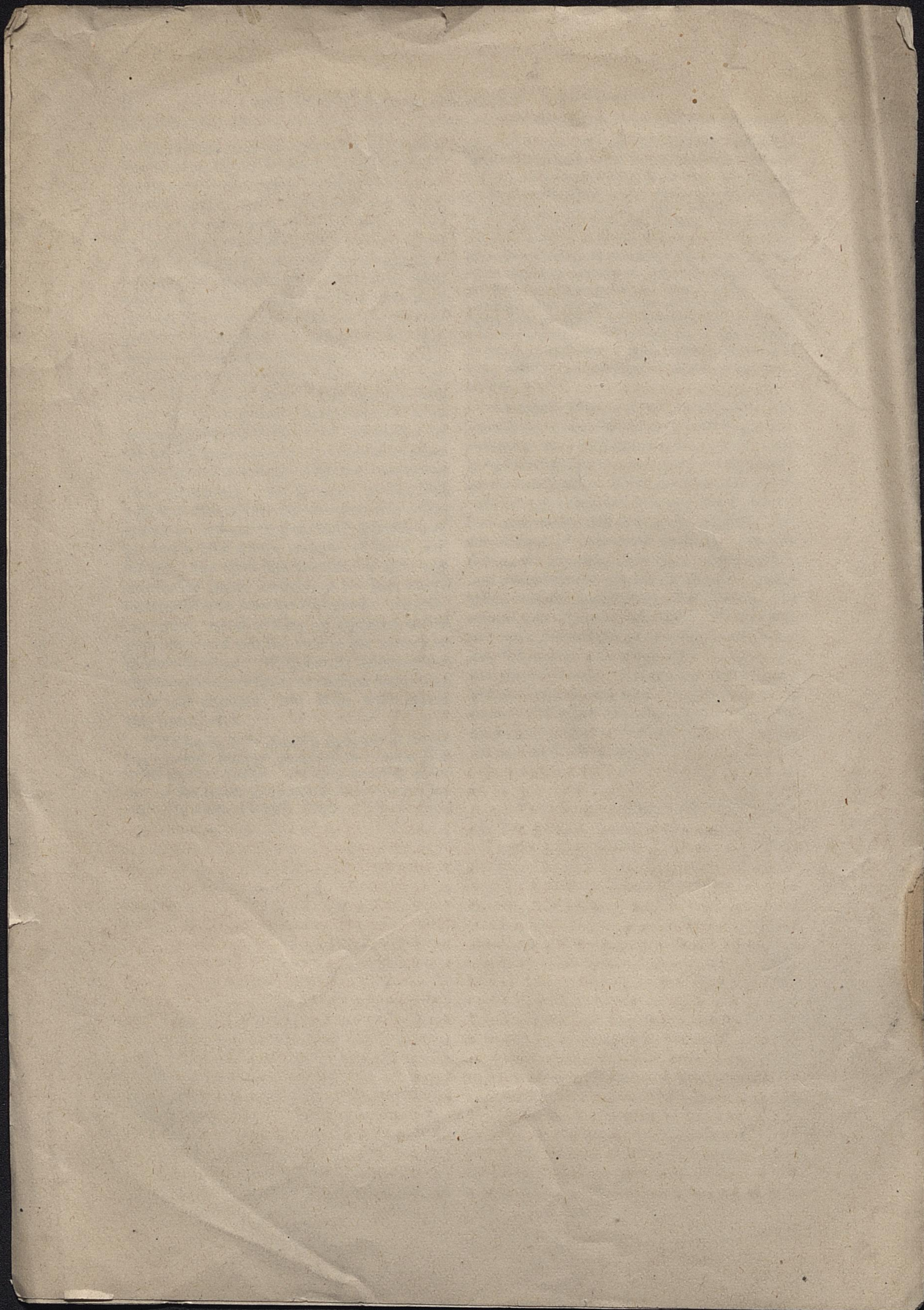
"The lessons of experience favor the conclusion that Woman is fit for a share in government. It may be true that in certain departments of intellectual effort the greatest achievements of women have as yet nev-

er equaled the greatest achievements of men. But it is equally true that in those same departments women have exhibited an intellectual ability very far beyond that of the average of men, and very far beyond that of most men who have shown very great political capacity. But let the comparison be made in regard to the very thing with which we have to deal. Of men who have swayed chief executive power, a very considerable proportion have attained it by usurpation or by election, processes which imply extraordinary capacity on their part as compared with other men. The women who have held such power have come to it as sovereigns by inheritance, or as regents by the accident of bearing a particular relation to the lawful sovereign when he was under some incapacity. Yet it is an undisputed fact that the number of able and successful female sovereigns bears a vastly greater proportion to the whole number of such sovereigns, than does the number of able and successful male sovereigns to the whole number of men who have reigned. An able, energetic, virtuous king or emperor is the exception and not the rule in the history of modern Europe. With hardly an exception the female sovereigns, or regents have been wise and popular. Mr. Mill, who makes this point, says:

"We know how small a number of reigning queens history presents in comparison with that of kings. Of this smaller number, a far larger proportion have shown talents for rule, though many of them have occupied the throne in difficult periods. When to queens and empresses we add regents and viceroys of provinces, the list of women who have been eminent rulers of mankind swells to a great length. . . . Especially is this true if we take into consideration Asia as well as Europe. If a Hindoo principality is strongly, vigilantly, and economically governed; if order is preserved without oppression; if cultivation is extending and the people prosperous, in three cases out of four that principality is under a woman's rule. This fact, to me an entirely unexpected one, I have collected from a long official knowledge of Hindoo governments.

"Certainly history gives no warning that should deter the American people from carrying out the principles upon which their governments rest to this most just and legitimate conclusion. Those persons who think that free government has anywhere failed, can only claim that this tends to prove, not the failure of Universal Suffrage, but the failure of masculine suffrage. Like failure has attended the operation of every other great human institution, the family, the school, the church, whenever Woman has not been permitted to contribute to them her full share. As to the best example of the perfect family, the perfect school, the perfect church, the love, the purity, and the truth of Woman are essential, so they are equally essential to the perfect example of the self-governing state.

Geo. F. Hoar.
John H. Mitchell.
Angus Cameron.



Read and return to
Mrs. R. C. Chenault

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Woman Suffrage a Right, not a Privilege.

BY
WILLIAM I. BOWDITCH.

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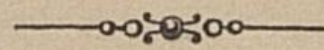

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WOMAN SUFFRAGE A RIGHT,
NOT A PRIVILEGE.

SPEAKING in reference to men, Chief Justice Parker says: "The elective franchise . . . is the vital principle of a republican government," and "the right of voting in such a government as ours . . . cannot be infringed without producing an injury to the party."

But if suffrage for a man cannot be infringed upon even once without doing him an injury, can we deny it to women altogether and yet do them no wrong?

Why are we men sure that we ought to have the right of Suffrage?

Is it because the Statute of 1874, the General Statutes of 1860, or the Revised Statutes of 1836, or any other mere law, defines the qualifications of age, sex, residence, intelligence, taxation, etc., which we possess, and which we are required to possess before we can vote? No! we do not admit that the right has been given to us by any Legislature. We have elected the Legislatures. They are our substitutes or agents. It is the principal who confers power, not the agent.

Is it because the amendments to the Constitution define the qualifications of voters to be those which we now possess, and which we are required to possess before we can vote? No! Amendment 3 (1821) and Amendment 20 (1857) now define the qualifications of voters for State office.[1] Neither

[1] The same qualifications are prescribed by law (1874, c. 376) for voters for city, town, county, and national officers.

of these amendments conferred on men the right of Suffrage. The men of that day elected the delegates to the Convention of 1820 which framed the third amendment, and the amendment itself had not the slightest particle of binding force or vitality until it had been submitted to a popular vote and adopted. The men of 1855 and 1856 elected the two Legislatures which proposed the twentieth amendment, and this amendment had not the slightest particle of binding force or vitality until it had been adopted by their votes.

The men of the last century did not get the right of Suffrage from the Constitution of 1780. On the contrary they elected the delegates to the Convention which framed the Constitution, and the Constitution itself had not the slightest particle of binding force or vitality until it had received the assent of two thirds of the male voters. But the men who elected those delegates, and who thus adopted and sanctioned their work, claimed and exercised the right of suffrage before that Convention was even thought of.

Where then did the men of 1780 get the right to vote?

Did they get the right from the Provincial Charter or laws? No! This Charter and these laws conferred on them the right to vote in reference to the Province, but no right whatever to overthrow the Provincial government or set up the Commonwealth of Massachusetts! Did they get the right from the grace of their sovereign lord the king? No! The king had been graciously pleased to allow them to vote supplies for his government, but not for our State government, — this was treason. Besides this our fathers had already repudiated the notion of the divine right of kings to govern them as subjects. The idea of a man being born a magistrate appeared to them as "absurd and unnatural." (Declaration of Rights, Art. 6.)

Where then did the right of the men of 1780 to vote in the behalf of the Commonwealth of Massachusetts come from?

If it came neither from the State laws nor the State Constitution, nor from the Provincial Charter nor laws, nor yet from the king's grant, where did it come from?

The country, of course, continued to be governed. The first Provincial Congress of Massachusetts was organized, and dissolved itself in 1774. It was composed of Representatives elected to a General Court summoned by Governor Gage to meet at Salem, Oct. 5, 1774, and whom he afterwards directed not to meet, and refused to qualify. The second and third Congresses met and dissolved themselves in 1775. These bodies were chosen by men qualified according to the Provincial Charter to vote for Representatives to the General Court.

Acting under a resolve of the Continental Congress (June 9, 1775, Journals, &c., p. 359), the third Provincial Congress (June 19) issued letters to the several places in Massachusetts that were entitled to representation, requesting them to choose Representatives to a General Court. This was accordingly done, and the assembly thus chosen proceeded to elect counsellors, and this assembly and council proceeded to confirm the acts and doings of the three Congresses (Anc. Chart., 1775, p. 687), and to exercise all the powers of government without any restriction whatsoever. This was considered as conforming "as near as may be to the spirit and substance" of the Provincial Charter.

These Provincial Congresses, and the General Court called in this irregular way, and its successors, assembled from time to time, passed orders and enacted laws, repealing some of the old laws, adopting and continuing others, and making new ones at pleasure, even so far as to remove all the officers, civil and military, appointed by the king's governor (1775, Anc. Chart., p. 689), and disfranchising the noxious conspirators who remained loyal to the king, and confiscating their estates.

They could not possibly get the right to do these things by virtue of anything in the Provincial Charter or laws. On the contrary, they entirely disregarded both the Charter and these laws, whenever and as far as they thought best.

In other words, the male voters of that day — the men who had the right to vote under the Provincial laws, the men who were in the actual possession of power — claimed that they

had an inherent right to govern themselves as they thought best, anything in the Charter and Provincial laws to the contrary notwithstanding, and they did in fact thus govern themselves. Now, on what ground did they think they had this right of self-government ?

Listen to their language: "The people of this Commonwealth have the sole and exclusive right of governing themselves," &c. (Declaration of Rights, Art. 4.)

"All power residing originally in the people, and being derived from them, the several magistrates and officers of government vested with authority — whether legislative, executive, or judicial — are their substitutes and agents, and are at all times accountable to them." (Art. 5.)

"Government is instituted for the common good, for the protection, safety, prosperity, and happiness of the people ; and not for the profit, honor, or private interest of any one man, family, or class of men : therefore the people alone have an incontestable, unalienable, and indefeasible right to institute government, and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it." (Art. 7.)

The delegates to the Convention which framed these articles came from the places entitled to send members to the General Court. In the election of delegates, every freeman who was an inhabitant of the town, and was twenty-one years of age, was allowed to vote, (Resolve for Convention, June 17, 1779, Journal, &c., p. 5,) and the Constitution itself went into effect only after being approved by the votes of at least two thirds of the same adult freemen voting in open meeting. (Ibid., p. 6.)

The Declaration of the Rights of the People which we have quoted must, therefore, be considered to be the language of the adult freemen of 1780.

In other words, these articles must be considered to be the words used by, and to express the ideas of, the very men who then governed Massachusetts, wholly unrestrained by any charter, constitution, or law, and just as they thought best.

What do they say ?

Do they claim, that they themselves, the adult freemen, have the sole and exclusive right of governing Massachusetts? No! On the contrary, they declare that the People of this Commonwealth have the sole and exclusive right of governing themselves.

Do they claim that all power resides in the adult male citizens having certain property qualifications, and is derived from them? No! On the contrary, they assert that all power resides in the People, and is derived from them.

Do they assert either that the legal voters, the adult freemen, the adult male citizens possessing a certain amount of property, or that even adult men generally, by themselves alone, have a just right to institute government? No! On the contrary, they maintain that the People alone have a right to institute government, and to reform it at pleasure; that government is not instituted for the profit, honor, or private interest of any one man, family, or class of men, but, on the contrary, is instituted for the protection and happiness of the People.

Now, if the People alone have thus the right to institute government, and the People alone are the source of all the power which has been exercised in this State, when the male voters or adult freemen of 1779 elected delegates to the Constitutional Convention, and in 1780 voted for or against the Constitution proposed, they really exercised a right which inhered in them, not as adult freemen, not even as male voters, not even as men in whom the power of actual government was vested, but simply and solely because they were part of the people of Massachusetts.

The men of 1780 had the right of suffrage, not because of any law or constitution or charter or grant whatever, not even because they were men, or men who were actually in possession of power, but solely because they formed part of the people, in whom alone the power of sovereignty resided.

In like manner, the men of to-day, we ourselves, have the right of suffrage, not because of any law or constitution what-

soever, not even because we are men, or men in the actual possession of power, but solely because we form part of the people of the State.

From October, 1774, down to 1780, the male voters were under no restraint whatever in reference to the exercise of political power, except only such as was imposed by their own sense of what was right or expedient.[1] But having adopted the Constitution, by so doing they consented to all the qualifications of the right of suffrage imposed by it and the laws to be passed pursuant thereto. Since 1780, the male voters have from time to time changed these constitutional and legal qualifications, and added others as have from time to time seemed reasonable (at least so far as men are concerned); but all these limitations of the inherent right of suffrage have only come into existence because either our fathers or we have consented to their creation by our votes, or have consented to their continuance until such time as they shall be constitutionally changed, by claiming and exercising the right of suffrage as it in fact exists.

And if at any future time it should by any possibility so happen that the existing Constitution should obviously fail to accomplish the objects for which it was designed, the inherent right of the people to govern themselves would revive in full force, and they would have the right to reform, alter, or totally change the government, as their protection, safety, prosperity, and happiness might then seem to require. (Art. 7. See also 6 Cush. Rep. 574.)

In determining the true grounds of our own right to suffrage there is still another point to be considered.

Our Constitution declares that "the body politic is formed by a voluntary association of individuals. It is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." (Preamble.)

[1] The Continental Congress had no power over the domestic policy of Massachusetts, except so far as our fathers consented to or acquiesced in the exercise of such power.

But consent is essential to the formation of any voluntary association, and no sort of compact can possibly be formed without consent between the parties to the compact.

So, then, the rights of each and every citizen rest upon the consent of the people. In the very words of our Constitution, "the people" did "solemnly and mutually agree with each other to form themselves into . . . the Commonwealth of Massachusetts." (Frame of Government, 1st paragraph.)

There are, then, two great fundamental principles on which we must admit that our own rights as male voters depend.

(1.) The people, and not men alone, are the only true and just source of power.

(2.) The consent of the people, and not that of men alone, forms the only just foundation for government.

But if the male citizens of Massachusetts thus derive their right to vote, not from any law or constitutional provision whatsoever, not even from the fact that they are men, or men in the actual possession of power, but simply and solely because they form part of the people, why may not female citizens do the same?

It is true the Constitution recognizes the right of men to vote, and expressly denies the same right to women; but if the right of suffrage for men does not really depend on such recognition, why should the just rights of women be any more affected by such denial?

If the right of suffrage inheres in men simply and solely because they are part of the people, the same rights also inhere in women, simply and solely because they are part of the people.

If all power really resides in the people, it surely ought to rest in the majority rather than in the minority. Instead, therefore, of denying suffrage to women, ought we not rather to consider their claim to the right as higher and stronger in its character even than that put forward by ourselves, and accordingly make haste to divest ourselves of a power so plainly usurped?

It will no doubt be objected, that these articles in the Declaration of Rights cannot mean what their words so plainly express, because the power therein declared to be vested in the people was not only at that very time actually exercised by male voters only, but the continuance of the right of suffrage in the hands of men exclusively and for an indefinite period was provided for by the express terms of the Constitution. To add strength to this objection, it must also be admitted that the Convention itself, though chosen by male voters, resolved that it had "sufficient authority from the people" (Journal, &c., p. 22); and, when the qualification of voters came up for discussion, motions were made to strike out the word "male" and were defeated (Journal, &c., pp. 92, 120, 121, 136); so that really woman suffrage for members of the Legislature was actually voted down in the Convention.

Did, therefore, our fathers really mean what they said in the Declaration of Rights, notwithstanding these inconsistencies between their acts and their principles?

The Convention started on its work with the avowed intention (expressed by a unanimous vote) "that the government to be framed by this Convention shall be a free republic." (Journal, p. 24.) The Constitution was drafted by a committee, of whom John Adams and Samuel Adams were members. The articles which we have quoted were actually written by John Adams, and were adopted by the committee and Convention without amendment. (See Works of John Adams, Vol. IV. pp. 223–225.) Can any of us believe that John Adams thought only of male voters when he speaks of the rights of the people in these articles? It seems almost impossible to believe it, or that any one can really doubt as to the proper meaning and force of these articles, or that they guard, and were intended to guard, the rights of the whole body of the people, so clear and unmistakable is the language used.

It cannot, however, be denied that there are serious inconsistencies between some of the principles laid down in the

Declaration of Rights and the rules for practical affairs laid down in the frame of government.

We can see these inconsistencies very clearly now. The Convention itself evidently had some of the same feeling. In their Address to the People they say, we do not offer for your acceptance "a perfect system of government, this is not the lot of mankind" (Journal, p. 217); we have found it, they said, "exceedingly difficult, if not impracticable, to succeed in every part of it to the full satisfaction of all. Could the whole body of the people have convened for the same purpose, there might have been equal reason to conclude a perfect unanimity of sentiment would have been an object not to be obtained." (Journal, p. 216.)

It is, however, beyond all controversy, that in some of the clauses of the Declaration of Rights the word "people" is not, and cannot possibly be, treated as synonymous with male voters.

Thus, in the Preamble (1st paragraph) the body politic is described to be a compact between the "whole people" *and* "each citizen." Government, it is said, enables "the individuals" who compose the body politic to enjoy their natural rights, &c.; and it is declared that "the people" have a right to alter the government, &c. By no possible construction of this preamble can the word "people" be fairly or honestly interpreted to mean only male voters. It most plainly includes, not only the whole body of the people, but every individual member and each citizen.

The Declaration of Rights purports, in so many words, to be a statement of the right of "the inhabitants" of the Commonwealth: not the rights of men alone, or male voters, but of all the inhabitants; therefore, of all women as well as men; and the clauses in behalf of personal freedom, religious liberty, trial by jury, &c., most plainly secure, and were intended to secure, the rights of women just the same as those of men. Art. 29 declares it to be "for the security of the rights of the people *and* of every citizen" that the judges of the Supreme Judicial Court should hold office during good

behavior, &c. ; we cannot possibly understand the word "people," as here used, to mean only male voters, without making the article absurd.

Our conclusion, therefore, is, that John Adams and Samuel Adams and the men of 1780 really meant what they said in these articles ; and this, although the actual powers of government were then exercised only by male voters.

Does any one still object, that, as male voters have been allowed to represent the people for a hundred years, it is now too late to disturb this practical interpretation of the true meaning of these articles, or to hold that male voters have no just right to represent any persons but themselves ?

We reply, a question of human rights can never be outlawed. We remember the noble words of Chief Justice Parker (2 Pick. 557): "Neither will any course of years or legislative acts or judicial decisions sanction any apparent violation of the fundamental law clearly expressed or necessarily understood."

We call to mind the words of our fathers and say, "A frequent recurrence to the fundamental principles of the Constitution, and a constant adherence to those of . . . justice, . . . are absolutely necessary to preserve the advantages of liberty, and to maintain a free government." (Decl. of Rights, art. 18.)

Now, we shall probably all admit that our fathers were of Burke's opinion when he said, that "government was a practical thing, made for the happiness of mankind, and not to furnish out a spectacle of uniformity to gratify the schemes of visionary politicians." (Letter to the Sheriffs of Bristol, 1777.)

Our fathers were real and true lovers of liberty, and also practical men of affairs. As lovers of liberty it was impossible for them to frame a declaration of rights which did not lay down the true principles on which a republic ought to rest, and in the clearest possible manner, and this is just what they did in fact do.

Being also practical men, not caring only for the enunciation of principles, but being also, and perhaps chiefly, desirous to

set on foot a great Commonwealth, it was equally impossible for them not to regard and defer not only to the opinions, but even to the prejudices, of the people then living. It would have been ridiculous for them to present for acceptance a scheme of government which ran counter to the settled opinions, or even the prejudices, of the people of 1780, on any very essential point. Such a scheme would be sure to fail on trial, even if it were not at once rejected. The problem before the Convention was to make as free a Republic as was consistent with the opinions then prevailing. The question for them to solve was not what form of government the people of 1820 or 1879 will probably be willing to support, not even what the people of 1780 ought to support, or would support if they were far wiser and better than they really were, but what was the best frame of government which the people of 1780, with all their prejudices and opinions, would cheerfully support and acquiesce in, because these were the people, and these were the only people, who could make the government a success or a failure.

Having regard to these opinions and prejudices, the Convention actually went so far as to limit the right of suffrage even for men. To entitle a man to vote for or against the adoption of the Constitution, he was only required to be an adult freeman ; but to be able to vote under the Constitution, a man was required to have a certain amount of property. There can be no doubt that fewer men were able to vote for members of the General Court under the Constitution than were able to do so under the Provincial Charter. Under the Charter the owner of a freehold having an annual income of only forty shillings, or the owner of other estate worth £50, could vote for Representatives ; but to be able to do this under our Constitution, a man was required to own a freehold estate of the annual income of £3, or other estate of the value of £60.

Our fathers were, therefore, inconsistent with their own principles in the treatment of their own sex. Even this did not satisfy their notions as practical men. They also saw that education had been systematically denied to women, and

that women were then in a state of legal subjection to men in regard to almost every personal and property right. Having due regard to this state of facts, they therefore intrusted the actual powers of government to only a portion even of the men. To have done otherwise would no doubt have insured the rejection of the Constitution.

That the women in 1780 were wholly uneducated is plain. Charles Francis Adams, in the memoir of his grandmother, Abigail Adams, says: "The cultivation of the female mind was regarded with utter indifference." (Memoir, pp. xxiii, xxiv.)

In a letter to her husband, dated June 30, 1770, she says: "I regret the trifling, narrow, contracted education of the females of my own country. . . . But you need not be told how much female education is neglected, nor how fashionable it has become to ridicule female learning; though I acknowledge it my happiness to be connected with a person of a more generous mind and liberal sentiments, I cannot forbear transcribing a few generous sentiments which I lately met with upon this subject. If women, says the writer, are to be esteemed our enemies, methinks it is an ignoble cowardice thus to disarm them, and not allow them the same weapons we use ourselves; but if they deserve the title of our friends, it is an inhuman tyranny to debar them of the privileges of ingenuous education, which would also render their friendship so much the more delightful to themselves and us." (Letters, p. 99.) Mrs. Adams never was sent to school, and in another letter, written only a year before her death, in 1817, she says: "Female education in the best families went no further than writing and arithmetic; in some few and rare instances, music and dancing."

In reference to the subjection of women, Mrs. Adams, under date May 7, 1776, writes to her husband: "I cannot say that I think you are very generous to the ladies; for whilst you are proclaiming peace and good-will to men, emancipating all nations, you insist upon retaining an absolute power over wives." (Letters, p. 75.)

No woman, married or single, had, up to that time, ever

voted even in parish matters. At that time husband and wife were one person in estimation of law, and that one was the husband. A woman's personal property by marriage then became absolutely her husband's; and at his death he could leave it entirely away from her. If he left no will, one third came back to her, and two thirds went to the children. If he left no children, one half came back to her and the other half went to his relations. By marriage, the husband became absolutely master of the profits of his wife's real estate during marriage. If he had a living child, and survived his wife, he held all her lands during his life. She could make no conveyance or mortgage of her real estate without his consent, and no will at all, either with or without his consent. He could appoint an entire stranger guardian of her children.

It was not until seven years after the adoption of the Constitution that a married woman whose husband had abandoned her, and did nothing for her support, could be authorized by the Supreme Court to convey her own real estate. (Stat. 1787, c. 32.) No matter if she were really starving, prior to 1787, no married woman could sell or mortgage her own lands to procure food with, and no court could give her such power! This was the first law ameliorating the condition of married women.

Not until sixty-two years after the adoption of the Constitution was she allowed to make a will even with her husband's consent, (Stat. 1842, c. 74,) so fearful were husbands of losing grasp on the property of their wives.

As lately as 1845 the first radical change was made in our law, by allowing married women to hold separate property without the intervention of a trustee, and to sue and be sued on contracts made with reference to such property as if unmarried. (Stat. 1845, c. 208.) The next year they were allowed to give a valid receipt for their own wages, and it was not until 1874 (ninety-four years after the adoption of the Constitution) that the rights of married women to contract, to make notes or mortgages, to sell real estate, to sue and be sued, were put on substantially the same ground

with similar rights on the part of the husband. (Stat. 1874, c. 184.)

Down to this very year, 1879, with all our supposed enlightenment and liberality, and when women are declared to have all the rights they really need for their protection, the husband has legally owned his wife's clothing, although that clothing was bought with money earned partly by her! (1876; 119 Mass. 596.) I could no doubt point out some husbands whose clothing has been bought wholly with the money of their wives; but these wives have never had any similar right of ownership in their husbands' wardrobe. Why? Because men alone have had the ballot; men alone have had the making, expounding, and executing of the laws. If women had had the ballot, no court could have been found to deny them the ownership of their own clothes.[1]

Such having been the subjection of women, and their almost entire want of education in 1780, is it strange that our fathers intrusted the administration of affairs to men only? On the contrary, it would, I think, have been far stranger if they had given Suffrage to women.

To have done so would have shown them to be visionary politicians rather than practical men, and would have gone far to demonstrate their unfitness to start a great Commonwealth. They were, however, great and noble-minded enough to proclaim the true ideas or principles upon which a republic ought to rest. They made the most ample provision for the amendment of those parts of the actual Frame of Government, which were inconsistent with these ideas of the Declaration, and then trusted serenely to time and the gradual development of the ideas to finally bring affairs on to a just basis. As if to help on this result, they called upon us frequently to recur to fundamental principles, and to adhere to justice in our legislation if we wished the blessings of a free government to be maintained.

[1] This decision of our court has been modified by act of the Legislature so far as to allow a wife to receive dresses, by gift from her husband, not exceeding $2,000 in value. (Stat. 1879, c. 133.)

And with all its short-comings and inconsistencies our fathers offered to the world a very noble illustration of the most fundamental principle of our Declaration of Rights. They did not seek to place their government in the hands of men who were powerful enough to compel obedience to their wishes, for this would have been to establish slavery, pure and simple. Though they sedulously guarded the rights of property, they nevertheless did not place their government in the hands of those who were wealthy enough to purchase compliance with their wishes, for this would have been to secure the triumph of selfishness of the most odious kind. Though education had been favored from the very first settlement of the country, they did not place their government in the hands of educated or learned men. This would have resulted only in a more refined form of selfishness, for educated or learned men have in all ages been found willing enough to legislate for their own interests. Everybody knows that one of the greatest and wisest was also the meanest of mankind. Though anciently only church members could vote, and the men of 1780 expressly commanded the support of public worship, they nevertheless did not place their government in the hands of the so-called religious people, for all history had taught them that the greatest sufferings which have been inflicted on the human race have been inflicted by conscientious men in the name of religion.

Our fathers sought rather to frame a government which should command the support of the strong and the weak, the wealthy and the poor, the wise and the unlearned, — the support of the whole people, men and women. In their opinion, the true strength and greatness of a free people is to be found, not in its politicians, orators, poets, and historians, noble men and women though they may be; but in the faithful courage and intelligence of its unnamed and unnamable millions. Our fathers sought to frame a government which should bring about the gradual lifting up, not of man as an individual, but of human nature itself. They wished to create a government that the people should love, should be willing to work for, and,

if need be, to die for. And how strongly has the government proved itself to be intrenched in the hearts of the people! How nobly the people, men and women, struggled in its defence, in the darkest hours of the war! Our fathers really and truly thought that government was instituted for the common good, for the protection, safety, prosperity, and happiness of the people, and not for the profit, honor, or private interests of any one man, family, or class of men.

This was their ideal! Neither they nor we have lived up to it; but will not our Presidents compare favorably with the rulers of any other country during the last hundred years? Abraham Lincoln was pre-eminently a man of the people. He was born of poor parents, and enjoyed none of the advantages which wealth or culture could give; but he was wealthy enough to give a noble life to his country. No man ever gave a nobler. If he was too unlearned to be able to read Napoleon's Life of Cæsar, he was yet, by the grace of the Almighty, orator and poet enough to give an address at Gettysburg which no one of our orators has been able to surpass, and few of them can ever hope to equal.

In morals, "Whatsoever ye would that men should do to you, do ye even so to them," constitutes our ideal of a noble life. How few persons have ever lived up to it! and yet does any one doubt the nobility of the ideal, or our duty to strive our utmost to realize it?

Because our fathers and we have failed for a hundred years to realize their and our ideal as to what constitutes a just government, is that any reason whatever why we should doubt the truth of the ideal, or should not continue to struggle more and more towards that ideal?

Because the human race have failed for more than twenty centuries to realize the ideal of what constitutes a noble life, is that any reason whatever why we should not continue to struggle more and more to do unto others as we would have them do unto us? Without ideals life would not be worth having, — there could be no progress.

"The fiend that man harries
Is love of the best,"

and the best is always receding and advancing.

The Declaration of Rights embodies ideals on various subjects, all directly calculated, if not actually intended, to incite us to the more and more perfect realization of a government based on liberty and justice. Though the Constitution acts as a restraint against improper legislation, it is a very inadequate notion to consider it merely as a fetter. On the contrary, its great truths ought to make us regard it rather as a beacon light for progress.

The history of the last hundred years is the record of a continual struggle on the part of the people to conform more and more perfectly to their ideals, and a constant progress towards that end.

In 1780 our fathers thought people might very properly be compelled by law to support some sort of public worship, and to go somewhere to church, and it was only after fifty-three years of struggle and growth that all such laws were deemed infringements of personal rights, and the voluntary system in matters of religion was adopted.

Now, to what cause has this been owing, unless it be to the gradual unfolding of the ideal of our Bill of Rights, that each one should be allowed to worship God "in the manner and season most agreeable to the dictates of his own conscience," provided only he does "not disturb the public peace or obstruct others in their religious worship." (Decl. of Rights, Articles 2 and 3, Amendment 11, 1833.)

In 1780 the rights of property were especially protected. No person could be a Representative who did not own a freehold estate worth £100, or other ratable estate of the value of £200; and no person could be a Senator who did not own a freehold estate of the value of £300, or personal estate of the value of £600; and the Governor was required to own a freehold of the value of £1,000; so that, in point of fact, the law-making power was placed in the hands of property-holders. Although the House of Representatives was apportioned

through the State on the basis of ratable polls, or with some sort of reference to population, the Senate was distinctly and in terms apportioned according to the public taxes paid by the different districts. In other words, the Senate was intended to, and did, represent property in 1780. (Address of the Convention, Journal, p. 218.)

It is plain enough to us now how contrary these provisions in our frame of government were to the ideal contained in our Declaration, that all power resides in the people. Nevertheless, sixty years elapsed before the Senate was based upon population (Amendment 13, 1840), and ceased to represent property; and sixty years of effort had to be made before we thought it safe to declare that "no possession of a freehold or of any other estate shall be required as a qualification for holding a seat in either branch of the General Court." (Amendment 13, 1840.)

In 1780 voters for members of the General Court were required to own a freehold estate of the annual income of £3, or an estate of the value of £60. It took forty-one years before we realized the inconsistency of this requirement fully enough to abandon it. The Convention of 1820 proposed what is now the present rule on this subject. To be a voter a man must, among other things, have paid a State or county tax within two years before the date of voting, and now, in 1879, after the lapse of fifty-nine years more, we are trying to realize that even this small amount of taxation is inconsistent with our ideal, and efforts are making by distinguished citizens to do away wholly and for ever with this last vestige of a property qualification for voting.

To what possible cause can we attribute the great changes made in 1821, and that which is now in prospect, unless it be the gradual unfolding more and more clearly of the idea of our Declaration of Rights, that a government to be just must rest on the consent of the governed, and not merely on the consent of those who pay taxes? Our fathers were satisfied with giving the ballot to men who possessed very little property even for those days. We reduced the amount to almost

a nominal sum in 1821, and now talk of removing it entirely, as being of little pecuniary benefit to the State, but rather a source of corruption. The State is beginning to think to-day that every man needs the ballot for his protection, and that the poorer a man is, the more he needs the protection. In like manner, we think every woman needs the ballot for her protection, and the poorer she is, the more sadly she needs it.

Now if it has taken us men, and the cause of religious liberty, fifty-three years of struggle before we were able to enjoy the measure of freedom from personal annoyance and property spoliation which we now enjoy, — if it took us men forty-one years to do away with the original property qualification for voters, and sixty-one years to do away with a similar qualification for our legislators, — why should we feel discouraged that hitherto the State has disregarded the rights of women to a proper share in their own government?

In 1780, in general, education was denied women. Now the State trusts mainly to women for the education of our future voters. We do not trust these women, as has been asserted by honorable Senators, because they can be had cheaper than men. On the contrary, we know very well that they are fully competent to do the work asked from them. It is nevertheless true, that a woman, although she may really do the same good work as a man, almost never receives the same wages. This very common fact, however, only shows how unworthily men have exercised uncontrolled power, and how much woman needs the ballot for her protection.

We are able to see to-day, even more clearly than our fathers, the true meaning and force of their ideals, and, taking heart from their struggles and successes, we are content to struggle on, until all shall be willing to admit that a government which is declared to rest upon the consent of the people cannot, and ought not, longer to remain in the hands of less than one quarter of the people.

Massachusetts governs more than a million and a half of people, a majority of whom are females. Every year she taxes nearly a hundred thousand men who have no right of suffrage.

Only a little over forty-four per cent of the whole male population are voters.[1] (Census, 1875, p. 34.)

Now if we can find no just ground for the right of the State to govern us men, except only that we are part of the people, and have consented to be thus governed, where does the State get the right to govern women? When, where, and how have they ever consented to be governed?

Some of us used to argue in antislavery days that South Carolina had not a republican form of government, because more than half the population of the State were slaves. What form of government shall we say Massachusetts has in 1879? Shall we say it is an aristocracy founded on birth?

Does any one say that the government, though administered by only a portion of the men, really represents the women? The answer is ready: It is not true.

Since 1857 the Senate and House have been apportioned according to the number of legal voters. (Amendments 21, 22.) So that the Legislature as now constituted is based upon, and only represents, legal voters.

We have seen that down to 1840 (Amendment 13) the House was apportioned according to the number of ratable polls, and the Senate according to the amount of public taxes paid. From 1840 to 1857 the Senate and House were apportioned according to the number of inhabitants, or population. During these years, therefore, the women had the same sort of representation as the slaves used to have in Congress. The white men in the slave States used to have greater political power in Congress in consequence of the existence of slaves. So in Massachusetts, between 1840 and 1857 the men had more of representative power in the Legislature according as the number of women was larger or smaller in the different towns and cities. If we think that the slaves consented to the passage of the amended Fugitive Slave Bill (1850) because by their numbers they had given the white

[1] Population, 1,651,912. 794,383 males, 857,529 females, 63,146 more females than males, 449,686 ratable polls, 351,113 legal voters, 98,573 men who are taxed, and who have no right of suffrage.

members from the South the eighteen votes which sufficed to carry the measure (Taxation of Women, &c., revised edition, pp. 13, 14), then we may consider that between 1840 and 1857 the women of Massachusetts were represented by the men in those years, and not otherwise.

But if the government of the State is thus based upon legal voters only; if, politically speaking, the existence of women is wholly ignored as a factor in government; if they really have no voice whatever in reference to the Constitution or the laws under which they live, are governed, taxed, and punished, — what can every fair-minded man say or do, except agree with Governor Talbot in thinking that the claims of women to the right of Suffrage have too firm a basis in natural justice to be any longer thrust lightly aside?

Let us then follow the advice of Governor Talbot given to-day, rather than the practice of our fathers a hundred years ago. Let us look at their ideal, and not their short-comings. Let us amend the frame of government so as to fully carry out the ideal of the Declaration of Rights, to the end that the People of the State, and not a meagre fraction of them, may really and truly be the source of all the power, executive, legislative, and judicial, which is now exercised, by conferring upon all adult citizens, who are able to contract, the right of Suffrage, and prescribe the same qualifications for men and women. Let us in the light of facts as they now exist, not as they were in 1780, determine what qualifications for voting will secure the best results of the wisdom and the virtue of the people, and apply the same rules impartially to men and women. Only by so doing can we establish justice. In no other way can we preserve the advantages of liberty and maintain a free government.

In the government of a human being personal rights are of vastly more importance than rights of property; and yet among English people and their descendants the most strenuous fights for liberty have been made on questions affecting the right of taxation. With this idea in their minds, "The Colonists said, if Parliament could tax us, they could establish

the Church of England, with its creeds, titles, and ceremonies, and prohibit all other churches as conventicles and schism shops." (J. Wingate Thornton, &c., as quoted, Taxation of Women, p. 17.)

The Colonists evidently thought, and with good reason, that the power to tax them involved also the power to destroy their religious liberty.

"The feelings of the Colonies," said Edmund Burke in 1774, "were formerly the feelings of Great Britain. Theirs were formerly the feelings of Mr. Hampden when called upon for the payment of twenty shillings. Would twenty shillings have ruined Mr. Hampden's fortune? No! but the payment of half twenty shillings on the principle it was demanded would have made him a *slave!*" (Speech on American Taxation.)

In the same spirit of resistance to all encroachments on liberty, our Bill of Rights (Art. 23) declares that "No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the Legislature."

Only legal voters being represented in the Legislature, women have no representatives there who can consent to their taxation, and yet every year we tax them about two millions of dollars! Under what pretext do we justify these acts of spoliation? Solely, because we have constantly taxed them, and they have never actually rebelled!

Thousands of them have, however, each and every year, and for many years past, protested against this great wrong, and have asked, as the only real remedy for the injustice, that suffrage may be extended to them on the same terms as such right is now enjoyed by men. Thus far, however, they have had leave to withdraw their petitions.

Last year some hundreds of women, many of them well known and honored in the community, asked for the passage of a law conferring upon them and other women "who pay taxes on property the rights to vote for town and city officers, and to take part in the management of town and city affairs,

on the same terms on which such rights are now held by men who are tax-payers."

These, and all the other petitions for suffrage, were referred to the same committee. Hon. Albert Palmer, of the Senate, and five Representatives, constituting the majority of the committee, were in favor of giving suffrage to women on the same terms as men, and so reported. Hon. Robert R. Bishop and Hon. Amos J. Saunders, of the Senate, and two Representatives, constituting the minority of the committee, reported adversely on both classes of petitions. One Representative, being willing to have the subject referred to the people, signed both reports.

The minority of the committee declared their opposition to woman suffrage in every form, and argued strenuously against it. In special reference to the claim of women tax-payers, they said: "If suffrage should be accorded to women, it should not be to a portion of women, on the ground of their property qualification." (Sen. Doc. 1878, No. 122, p. 4.) On this particular point, objection to a property qualification, the committee were declared to be substantially of one mind.

We agree with them in objecting, upon principle, to a property qualification for voting, whether the voters be men or women; but so long as suffrage is made dependent, as now, upon the payment of a tax, citizens of both sexes should be treated alike. We allow a man to vote who pays a tax of two dollars, and never think of inquiring whether he has earned his money by the work of his hands, or has received it from the income of fifty dollars invested in United States four per cent bonds. Ought we not to treat women in the same way? It was admitted at the hearing that the Legislature had full power to confer municipal suffrage on women. If, therefore, opposition to a property qualification had really been the ground of the refusal to grant this petition, there was nothing, as we suggested, to prevent the passage of a law for assessing those women who felt the injustice of their treatment, and who desired to vote, a poll-tax (this has already

[1] See Note A, at end of pamphlet.

been done in Massachusetts), and also a tax on property (if any), just the same as men are now treated. This would have met the whole difficulty.

The committee did not even attempt to prove any right to tax women for property if the ballot was denied them, although this objection was most strongly urged before them. In our argument we wholly denied the right to tax women a single dollar so long as suffrage was denied them. We presume, from their silence, that the committee failed to find any decent "pretext," to use the words of our Constitution, for taxing women without their consent, or the consent of their representatives. We do not wonder at their silence. Why did they not, however, advise the Legislature to pass a law releasing women from taxation until such time as we shall enable them, in a constitutional and legal manner, to consent to such taxation? This is the very least thing that we men can do, and this it would have been right and proper for us to do. But this the committee did not advise. Did they realize that any such legislation would be equivalent to voting to increase the taxes of every man in the State about one tenth, and shrink, as men, from doing this? Possibly not. But, whatever may have been the reason for their silence, or their neglect of the opportunity to do justice to women, in point of fact, they contented themselves with dismissing the women tax-payers with a discourse on the unrepublican character of a property qualification for voting, with which everybody agrees, and still leaving women to continue to be despoiled of two millions of dollars every year, although we men are obliged to trample Article 23 of our Declaration of Rights under foot in order to be able to do it.

Some one will, no doubt, raise the same objection which was urged by the minority of this same committee, that suffrage is a civil, and not a natural right, and each State has a perfect right to decide for itself who shall and who shall not vote, and that therefore suffrage may be conferred exclusively on men without infringing the just rights of women.

We maintain, on the contrary, that if the adult male citizens

of Massachusetts have any sort of right, call it or be it what you please, civil, natural, inherent, or just, in reference to their own government, the adult female citizens having the same qualifications as men ought to have precisely the same sort of right, civil, natural, inherent, or just, to a vote in reference to their government.

This committee say: "Natural rights are such that, if their exercise is denied by government, this lays the foundation for a justifiable revolution. It will hardly be contended . . . that an attempt to overturn the existing government in Massachusetts by force, would be justifiable in case the right of suffrage is not accorded to women. This is the test of the correctness of the proposition."

Among the natural rights, the denial of which will justify forcible revolution, in the opinion of this committee, are "the right to life, liberty, and the acquisition of property; but such is not the right to the ballot." (Sen. Doc., No. 122, p. 5.)

We prefer the definition of natural rights which our fathers have left us. They say (Decl., Art. 1): "All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness."

There can be no doubt that under this article the natural rights of women are intended to be protected just as fully and perfectly as the natural rights of men. And notwithstanding the fact that the property rights of women have not been as fully protected as those of men, and that women have not been allowed the same freedom as men in seeking their safety and happiness, still, speaking generally, it is nevertheless true, that the State engages to protect the natural rights of all citizens of both sexes alike.

Now, the minority of this committee argue that women can have no natural right to vote, because they have no right to overturn the present government of Massachusetts by force.

Our fathers neither declare nor deny suffrage to be a natural right. They do not, to be sure, profess to enumerate all the rights which may fairly be considered natural. Still, as they deny suffrage to women, there is ground for the objection that suffrage was not, in their opinion, a natural right.

What, however, does this objection and argument really amount to?

Let us suppose that men and women have changed places in Massachusetts. This change will not affect the natural rights of persons of either sex in the slightest degree. All the natural rights which government engages to support and protect will remain, and will be supported and protected precisely as they now are. The change having been effected, less than one quarter of the People, composed of women, will exercise all the powers of government, and the large majority of the People, although men, will have no political rights whatsoever in reference either to themselves or women. Does any one doubt, would this committee contend for a single moment, that under any such circumstances the men would have no right to overturn the government by force? Every man of us, the committee included, would admit the right. But if, under such circumstances, men would have the right to overturn the government by force unless suffrage was extended to them, the committee, on their theory, must admit that suffrage for men is a natural right. If so, then as natural rights know no sex, the committee are also compelled to admit that suffrage for women is a natural right. Women must be fully justified in seeking to overturn the government to-day, because the men would be justified in so acting if they were in the subordinate place now held by women.

This objection or argument of the minority of the committee has, therefore, no real weight whatsoever. At first, men will use argument to obtain any right which is denied them, and, if argument fails, they will use force, if the occasion seems to justify it. And this method has frequently worked out good results. On the other hand, women will pursue a better course. They will seek to obtain their rights by per-

suasion and argument, and, we hope, never by force. We have already had too many appeals to force in the government of the world; the less we have of them in future the better. Women seek to obtain their rights by appeals to reason, and the sense of justice in men; and when the right of suffrage shall be finally granted to women for these reasons, as it cannot fail to be, the community, being ready to receive it, will work out a nobler Free Republic than the world has ever seen.

May we not hope that the next time the men composing the minority of this committee shall be called upon to consider this subject, they will say that, according to the true test, suffrage must be considered to be a natural right under our form of government;—because women, being largely in the majority, have an undoubted right (just as undoubted as men would have if situated as women now are), by arguments and appeals to reason, and, if these shall fail, by the use of force, to resist a government which takes their property by taxation without representation, and governs them without their consent, for taxation without representation, and government not based on consent is tyranny, and never can be anything else, and tyranny fully justifies revolution, whether the governing power be in the hands of men or women.

In further support of their objection, the minority of this committee quote Judge Story as saying, "The truth seems to me that the right of voting, like many other rights, is one which, whether it has a fixed foundation in natural law or not, has always been treated in the practice of nations as a strictly civil right, derived from and regulated by each society according to its own circumstances and interests. It is difficult, even in the abstract, to conceive how it could have otherwise been treated."

They also refer to what they describe as "a recent and very thoroughly considered case in one of the most respected State courts" (23 Maryland Rep. 531), where the court say that the elective franchise "is a privilege conferred on the citizen by the sovereign power of the State to subserve a general public

purpose, and not for private or individual advantage; that, as against the power conferring it, the citizen acquires no indefeasible right to its continuance or enjoyment; and that the people of the State, in the exercise of their sovereign power, may qualify, suspend, or entirely withdraw it from any citizen, or class of them, providing, always, that representation of the people, the essential characteristic of a republican government, be not disregarded or abandoned."

These committee-men also refer to a decision of the Supreme Court of the United States (21 Wal. 162), to the effect "that suffrage was not, and never had been, one of the necessary rights of citizenship; and that, therefore, a provision in the constitution and laws of a State denying its exercise to women was valid."

Doubtless other decisions of courts and quotations from text-books of the same kind can be produced, for the fact is plain enough that, though all the States claim to have a republican form of government, they all, including Massachusetts, unite in denying suffrage to women by their constitutions, except, possibly, in some few of them where the women enjoy the right of suffrage as to school matters.

Our Constitution denies suffrage to women; and as our Supreme Judicial Court cannot declare this or any other clause in the Constitution to be invalid, it must necessarily decide that the denial of suffrage to women is constitutional, and therefore that suffrage is a mere privilege which may legally be withheld.

We are, however, now discussing the nature of suffrage on what should be considered as the fundamental principles of a republic. We admit readily enough that women have not got the right of suffrage now. We admit readily enough that the courts will unite in deciding that women may be denied the ballot by a constitutional provision in the State where they reside, and so of course all writers of text-books will say.

Our question, however, is, What right have we men to impose such a constitutional restriction on women?

And we seek to answer this question on what we ourselves

admit to be fundamental grounds, not so much on what exists as on what ought to exist; not on what the courts feel obliged to support, but on what they ought to support; and if it be, as this court in Maryland says, the truth, that representation of the People is the essential characteristic of a republic, and cannot be disregarded, we must ask whether the People are really and truly represented in this sense when only about one quarter of them have any power whatever in relation to government.

What just right, therefore, have the male voters of Massachusetts by their Constitution to deny suffrage to those women who are qualified to vote in all respects as themselves, merely because they are born women?

If we male voters have any such right it must come from, —

(1.) The consent of the women to be governed by us; or, —

(2.) The right of men to govern women, whether they consent or not; or, —

(3.) The actual possession of the power by men without regard to right.

If women had ever consented to be governed by us, our rule over them would of course be just. But women have never given any such consent. On the contrary, it has only been after long years of effort and struggle on their part against all sorts of ridicule and opposition on the part of men, that the women of the State have finally wrung from our unwilling hands the measure of property right which they now possess. The existing subjection of women is merely what remains of the former universal slavery of women, and the slavery of women at the time of its existence was deemed by the very best and noblest of men to be as natural a state for women as their present state of subjection is now deemed by any of us men to be their natural condition.

We male voters can therefore claim no right to govern women on the ground that they consent.

Have we a right to govern women whether they consent or not? It is true enough that men have so governed women in

all ages, and now do so in Massachusetts; but have we any right to do so merely because we are men?

The idea of a single man being "born a magistrate, law-giver, or judge," appears to us to be, and is most manifestly, "absurd and unnatural." (Decl. of Rights, Art. 6.) Is it any less absurd or unnatural to hold, as these objectors and the minority of this committee must do, that no one can be a magistrate, lawgiver, or judge in this State who is not born a man? According to our Bill of Rights, "all men are born . . . equal"; and our Supreme Judicial Court having decided that the word "men" as here used is equivalent to mankind, and therefore includes both men and women, we must hold that men and women are born equal, that is, with equal rights before the law. (Decl. of Rights, Art. 1; 4 Mass. Rep. 128; Taxation of Women, revised ed., p. 5.) Therefore men have no more just right than women to be born magistrates, lawgivers, and judges. We men cannot therefore claim any just right to govern women in this State, as we do, in the character of magistrates, lawgivers, and judges, simply because we are born men.

We are therefore driven to rest our claim of right to govern women merely on the fact that we hold the reins of government, and have control of the physical power of the State. In a recent debate in our State-House, Hon. Senator Winn admits this, when he professes to answer the question which he said was often asked by women: "Who gave you (i. e. men) the power to decide for women?" His answer was, "No matter who gave it, we have it"! (Woman's Journal, April 5, 1879.) King George and his adherents also held the reins of government and controlled the physical power of Great Britain. Did our fathers think that these facts gave him or Parliament any right to govern them without their consent?

The persons who bring forward this objection, the Hon. Senator Winn and the minority of the legislative committee, are therefore really disbelievers in the true idea of a republican form of government. They may cover up their real meaning so that this disbelief shall not be very apparent

perhaps even to themselves; but nevertheless a free republic can only rest on consent, it can never tolerate an aristocracy of birth, and must resist until death a government supported only on force, especially when, as in Massachusetts, this aristocracy and this force rest only with one quarter part of the people.

We have had great and learned discussions about the representation of minorities, as if now the majority had any voice whatever. Let us rather seek to found a republic where the majority shall be represented. It never yet has been done.

Does any one say Suffrage is a manly right, and is not exercised except by those who can fight, — that behind every ballot stands a bullet?

We deny the fact.

We have 48,436 young men in Massachusetts between the ages of eighteen and twenty-one. They constitute the best of our fighting material, and they are not allowed to vote because they are minors.

Of those who possess the ballot, 97,136 are over forty-five years of age and are incapable of fighting.

248,977, if "able-bodied," (Gen. Stat., c. 13, §§ 1, 4, 14,) are enrolled in the militia, and may possibly be called on to fight, though they never have been; but they all vote, and it makes no sort of difference in their right to vote whether they are able-bodied or sickly.

Not more than 5,000 are allowed to volunteer to do all the fighting needed, and they have no more rights at the ballot-box than those who are incapable of holding a gun.[1]

Now, if the best fighters are not allowed to vote, and the best class of voters are incapable of fighting, and not more than one fiftieth of the voters who are even liable to be enrolled are allowed to volunteer to fight, or to be in readiness if necessary, and no difference whatever is made in the right of the forty-nine fiftieths to vote, whether they are able-bodied or not, it cannot be said with truth that Suffrage depends at all on the ability to fight.

Who would propose to disfranchise the gallant color-ser-

[1] Compendium of Census, 1875, p. 39.

geant who lost both arms in supporting the flag? Where is to be found the man with soul so dead as to dream of disfranchising General Bartlett, even when he lay on the bed of death?

But if it were true, as it is not, that the right of Suffrage depends at all on the ability to fight, the Constitution expressly recognizes that an equivalent may be given for personal service. Government engages to protect the people in the enjoyment of life, liberty, and property, and each individual is required "to give his personal services or an equivalent when necessary." (Decl., Art. 10.) Quakers are not called upon to fight, and yet they are allowed to vote. They are exempted on moral grounds, and are allowed to furnish an equivalent for personal services. Why cannot we place women on the same ground as men over forty-five, and deem them incapable of fighting? or treat them as Quakers, and allow them to furnish an equivalent for personal service, or require them to furnish substitutes, as we begged them to do in the war, or oblige them to do as they volunteered to do in the war, — serve on Sanitary Commissions, and in hospitals as superintendents, or doctors, or nurses?

Few of us realize how much the women of the country did, by real hard physical work, to secure the efficiency of our army as a fighting body. Abraham Lincoln said, at the opening of the Sanitary Fair in Washington: "I am not accustomed to the use of language of eulogy. I have never studied the art of paying compliments to women; but I must say, that if all that has been said by orators and poets since the creation of the world in praise of women were applied to the women of America, it would not do them justice for their conduct during this war." (U. S. San. Com., p. 282.)

Government does not, however, rest on physical, but on moral force. In the language of the Constitution, it rests on the "wisdom and knowledge, as well as virtue, diffused generally among the body of the people." (Frame of Government, c. 5, § 2.) The army and navy, the police and constables, all have their use, but it is the people of the country who sup-

port them, not they the people, — for a law cannot be long enforced by all of them combined, unless sustained by the moral sense of the people.

It requires the services of about four millions and a half of men, and costs about a thousand millions of dollars, every year, for the so-called Christian nations of the world to support their armies and navies even on a peace footing! This is the best result of civilization carried on by men alone, for now nearly nineteen centuries. Must the human race forever go on in this blundering, wasteful, and brutal way, or cannot some better way be found? What would be the effect if the Christian world should spend every year a thousand million of dollars in helping people to live happy and useful lives, instead of throwing it away in organizing means of destruction? May we not reasonably hope that the influence of women, as voters, will tend to lessen this enormous sacrifice of life and the means of happiness?

Finally, does any one say suffrage is not a womanly act? This seems to be the opinion of the minority of the legislative committee, and to be a great, if not the greatest, objection to our claim, for they say, woman suffrage proposes "a revolution contrary to the order of nature, in which the household and the family would, to a great extent, be sacrificed to public duties and political life." Cannot we safely leave to the women themselves the determination of what is and what is not womanly, — what will and what will not sacrifice families? Formerly, when men met together by themselves for feasting and pleasure, drunkenness and debauch were the invariable results; and to this day all such gatherings of men alone are not apt to be favorable to the highest and best purity in conversation. The mere presence of women at these scenes has been sufficient to change all this disgusting excess. No longer can men in the best society be seen crawling down the door-steps of a private house too drunk to walk upright! Have women become any less womanly in consequence of doing away with these things, or have they only succeeded in making men more human by their mere presence?

"The study of political questions, the forming an estimate of the character of public men or measures, the casting a vote which is the result of that study and estimate, certainly have in themselves nothing to degrade the most delicate and refined nature," as Senators Hoar, Mitchell, and Cameron well say. If men now frequently conduct themselves at the polls as they used formerly to do at social gatherings, and exhibit coarseness and brutality, and thus show, if anything, their own unfitness to vote, why may not the mere presence of women at the polls have as purifying an effect there as it has already had over social entertainments? Such has been the actual result in Wyoming.

The object of voting is to give voice and practical effect to the wisdom, knowledge, and virtue diffused among the people. Do we men possess all the wisdom, knowledge, and virtue which is worth making use of? Women now vote in parishes and religious societies, and in corporation meetings. They now act as overseers of the poor, serve on school committees, and as school supervisors. They act as executors, administrators, trustees, guardians, accountants, book-keepers, &c., and in all these relations they are constantly called upon to act with men. We find women among the clergy. Dr. Collyer has just publicly thanked Miss Eastman for the helpful words she had just uttered from his pulpit. Women act as physicians and surgeons, as authors and artists.

More than six times as many women as men are teachers, and those in our High Schools are qualified to teach young men about "the civil policy of this Commonwealth and of the United States." (General Statutes, c. 38, § 2.)

More women than men are engaged in the manufacture of carpetings, cotton goods, and paper; twice as many in the manufacture of worsted goods, three times as many in the manufacture of silk goods, and five times as many in the manufacture of clothing.

On the other hand, five times as many boys as girls are in reformatories. More than five times as many men as women are convicts. More than twice as many men as women are

paupers, and about seventy times as many men as women are engaged in the manufacture of liquor, — the nurse of pauperism and crime!

Is it not clear that the average woman, with equal opportunities for education and development, will show about as much wisdom, knowledge, and virtue as the average man?

If general Woman Suffrage has been proved by the very best witnesses, and beyond all possible doubt and cavil, to be a success in Wyoming, as it has, why cannot we safely and wisely try it here?

If limited municipal and school suffrage is actually exercised in England by some of the best and noblest women there, without impairing in the slightest degree their womanly character, our women can do the same here.

Suffrage in reference to school matters, thank God, is already in actual use in Minnesota, Iowa, Kansas, and New Hampshire, and we propose to try it here also. Half the school-children are girls, more than six sevenths of the teachers are women. What possible ground can there be, except mere prejudice, for denying them the right to vote for school appropriations, and about school studies and government, in any of the States?[1]

Men drink, and women suffer. With manhood suffrage, according to Judge Pitman, we spend for drink six times as much as we do for education every year. Cannot we prudently call on the women to help us by their votes, so that we may at least expend as much for the education as we do for the brutalization of the race?

Does any one object that woman suffrage exists in Utah?

It is difficult to say what vagaries, and even immoralities, men and women may not be led into from religious teachings or enthusiasm. A generation or more ago there was a great revival of religion in the Orthodox Church in New England, the outcome of which was the establishment of a sect of Christians, called Perfectionists, made up of earnest men and women who believed it was possible for them to live here on earth perfectly sinless lives.

[1] See Note B, at end of pamphlet.

These Orthodox Christians, though breaking no law of the State of New York, have a system of complex marriage, really no marriage at all, as the world commonly understands that term. The Mormons, in defiance of the law of the land, have what they call plural marriage, — really polygamy.

Now when it is objected that woman suffrage exists in Utah, it should be borne in mind that it exists only in connection with a government which, until very lately, has been wholly in the hands of the Mormon Church. Wherever the supreme power of the state is in the hands of a church, no matter what, whether Christian or Mormon, the government can hardly fail to be bad. No suffrage can save such a government from producing evil results.

I have nothing to say in defence of these systems in reference to marriage, except this, that even plural marriage, where, as in Utah, the man feels it to be a religious duty to support all his children and their mothers, or even the system of complex marriage, where, as at Oneida, the person of a woman is declared to be sacred, and all the men profess to feel under a sacred religious obligation to support and protect all the women and save them from compulsory or undesired child-bearing, bad as they may seem to be, are both of them, to say the least, as favorable to the women and children as the substantial toleration of the social evil, which now exists in this community governed only by male voters, and infinitely better than that still more wicked and cruel outrage on women called the State Regulation of Vice, one or the other or both of which methods of treating this evil are the only ways thus far devised by men.

May we not reasonably hope that, with Woman Suffrage, uncontrolled by misguided or perverted religious enthusiasm, we may be able to find out some better way than either of these, — some way that shall really protect the purity both of men and women? As matters now stand in the world at large, instead of seeking to protect or strengthen their own purity, men seek rather to protect themselves in sinning, even though in so doing they crush women.

There is not a good or beautiful feature of the prevailing social life which Woman Suffrage will not expand and cherish. There is not a bad feature which it will not frown upon and finally extirpate.

We have endeavored to show that we men rest our claim of right to the ballot, not on any State law or Constitution, not on any Provincial law or Charter; not on any grant from the King; not even on the fact that we are men, or men in possession of power, but simply because the right to govern ourselves inheres in us as part of the people, and women as part of the people may make the same claim, and, as the majority, they ought to have a better right than we.

Our fathers proclaimed the only true ideal of a republic to be power based on the consent of the people. We may excuse their inconsistency in intrusting the actual government to men, because at that time women were wholly uneducated, and in a state of legal subjection to men in almost everything. But as this subjection, so far as property rights are concerned, is now mainly done away with, and the State, instead of disregarding women as wholly uneducated, now relies mainly on them to educate the future voters; we cannot longer excuse ourselves for not living up to our ideal: —

That, the government of the State now being in the hands of less than one fourth of the people, we have hardly any more right or claim to be called a republic than South Carolina had when a majority of the people of that State were actually slaves.

That the government of this State only represents legal voters; the taxation of women therefore ought not to be continued by us "under any pretext whatsoever," until we give them representation. Whatever other principles we may forget or ignore, let us never forget that taxation without representation is tyranny, even if the persons taxed be women.

That Suffrage is a right which belongs to, and inheres in, the people governed; that is, in all the adult citizens, men and women, subject only to such reasonable qualifications of the right (capable of attainment by both sexes) as shall

secure to the State the best results of the wisdom, knowledge, and virtue in the people.

That Suffrage does not depend in the slightest degree on the ability of the voter to fight. Those who are best able to fight cannot vote, and the best voters are unable to fight. On the contrary, the right is in fact enjoyed by any man who is physically incapable just as freely as it is by the young man who volunteers to shoulder his musket. And finally, —

That Suffrage is neither a manly act nor yet a womanly act, but the act of a human being, who, as part of the people, has an inherent right to express or refuse consent to the form of government under which he or she lives, because it is, and ever must continue to be, a self-evident truth, that government derives its just powers from the consent of the governed, men and women, and from no other source under heaven.

NOTE A.

We append copies of some of the petitions presented by the women tax-payers. They may all be found in the "Woman's Journal."

To the Honorable the Senate and House of Representatives in General Court assembled:—

We, the undersigned, tax-payers of the Commonwealth, respectfully request the passage of a law or laws conferring upon us, and other women who pay taxes on property, the rights to vote for town and city officers, and to take part in the management of town and city affairs, on the same terms on which such rights are now held by men who are tax-payers.

Mrs. George R. Russell.
Mrs. L. Maria Child.
Mrs. S. Hooper.
Miss A. S. Hooper.
Miss H. E. Stevenson.
Miss Abby W. May.
Mrs. S. Parkman.
Mrs. Wm. P. Atkinson.
Mrs. James K. Mills.
Miss Anne Whitney.
Mrs. Richard Hallowell.
Mrs. E. N. Hallowell.
Mrs. Otto Dresel.
Mrs. Charles L. Peirson.
Miss Lucy Ellis.
Miss Ellen F. Mason.
Miss Sarah Russell.
Miss Eleanor G. May.
Mrs. A. H. Batcheller.
Mrs. Fenno Tudor.
Mrs. John T. Sargent.
Mrs. Quincy A. Shaw.
Mrs. T. Cabot, Jr.
Mrs. Walter C. Cabot.
Miss Marion Hovey.
Miss Lucy M. Sewall.
Miss E. C. Putnam.
Miss Anna P. Loring.
Miss Miriam P. Loring.
Miss A. P. Dixwell.
Mrs. Patrick T. Jackson.
Mrs. James Tolman.
Mrs. M. A. Clarke.
Mrs. John T. Morse, Jr.

Mrs. Charles J. Paine.
Mrs. William Gorham.
Mrs. William Watson.
Mrs. B. H. Dickson.
Mrs. Theodore Parker.
Miss Matilda Goddard.
Miss Mariana C. Porter.
Mrs. Henry Lambert.
Mrs. C. A. Bridge.
Miss E. A. Everett.
Mrs. S. Cabot.
Mrs. J. Eliot Cabot.
Mrs. S. May.
Mrs. S. Elliot.
Mrs. H. L. Higginson.
Mrs. G. Howland Shaw.
Mrs. Martin Brimmer.
Mrs. Henry B. Rogers.
Miss Isa E. Loring.
Miss Louisa M. Alcott.
Miss Mary C. Shannon.
Miss Mary Shannon.
Mrs. C. A. Bartol.
Miss Mary Bartol.
Miss E. Howard Bartol.
Miss Lucia M. Peabody.
Miss E. D. Bayley.
Mrs. K. Gannett Wells.
Mrs. Rufus Ellis.
Mrs. Thomas Cushing.
Mrs. J. I. Bowditch.
Mrs. Granville Ellis.
Mrs. Chandler Robbins.
Mrs. John H. Ellis.
Mrs. T. J. Mumford.
Mrs. Henry S. Russell.
Mrs. E. Cunningham.
Mrs. John M. Forbes.
Miss Sarah Forbes.
Miss Joanna Rotch.
Miss R. G. Russell.
Mrs. J. Thos. Stevenson.
Miss C. I. Wilby.
Miss C. C. Thomas.
Mrs. E. C. Newell.
Mrs. S. D. Frothingham.
Mrs. H. T. Patten.
Mrs. S. H. Hapgood.
Mrs. Caroline S. Russell.
Mrs. E. A. Chandler.
Mrs. C. D. Dunlap.
Mrs. T. M. Lee.
Miss N. M. Neal.
Mrs. Anne M. Sweetser.

The petition from the tax-paying women of South Boston contains the following names: —

Mrs. William Caines.
Mrs. W. Howes.
Mrs. A. K. Mott.
Mrs. J. D. Richardson.
Miss L. J. Jenkins.
Mrs. W. R. Means.
Mrs. Adelia Torrey.
Mrs. Mary A. Blaisdell.
Mrs. E. M. Wallace.
Mrs. H. Mason.
Mrs. B. K. Lang.
Mrs. J. W. Wall.
Miss Mary K. Davis.
Mrs. J. Tillson.
Mrs. Elizabeth Morton.
Mrs. M. A. Stebbins.
S. P. Hunkings.
Sarah L. Williams.
Caroline Cook.
Harriet Lovis.
Anna E. Blanc.
D. M. Simmonds.
Lucy D. Colby.
Sarah J. Gill.
Mary E. Saunders.
Elizabeth Leete.

Elena Geddes.
Hannah B. Dunbar.
Clara P. Lincoln.
Mary A. Sillby.
Abby A. Tileston.
Mary A. Locke.
M. A. Scanlan.
Emma Frances Clarry.
Mary A. Parker.
Harriet M. Gifford.
Emily E. Pond.
Sarah Jenkins.
Lovina S. Locke.
Abigail G. Grout.
Mrs. John B. Meads.
Mrs. Harriet B. Crosby.
Eleanor F. Crosby.
Catharine Stanwood.
M. A. Crafts.
Mary J. Taylor.
E. P. Rich.
M. McDonald.
Mary A. Hall.
Sophie M. Hall.
Mary A. H. Curtis.
Sarah Park.
Emily W. Noyes.
Sarah E. Roberts.
Susan T. Bell.
Sarah J. Laform.
Sarah E. Dow.
Louisa F. Nickerson.
Jane R. Goodnow.
Sarah E. Mann.
Lydia M. Lucas.
Grace A. Hall.
Abby B. Nickerson.
Drusilla Hall.
Ann E. Newell.
O. S. Newell.
Sarah J. Giles.
M. B. Lincoln.
L. A. Lincoln.

The petition from the tax-paying women of Leominster contains the following names: —

Mrs. Charlotte A. Pierce.
Mrs. Mary A. Bowers.
Mrs. Sarah T. Haskell.
Mrs. Nancy B. Patch.
Mrs. Sarah P. Wilder.
Mrs. Ruth T. Maynard.
Miss Fannie J. Osgood.
Mrs. Mary S. Howe.
Mrs. Angelina Gray.
Mrs. Lucy A. Butterfield.
Mrs. Elvira F. Dodge.
Mrs. Mary S. Wilder.
Miss Mary A. Stone.
Mrs. Endocia Hatch.
Mrs. Nancy H. Peckham.
Mrs. Mary A. Chase.
Mrs. M. E. Bowen.
Mrs. E. T. Look.
Mrs. C. A. Tilton.
Mrs. Eliza C. Lawrence.
Mrs. S. E. Groat.
Mrs. N. W. Hills.
Miss Josephine A. Hills.
Mrs. Elmira P. Tenney.
Mrs. Sarah M. Lincoln.
Miss Sarah Brown.
Miss Elizabeth Gardner.
Mrs. Wm. C. Ellick.
Mrs. C. A. Farrar.
Mrs. Elizabeth M. Prevear.
Mrs. Eveline W. Burrage.
Mrs. Rebecca D. Rhodes.
Mrs. Sarah M. Gibson.
Mrs. S. P. C. Prescott.
Mrs. Louisa S. Howland.
Mrs. Elizabeth Bedell.

Mrs. Hannah S. Colburn.
Mrs. Sarah F. Gallup.
Mrs. Mary P. Johnson.
Miss A. E. Johnson.
Mrs. Mary E. Wood.
Mrs. S. Amanda Wilder.
Mrs. M. E. Crocker.
Miss H. B. Pierce.
Mrs. E. Louisa Grout.
Mrs. Susan G. Weld.
Mrs. Eliza J. Longley.
Mrs. Charles May.
Mrs. E. L. Lochey.
Mrs. G. S. Chase.
Mrs. Sarah Owens.
Mrs. William Pitts.
Miss Ellen Pitts.
Miss Anna Pitts.

The tax-paying women of Westfield, Mass., sent the following petition : —

To the Honorable the Senate and House of Representatives in General Court assembled : —

We, the undersigned, tax-payers of the Commonwealth, respectfully request the passage of a law or laws conferring upon us, and other women who pay taxes on property, the right to vote for town and city officers, and to take part in the management of town and city affairs, on the same terms on which such rights are now held by men who are tax-payers.

Mrs. Lydia Hawley.
Mrs. Charlotte W. Towles.
Ellen E. Barr.
Rebecca P. Hooker.
Elizabeth W. Collins.
Mary C. Rood.
Ellen M. D. Beebe.
Adeline S. Curtis.
Mrs. Luaus A. Jenkins.
Mrs. Sareptar Spellman.
Mrs. George Noble.
Mrs. Laura Dudley.
Mrs. Frank Sackett.
Mrs. G. W. Noble.
Elizabeth Talmadge.
Pamelia L. Taylor.
Mrs. Lucy Heamans.
Flavia I. Robinson.
Maria M. Whitney.
Alecia Collins.
Mrs. Jas. Noble.
Lucy E. Cooley.
Mrs. Thomas Loomis.
Mrs. Sarah J. Bates.
Mrs. S. A. Dickinson.
Mrs. S. Lamberton.
Mrs. P. Jones.
Mrs. Cynthia W. Fowler.
Mrs. N. L. Ingersoll.
Mary S. Williams.
Mrs. B. Keline Phelps.
Mrs. Alva Kellogg.
Frances Noble.
Mariah Ashley.
Mrs. Noah Atwater.
Mary A. Ashley.
Mrs. Solomon Shepard.
Mrs. Mary C. Phelps.
Mrs. Elizabeth B. Hastings.
Mrs. Eunice Hannison.
Lois H. Noble.
Mary E. Phelor.

Mrs. Sophie Sterns.
Mrs. Jane F. Noble.
Mrs. Jane S. Stiles.
Mrs. Mary A. Fowler.
Mrs. Seth Bush.
Mrs. M. A. Shurtleff.
Mrs. Luther Doane.
Mrs. E. R. Van Deusen.
Mrs. Caroline Loomis.
Martha L. Loomis.
Henrietta Loomis.
Mrs. A. B. Whitman.
Harriet N. Harrison.
Clara Herrick.
M. A. J. Marvin.
S. F. Shandleff.
C. A. Hastings.
Mrs. J. G. Smith.

Senator Hill presented this petition, signed by one hundred and five ladies of East Boston : —

To the Senate and House of Representatives of lhe State of Massachusetts : —

We, the undersigned, tax-paying women of East Boston, Mass., respectfully pray your honorable bodies to enact a law enabling women who pay taxes to vote in the election of county, town, and municipal officers.

Hannah G. Jackson.
Mrs. Harvey Crocker.
Mrs. Nancy J. Leonard.
Mrs. Maria L. Jewett.
Juliet H. Kean.
Mrs. M. T. Frisbie.
Mrs. James Gurney.
Mrs. J. A. Crafts.
Mrs. F. G. Ayres.
Harriet Davidson.
Isabel Adamson.
Martha L. Fletcher.
Olivia P. Hall.
Caroline K. Frost.
Mary Hennessey.
Mrs. H. S. Lunt.
Mrs. Mary A. Tewksbury.
Mrs. W. A. Coan.
Mrs. A. E. Sewell.
Mrs. A. V. Herrick.
Mrs. A. Houston.
Mrs. F. M. Prince.
Mrs. Mary A. Lovejoy.
Miss Emily C. Morse.
Miss E. K. Shattuck.
Miss Harriet M. Kennedy.
M. J. Gurney.
Julia M. Dickson.
Melvina C. Sargent.
Marietta Hunt.
Ann Cook.
Martha L. Fletcher.
Nancy P. Sylvester.
Elizabeth P. Davis.
Mrs. Elizabeth McBride.
Mrs. Mary Hall.
Eliza A. Finn.
M. C. McLean.
Mrs. Dr. Andrews.
Ellen Coltman.
L. S. Joslyn.
Marion H. Robbins.
Mrs. P. Hastings.
Mrs. E. A. Ridley.
Mrs. Fannie E. Maloon.
Mrs. Mary A. Burns.

Mrs. E. G. Ball.
Margaret Carr.
Miss S. T. Synett.
Miss E. K. McMichael.
Clara F. Power.
Mary Robinson.
R. E. Shackford.
Mrs. Maria B. Russell.
Mrs. Charles P. Jamison.
Mrs. Carrie D. Jewett.
Mrs. William Waters, Jr.
Mrs. Harriet McPherson.
Mrs. S. J. Hadley.
Mrs. E. J. Nichols.
Mrs. Mary R. Weeks.
Mary Johnson.
Mrs. Mary Wooster.
Abby R. Hill.
Julia A. Davis.
Mrs. M. C. Crosby.
Mrs. A. C. Whitney.
Barbara Johnson.
Mrs. M. E. Demond.
Mrs. Hannah E. Snell.
M. A. Jenkins.
Mrs. S. L. Johnson.
Merriam C. Towle.
Mrs. E. A. Hobbs.
Mrs. Nehemiah Gibson.
Mrs. H. W. Proctor.
Miss Mary E. Morse.
Miss E. H. Robertson.
Sarah J. Peterson.
Ellen James.
Sarah Dennis.
Mary J. Spare.
Persis W. Maglathlin.
Mary E. Blanchard.
Ann Maria Brown.
Carrie E. Jenks.
Mrs. Mary A. Crowley.
Mrs. Mary Nagle.
Mrs. M. A. Harrington.
Eliza A. Tracey.
E. N. Banks.
Mrs. G. H. Sweetland.
M. F. Hanson.
Mary J. Filer.
Mrs. G. Sherburne.
S. J. Lord.
Mrs. M. I. Waterhouse.
Mrs. Abby N. Bragdon.
Mrs. J. Bowden.
Margaret A. Fitzpatrick.
Mrs. A. Damon.
Miss S. E. Carver.
Louisa S. Townsend.
A. L. Burrison.
Mary A. Dever.

This petition was supported by a petition of legal voters of East Boston.

This additional petition of tax-paying women of Boston, was presented by Senator Palmer: —

To the Honorable the Senate and House of Representatives in General Court assembled: —

We, the undersigned, tax-payers of the Commonwealth, respectfully request the passage of a law or laws, conferring upon us and other women who pay taxes on property, the right to vote for town and city officers, and to take part in the management of town and

city affairs, on the same terms on which such rights are now held by men who are tax-payers.

Sarah Brigham Jacobs.
Mrs. M. F. Anderson.
Mrs. R. A. Baker.
Miss Evelyn G. Baker.
Mrs. Charles H. Browne.
Mrs. Margaret J. Napier.
Mrs. Joanna K. Stacy.
Mrs. Arthur Freeman.
Mrs. Joseph Gass.
Mrs. Andrew Bigelow.
Mrs. E. A. Boyden.
Mrs. Benjamin Wood.
Mrs. Mary C. Allen.
Mrs. Elvia Wetherse.
Mrs. Freeman Bowker.
Miss Lucy M. Newhall.
Mrs. Sarah E. Shurtleff.
Mrs. C. A. Bradstreet.
Miss Sarah Parker.
Mrs. Annie E. Richardson.
Mrs. Mary E. Parker.
Mrs. G. W. Rice.
Mrs. Charles Newhall.
Mrs. Hiland Lockwood.
Mrs. Ephraim Lombard.
Mrs. John G. Daggett.
Mrs. Eliza A. Squire.
Mrs. Jacob H. Lombard.
Mrs. Mary A. Bates.
Mrs. Mary Feenan.
Mrs. Charles R. Atwell.
Mrs. Charles K. Basley.
Mrs. Edward Gay.
Mrs. Oliver Gragg.
Miss Charlotte Adams.
Mrs. Sarah Paige Richards.
Mrs. F. A. Caryl.
Mrs. John M. Newhall.
Mrs. Frank F. Bowman.
Mrs. Geo. A. Shaw.
Mary A. Sewall.
Miss Sarah Parker.
Mrs. Sarah B. Finney.
Mrs. Jane R. Pitts.
Miss Emma L. Thayer.

The following petition was presented by Francis Carll, Representative from Lowell: —

To the Senate and House of Representatives of Massachusetts: —

The undersigned women, tax-payers and owners of property in Lowell, respectfully represent that there are, on the tax-lists of Lowell, the names of 534 citizens, women, mostly single women and widows, each of whom pay taxes this year upon property of $1,000 and upwards; their total taxes amounting to $35,070.81, which at $14.30 per $1,000, represents a valuation of property held by women, in Lowell, of *Two Million Four Hundred and Fifty-two Thousand Five Hundred Dollars.* In regard to the amount and expenditure of our taxes we have no legal expression whatever.

We respectfully remind you that the institutions of this Commonwealth have always recognized the principle that "Taxation and representation are inseparable."

We therefore pray that you will so change the election laws that

hereafter women who pay a tax may be enabled to vote in town-meetings and municipal elections.

Mrs. Sally French.
Mrs. L. B. Peabody.
Mrs. Adelaide Bates.
Mrs. Helen Eastman.
Mrs. Mary H. Lyman.
Mrs. D. M. Frye.
Helen C. Frye.
Agnes A. Robinson.
Mrs. Joshua Merrill.
Mrs. J. F. Evans.
Mrs. I. E. Crane.
J. K. Fellows.
Mary P. Bell.
Ruth E. Varney.
Sarah W. Stuart.
Pamelia S. Drew.
Mary A. Goodale.
Mary E. Drew.
Mrs. A. R. Abbott.
Miss Harriet Merriam.
Mrs. Sarah F. Morey.
Mrs. C. B. Richmond.
Lucia Richmond.
Mary P. Reed.
Mrs. Augustus E. Spalding.
Mrs. B. C. Sargent.
Mrs. Louisa Puffer.
Helen J. Bartlett.
Mrs. S. A. Brown.
Mrs. L. C. Frye.
Miss E. F. Sherman.
Mrs. J. B. Fielding.
Miss E. W. Clement.
Lucy A. Brady.
Mrs. S. M. Hutchinson.
Mrs. S. B. Eaton.
Mrs. Sally S. Messer.
Betsey Goding.
L. D. Gilson.
Mrs. C. Dinsmore.
R. H. Allyn, M. D.
Mary A. Hall, M. D.
Mrs. L. C. Wing.
Mrs. Daniel Moore.
Mrs. H. A. Thompson.
Maria Swan.
Olive Swan.
Mrs. Sidney Spalding.
Mrs. John Nesmith.
Mrs. F. S. Greenhalge.
Miss J. D. Nesmith.
Miss Lucy C. Nesmith.
Miss Roena Hildreth.
Mary F. Eastman.
Mrs. Albert Wheeler
Mrs. James Kent.
Mrs. S. A. Danis.
Mrs. Haggett.
Aurelia L. Howe.
Laura F. Howe.
Miss A. E. Thurston.
Mrs. T. G. Gerrish.
Mrs. D. H. Dean.
Mrs. Mary H. Semple.
Mrs. Samuel Garland.
Helen E. Garland.
Lucy M. Dennis.
Sarah J. Swan.
Mrs. Thomas Nesmith.
Mrs. F. A. Hildreth.
Mrs. E. A. Coffin.
Mrs. Tappan Wentworth.
Miss Alice Brown.
Helen Eastman.
Mrs. A. W. Buttrick.
Mrs. Sabra Wright.
Miss Helen W. Wright.
Miss C. J. Darracott.
Mrs. H. L. Melvin.
Mrs. H. Hardman.
Mrs. David Rogers.
Mrs. Isaac Place.
Mrs. S. C. Hylan.

The following petition was presented in the Senate by Hon. Jackson B. Swett: —

To the Senate and House of Representatives of Massachusetts: —

We, the undersigned, tax-payers of the City of Haverhill, respectfully request the passage of a law or laws, conferring upon us, and other women who pay taxes on property, the right to vote for town and city officers on the same terms on which such rights are now held by men who are tax-payers.

Mrs. M. Longley.
Mrs. Humphrey Hoyt.
Mary Alice Hoyt.
Mrs. Isaac Harding.
Mrs. Ann Harding.
Mrs. Abbey M. Haseltine.
Mrs. E. West.
Mrs. H. Tibbitts.
F. Moody.
Mrs. Margaret A. Chase.
Mrs. Sarah C. Hill.
Mrs. Ann Snay.
Mrs. Sarah A. Morse.
Mrs. A. S. Shaw.
Mrs. Susan E. Carter.
Mrs. Olive H. Durgan.
Mrs. Alice Tuttle.
Miss Sarah Emerson.
Mrs. Sarah Webster.
Mrs. Betty Whittaker.
Mrs. H. N. West.
Mrs. Mary R. Parker.
Mrs. Mary C. Wells.
Mrs. J. A. K. Greene.
Mrs. Samuel Chase.
Mrs. Benjamin Kimball.
Louisa A. Greene.
M. L. J. Harding.
Mrs. Sarah Smith.
Mrs. David Palmer.
S. A. Woodward.
M. A. Flagg.
Mrs. H. C. Crownin.
Mrs. L. E. Chipman.
C. M. Webster.
Mrs. P. C. Holt.
Mrs. N. E. Kimball.
Mrs. J. R. Nutting.
Mrs. Louisa Caldwell.
Mrs. E. M. Haynes.
Miss Carrie Boynton.
Mrs. Martha Chase.
Mrs. Leucien Smiley.
Mrs. Mary E. Rowe.
Mrs. M. A. Blake.
Mrs. Harriet C. Johnson.
Mrs. Susan E. Merrill.
Mrs. E. A. Bullen.

The following petition was presented by Senator Ely: —

To the Senate and House of Representatives of Massachusetts: —

The undersigned, tax-paying women of Dedham, in behalf of women who pay taxes in Dedham upon property valued at six hundred and forty thousand dollars ($640,000), respectfully pray your honorable body to so change the laws, that women who pay taxes and who possess the qualifications of age, residence, and education required of male voters, may hereafter be authorized to vote in

municipal elections and town-meetings, on the same terms as male tax-payers.

Sarah W. Whitney.
Nancy S. Follansbee.
Mary S. W. Thayer.
Sophia S. H. Cobb.
Cornelia S. Hildreth.
Mary L. Talbot.
Mary A. Turner.
Sally Spaulding.
Frances M. Baker.
Lucy A. King.
Catherine Ellis.
Esther Foord.
Fanny Marsh.
Emeline White.
Lydia E. Fisher.
Martha C. Bullard.
Sally Fisher.
Adaline S. Fisher.
Myra H. W. Gill.
Margaret G. Talbot.
Laura B. Greely.
Ellen H. Crehore.
Frances H. Beach.
Olive C. Dawell.

The following petition of women who pay taxes in Boston Highlands was presented by John F. Newton, to the House of Representatives: —

To the Senate and House of Representatives of Massachusetts: —

We, the undersigned, tax-payers of the Commonwealth, respectfully request the passage of a law conferring upon us, and other women who pay taxes on property, the right to vote for town and city officers, and to take part in the management of town and city affairs, on the same terms on which such rights are now held by men who are tax-payers.

A. M. Lougee.
Sarah Stone.
Eleanor B. Kent.
M. E. Zakrzewska.
E. R. Gilbert.
Abby C. McQuestion.
Harriet E. Burrell.
Harriet C. McInnes.
E. L. Fernald.
A. C. Eaton.
Mrs. H. S. Hale.
Mrs. E. Pratt.
M. E. Little.
Mary G. Appleton.
M. Louisa Hall.
Martha M. Dyer.
Mrs. Lucy A. E. Dutton.
Elizabeth A. Fowler.
Mrs. M. B. Emery.
Mary C. Bickner.
Mrs. E. S. Cutter.
H. B. Blake.
Mrs. E. S. Swain.
Ellen D. Rogers.

There was still another petition (Journal, April 6, 1878), signed by tax-paying women, members of the New England Woman's Club.

NOTE B.

THE following is a copy of the law which gives women the right to vote for members of the school committee.

Women may be members of the committee, and under this law can vote for other people to be members. Why ought they not to have the right, also, to vote on the question of school appropriations? and, if on one town appropriation, why not on another? why not on all? why not, then, vote for all town officers?

Massachusetts, thank God, has therefore taken the first step towards giving justice to women! Let us never take one step backward, but rather press right onward, nor bate a jot of heart or hope, till the People shall really govern Massachusetts.

CHAPTER 223.

AN ACT *to give women the right to vote for members of School Committees.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows: —

SECT. 1. Every woman who is a citizen of this Commonwealth, of twenty-one years of age and upwards, and has the educational qualifications required by the twentieth article of the amendments to the Constitution, excepting paupers and persons under guardianship, who shall have resided in this Commonwealth one year, and within the city or town in which she claims the right to vote six months next preceding any meeting of citizens, either in wards or

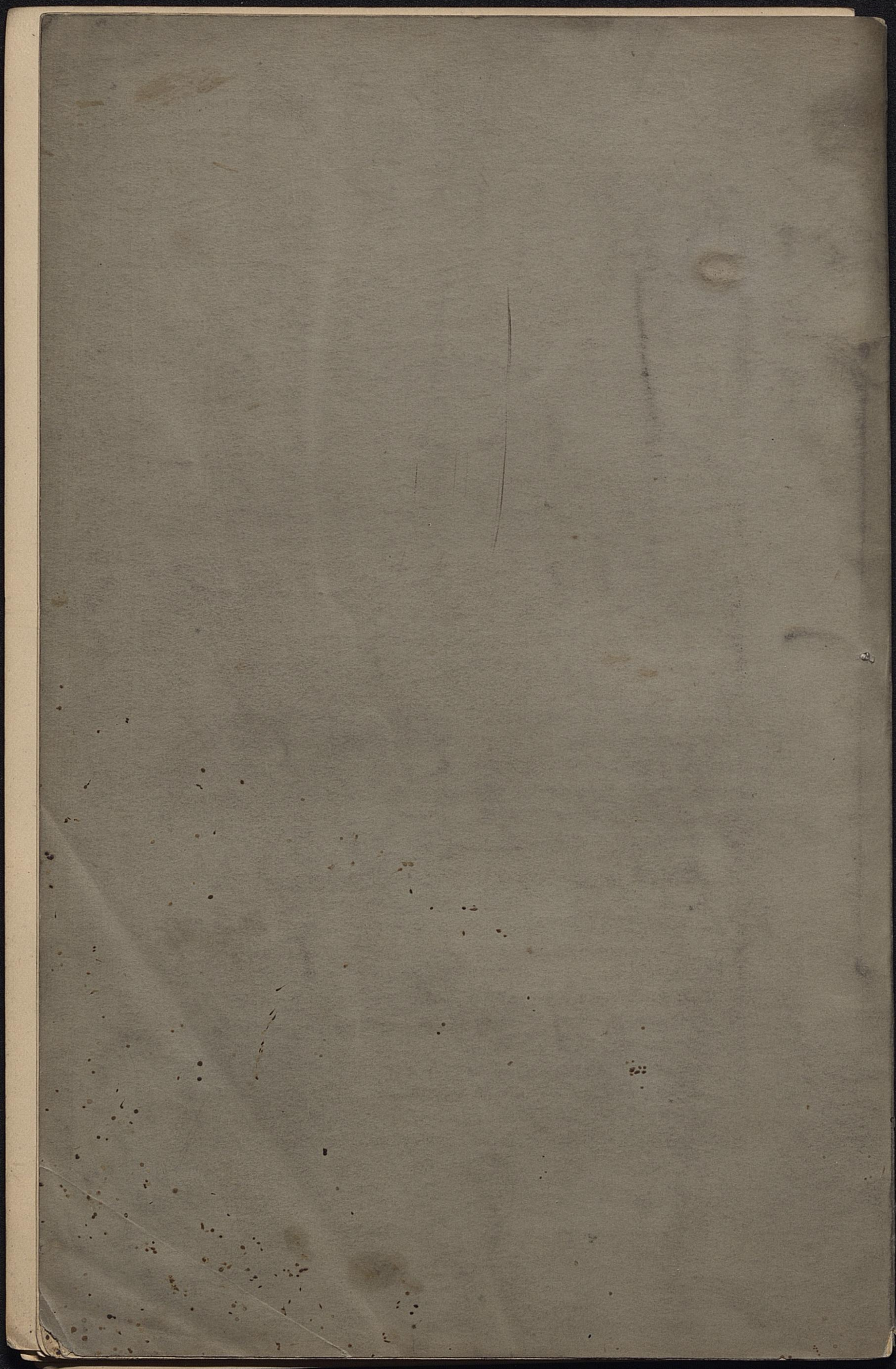
in general meeting for municipal purposes, and who shall have paid by herself, or her parent or guardian, a State or county tax, which within two years next preceding such meeting has been assessed upon her in any city or town, shall have a right to vote at such town or city meeting for members of school committees.

SECT. 2. Any female citizen of this Commonwealth may, on or before the fifteenth day of September in any year, give notice in writing to the assessors of any city or town, accompanied by satisfactory evidence, that she was on the first day of May of that year, an inhabitant thereof, and that she desires to pay a poll-tax, and furnish under oath a true list of her estate, both real and personal, and she shall thereupon be assessed for her poll and estate, and the assessors shall, on or before the first day of October in each year return her name to the clerk of the city or town in the list of the persons so assessed. The taxes so assessed shall be entered in the tax list of the collector of the city or town, and the collector shall collect and pay over the same in the manner specified in his warrant.

SECT. 3. All laws in relation to the registration of voters shall apply to women upon whom the right to vote is herein conferred, provided that the names of such women shall be placed on a separate list.

SECT. 4. The mayor and aldermen of cities and the selectmen of towns may, in their discretion, appoint and notify a separate day for the election of school committees; *provided*, that such meeting shall be held in the same month in which the annual town-meeting or the municipal election occurs.

Approved, April 16, 1879.



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POLITICAL RIGHTS OF WOMEN.

SPEECH

OF

HON. JOHN D. WHITE,

OF KENTUCKY,

IN THE

HOUSE OF REPRESENTATIVES,

THURSDAY, FEBRUARY 7, 1884.

Behold! we know not any thing;
I can but trust that good shall fall
At last—far off—at last, to all—
And every winter change to spring.

So runs my dream; but what am I?
An infant crying in the night—
An infant crying for the light—
And with no language but a cry.
—ALFRED TENNYSON.

WASHINGTON.
1884.

SPEECH

OF

HON. JOHN D. WHITE.

The House having under consideration the report from the Committee on Rules, and especially a proposition by Mr. WHITE, of Kentucky, to amend Rule X by inserting after the line "on revision of the laws, to consist of eleven members," the following, to wit, "On the political rights of women, to consist of eleven members"—

Mr. WHITE, of Kentucky, said:

Mr. SPEAKER: I do not know that I can occupy my time better than by reciting what has been better said on this subject by other persons.

It seems to me at least to be an anomalous state of affairs that in a great nation like this one-half of the people should have no committee to which they could address their appeals. If a petition on this subject comes here in one form it goes to the Judiciary Committee, and if it comes here in another form it will go to another committee; and petitions in reference to the political rights of women cover such a great field of investigation, at least eleven members of this House ought to be given to the consideration of that subject. In the Senate a committee has been given to the women of the nation where they can be heard. In this House, at the last Congress, a select committee was provided very much in the nature of the four additional clerks given this morning to the House post-office, only to run through the session of Congress and then to be dropped out. Now I propose that such a committee shall be a part of the rules of the House.

My proposition is to amend Rule X so that the Speaker shall appoint at the commencement of each Congress a standing committee which shall consist of eleven members, and shall be known as the committee on the political rights of women. During the last session of Congress the chairman of the Select Committee on Woman Suffrage failed to call

the committee together, and I was requested to do so in his absence, being second on the committee, as follows:

WASHINGTON, D. C., *December* 6, 1882.

SIR: In the absence of the chairman of the Select Committee on Woman's Suffrage, the undersigned respectfully request that you do at an early day give notice of a meeting of said committee for the purpose of considering matters referred to the same.

Respectfully, &c.,

W. P. HEPBURN.
J. C. SHERWIN.
E. F. STONE.

Hon. JOHN D. WHITE.

Pursuant to that request I called a meeting, and from time to time we considered petitions like the following, which was referred to that committee January 11, 1883.

To the Senate and House of Representatives of the United States:

The undersigned, citizens of Massachusetts, officers and members representing the National Woman Suffrage Association of Massachusetts, respectfully petition your honorable body to submit an amendment to the United States Constitution which shall prohibit the several States from disfranchising citizens on account of sex.

Harriette Robinson Shattuck, president National Woman Suffrage Association of Massachusetts; Harriet H. Robinson, Louise Bright; Hannah M. Todd, secretary; Nancy Willard Covell, Emma Frances Clarry, M. A. Dunbar, J. D. Foster; Sarah Stoddard Eddy, vice-president; Julia A. C. Smith, Salome Merritt, M. D.; Mary R. Brown, treasurer; E. S. Barker.

Finally our committee adopted a report, which was referred to the House Calendar, and ordered to be printed, March 1, 1883, as follows:

The Select Committee on Woman Suffrage, to whom was referred H. Res. 255, proposing an amendment to the Constitution of the United States to secure the right of suffrage to citizens of the United States without regard to sex, having considered the same, respectfully report:

In attempting to comprehend the vast results that could and would be attained by the adoption of the proposed article to the Constitution, a few considerations are presented that are claimed by the friends of woman suffrage to be worthy of the most serious attention, among which are the following:

I. There are vast interests in property vested in women, which property is affected by the taxation and legislation, without the owners having voice or representation in regard to it. The adoption of the proposed amendment would remove a manifest injustice.

II. Consider the unjust discriminations made against women in industrial and educational pursuits, and against those who are compelled to earn a livelihood by work of hand or brain. By conferring upon such the right of suffrage, their condition, it is claimed, would be greatly improved by the enlargement of their influence.

III. The questions of social and family relations are of equal importance to and affect as many women as men. Giving to women a voice in the enactment of laws pertaining to divorce and the custody of children and division of property would be merely recognizing an undeniable right.

IV. Municipal regulations in regard to houses of prostitution, of gambling, of retail liquor traffic, and of all other abominations of modern society, might be shaped very differently and more perfectly were women allowed the ballot.

V. If women had a voice in legislation, the momentous question of peace and war, which may act with such fearful intensity upon women, might be settled with less bloodshed.

VI. Finally, there is no condition, status in life, of rich or poor; no question, moral or political; no interest, present or future; no ties, foreign or domestic; no issues, local or national; no phase of human life, in which the mother is not equally interested with the father, the daughter with the son, the sister with the brother. Therefore the one should have equal voice with the other in molding the destiny of this nation.

Believing these considerations to be so important as to challenge the attention of all patriotic citizens, and that the people have a right to be heard in the only authoritative manner recognized by the Constitution, we report the accompanying resolution with a favorable recommendation in order that the people, through the Legislatures of their respective States, may express their views.

Now, Mr. Speaker, women consider they have the same political rights as men. I might read from such distinguished authority as Miss Susan B. Anthony, whose name has been jeered in her native State, and who has been prosecuted there for voting, but who stands before the American people to-day the peer of any woman in the nation, and the superior of half the men occupying a representative capacity. It does seem to me hard that when a woman like this comes to Congress, instructed by thousands and tens of thousands of her sex, in order to be heard she should be compelled to hang around the doors of the Judiciary Committee, or the doors of some other committee-room, preeminently occupied with other matters. But we are told there is no room. Yet we have a room where lobbyists of every sort are provided for. And are we to be told that no room in this wing of the Capitol can be had where respectable women of the nation can present arguments for consideration, for the calm consideration by their friends in this body? I say that such should be the case puts this House in an anomalous situation. I ask simply for the opportunity to be afforded the representatives of the political rights of women to be heard in making respectful argument to the law-making power of the nation. I ask that you give them a suitable room where their friends on this floor may hear their petitions and be able to present in the best shape their side of the question.

Now, I do not propose to go into the constitutional question in reference to the political rights of women, as that would extend my remarks

far beyond the time allotted to me in this debate. I yield for one minute to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Speaker, ever since the organization of this House I have received petitions from my constituents in regard to this matter of the political rights of women, but under the action of the House in its organization there seems to be no committee to which they could properly be referred. A few years since, when this question of woman suffrage was submitted to the people in my State, more than 40,000 electors were in favor of it. I believe much more than that number are at the present time in favor of it. It seems to me, without putting ourselves on the question of political rights of women, it is but respectful to a very large number of people in all our States that there should be a committee to receive and consider and report upon these petitions which come to us from time to time.

Mr. WHITE, of Kentucky. I desire now to call the attention of the House to what I consider a grievance. Not long since we occupied weeks in considering the wrongs that a general in the late war (Fitz-John Porter) was supposed to have suffered, and we undertook to rectify those wrongs. I call the attention of the House to the greater wrong that Miss Carroll has suffered, the lady who planned the campaign of the Tennessee which resulted in Sherman's victorious march to the sea, during the late war, and which prevented the recognition of the Southern confederacy, and which to-day makes our flag float over one nation, and simply I believe because she is a woman and can not help herself, and because she has no political power to bring to bear. She can not go to West Point and get the whole strength of that institution, nor bring to bear its various instrumentalities for influencing legislation here. Consequently for twenty years her claim has been dishonored.

That this House and the country at large may know something of the great injustice to which Miss Anna Ella Carroll has been subjected I submit the following report, which was committed to the Committee of the Whole House March 3, 1881:

The Committee on Military Affairs, to whom the memorial of Anna Ella Carroll was referred, asking national recognition and reward for services rendered the United States during the war between the States, after careful consideration of the same, submit the following:

In the autumn of 1861 the great question as to whether the Union could be saved or whether it was hopelessly subverted depended on the ability of the Government to open the Mississippi and deliver a fatal blow upon the resources of the confederate power. The original plan was to reduce the formidable fortifications by descending this river, aided by the gunboat fleet then in preparation for that object.

President Lincoln had reserved to himself the special direction of this expedition, but before it was prepared to move he became convinced that the obstacles to be encountered were too grave and serious for the success which the exigencies of the crisis demanded, and the plan was then abandoned, and the armies diverted up the Tennessee River, and thence southward to the center of the confederate power.

The evidence before this committee completely establishes that Miss Anna Ella Carroll was the author of this change of plan, which involved a transfer of the national forces to their new base in North Mississippi and Alabama, in command of the Memphis and Charleston Railroad; that she devoted time and money in the autumn of 1861 to the investigation of its feasibility is established by the sworn testimony of L. D. Evans, chief-justice of the supreme court of Texas, to the Military Committee of the United States Senate in the Forty-second Congress (see pp. 40, 41 of memorial); that after that investigation she submitted her plan in writiug to the War Department at Washington, placing it in the hands of Col. Thomas A. Scott, assistant Secretary of War, as is confirmed by his statement (see p. 38 of memorial), also confirmed by the statement of Hon. B. F. Wade, chairman of the Committee on the Conduct of the War, made to the same committee (see p. 38), and of President Lincoln and Secretary Stanton (see p. 39 of memorial); also by Hon. O. H. Browning, of Illinois, Senator during the war, in confidential relations with President Lincoln and Secretary Stanton (see p. 39, memorial); also that of Hon. Elisha Whittlesey, Comptroller of the Treasury (see p. 41, memorial); also by Hon. Thomas H. Hicks, governor of Maryland, and by Hon. Frederick Feckey's affidavit, comptroller of the public works of Maryland (see p. 127 of memorial); by Hon. Reverdy Johnson (see pp. 26 and 41, memorial); Hon. George Vickers, United States Senator from Maryland (see p. 41, memorial); again by Hon. B. F. Wade (see p. 41, memorial), Hon. J. T. Headley (see p. 43, memorial), Rev. Dr. R. J. Breckinridge on services (see p. 47, memorial), Prof. Joseph Henry, Rev. Dr. Hodge, of Theological Seminary at Princeton (see p. 30, memorial); remarkable interviews and correspondence of Judge B. F. Wade (see pp. 23–26 of memorial).

That this campaign prevented the recognition of Southern independence by its fatal effects on the Confederate States is shown by letters from Hon. C. M. Clay (see pp. 40, 43 of memorial), and by his letters from St. Petersburg; also those of Mr. Adams and Mr. Dayton from London and Paris (see pp. 100–102 of memorial).

That the campaign defeated national bankruptcy, then imminent, and opened the way for the system of finance to defend the Federal cause is shown by the debates of the period in both Houses of Congress (see utterances of Mr. Spalding, Mr. Diven, Mr. Thaddeus Stevens, Mr. Roscoe Conkling, Mr. JOHN SHERMAN, Mr. Henry Wilson, Mr. Fessenden, Mr. Trumbull, Mr. Foster, Mr. Garrett Davis, Mr. John J. Crittenden, &c., found for convenient reference in appendix to memorial, pp. 47–59. Also therein the opinion of the English press as to why the Union could not be restored).

The condition of the struggle can best be realized as depicted by the leading statesmen in Congress previous to the execution of these military movements (see synopsis of debates from Congressional Globe, pp. 21, 22 of memorial).

The effect of this campaign upon the country and the anxiety to find out and

reward the author are evidenced by the resolution of Mr. Roscoe Conkling, in the House of Representatives, 24th of February, 1862 (see debates on the origin of the campaign, pp. 39-63 of memorial). But it was deemed prudent to make no public claim as to authorship while the war lasted (see Colonel Scott's view, p. 32 of memorial).

The wisdom of the plan was proven, not only by the absolute advantages which resulted, giving the mastery of the conflict to the national arms and ever more assuring their success even against the powers of all Europe should they have combined, but it was likewise proven by the failures to open the Mississippi or win any decided success on the plan first devised by the Government.

It is further conclusively shown that no plan, order, letter, telegram, or suggestion of the Tennessee River as the line of invasion has ever been produced except in the paper submitted by Miss Carroll on the 30th of November, 1861, and her subsequent letters to the Government as the campaign progressed.

It is further shown to this committee that the able and patriotic publications of memorialist, in pamphlets and newspapers, with her high social influence, not only largely contributed to the cause of the Union in her own State, Maryland (see Governor Hick's letters, p. 27, memorial), but exerted a wide and salutary influence on all the border States (see Howard's report, p. 33 and p. 75 of memorial).

These publications were used by the Government as war measures, and the debate in Congress shows that she was the first writer on the war powers of the Government (see p. 45 of memorial). Leading statesmen and jurists bore testimony to their value, including President Lincoln, Secretaries Chase, Stanton, Seward, Welles, Smith, Attorney-General Bates, Senators Browning, Doolittle, Collamer, Cowan, Reverdy Johnson, and Hicks, Hon. Horace Binney, Hon. Benjamin H. Brewster, Hon. William M. Meredith, Hon. Robert J. Walker Hon. Charles O'Conor, Hon. Edwards Pierrepont, Hon. Edward Everett, Hon. Thomas Corwin, Hon. Francis Thomas, of Maryland, and many others found in memorial.

The Military Committee, through Senator Howard, in the Forty-first Congress, third session, document No. 337, unanimously reported that Miss Carroll did cause the change of the military expedition from the Mississippi to the Tennessee River, &c.; and the aforesaid committee, in the Forty-second Congress, second session, document No. 167, as found in memorial, reported through the Hon. Henry Wilson the evidence and bill in support of this claim.

Again, in the Forty-fourth Congress, the Military Committee of the House favorably considered this claim, and General A. S. Williams was prepared to report, and being prevented by want of time, placed on record that this claim is incontestably established, and that the country owes to Miss Carroll a large and honest compensation, both in money and honors, for her services in the national crisis.

In view of all the facts, this committee believe that the thanks of the nation are due Miss Carroll, and that they are fully justified in recommending that she be placed on the pension-rolls of the Government as a partial measure of recognition for her public service, and report herewith a bill for such purpose, and recommend its passage.

Hon. E. M. Stanton came into the War Department in 1862, pledged to execute the Tennessee campaign.

Statement from Hon. B. F. Wade, chairman of the Committee on the Conduct of the War, April 4, 1876.

DEAR MISS CARROLL: I had no part in getting up the committee; the first intimation to me was that I had been made the head of it. But I never shirked a public duty, and at once went to work to do all that was possible to save the

country. We went fully into the examination of the several plans for military operations then known to the Government; and we saw plainly enough that the time it must take to execute any of them would make it fatal to the Union.

We were in the deepest despair, until just at this time Colonel Scott informed me that there was a plan already devised that if executed with secrecy would open the Mississippi and save the national cause. I went immediately to Mr. Lincoln and talked the whole matter over. He said he did not himself doubt that the plan was feasible, but said there was one difficulty in the way, that no military or naval man had any idea of such a movement, it being the work of a civilian, and none of them would believe it safe to make such an advance upon only a navigable river, with no protection but a gunboat fleet, and they would not want to take the risk. He said it was devised by Miss Carroll, and military men were extremely jealous of all outside interference. I plead earnestly with him, for I found there were influences in his Cabinet then averse to his taking the responsibility, and wanted everything done in deference to the views of McClellan and Halleck. I said to Mr. Lincoln, "You know we are now in the last extremity, and you have to choose between adopting and at once executing a plan that you believe to be the right one, and save the country, or defer to the opinions of military men in command and lose the country." He finally decided he would take the initiative; but there was Mr. Bates, who had suggested the gunboat fleet, and wanted to advance down the Mississippi, as originally designed; but after a little he came to see no result could be achieved on that mode of attack, and he united with us in favor of the change of expedition as you recommended.

After repeated talks with Mr. Stanton, I was entirely convinced that if placed at the head of the War Department he would have your plan executed victoriously, as he fully believed it was the only means of safety, as I did.

Mr. Lincoln, on my suggesting Stanton, asked me how the leading Republicans would take it; that Stanton was so fresh from the Buchanan Cabinet and so many things said of him. I insisted he was our man withal, and brought him and Lincoln into communication, and Lincoln was entirely satisfied; but so soon as it got out the doubters came to the front; Senators and members called on me; I sent them to Stanton and told them to decide for themselves. The gunboats were then nearly ready for the Mississippi expedition, and Mr. Lincoln agreed, as soon as they were, to start the Tennessee movement. It was determined that as soon as Mr. Stanton came in the Department Colonel Scott should go out to the Western armies and make ready for the campaign, in pursuance of your plan, as he has testified before committees.

It was a great work to get the matter started; you have no idea of it. We almost fought for it. If ever there was a righteous claim on earth you have one. I have often been sorry that, knowing all this as I did then, I had not publicly declared you as the author. But we were fully alive to the importance of absolute secrecy. I trusted but very few of our people, but to pacify the country I announced from the Senate that the armies were about to move and inaction was no longer to be tolerated, and Mr. Fessenden, head of the Finance Committee, who had been told of the proposed advance, also stated in the Senate that what would be achieved in a few more days would satisfy the country and astound the world.

As the expedition advanced Mr. Lincoln, Mr. Stanton, and myself frequently alluded to your extraordinary sagacity and unselfish patriotism, but all agreed that you should be recognized for your most noble services, and properly rewarded for the same. The last time I saw Mr. Stanton he was on his deathbed; he was then most earnest in his desire to have you come before Congress,

as I told you soon after, and said if he lived he would see that justice was awarded you. This I have told you often since, and I believe the truth in this matter will finally prevail.

B. F. WADE.

Now, Mr. Speaker, contrast the case of this brave, patriotic, self-sacrificing woman with that of the selfish, jealous, and disobedient Fitz-John Porter.

So far as the action of this House can do it the latter has been complimented for the inactivity which resulted in the loss of a great battle to the Union cause during the late unpleasantness, while it has done nothing but ignore the just claim of the former.

Does any one doubt for one moment that had Miss Carroll possessed the powerful political influence of Fitz-John Porter, and he obscured by the lack of it, that he would have been shot as a traitor, and she long ago received every dollar advanced by her to save the nation and her name honored as Sherman's and Grant's?

Wendell Phillips says:

Suppose that woman is essentially inferior to man; she still has rights. Grant that Mrs. Norton never could be Byron; that Elizabeth Barrett never could have written Paradise Lost; that Mrs. Somerville never could be La Place; nor Sirani have painted the Transfiguration. What then? Does that prove they should be deprived of all civil rights? John Smith never will be, never can be, Daniel Webster. Shall he therefore be put under a guardianship and forbidden to vote? Suppose woman, though equal, to differ essentially in her intellect from man; is that any ground for disfranchising her? Shall the Fultons say to the Raphaels, "Because you can not make steam engines, therefore you shall not vote?" Shall the Napoleons or the Washingtons say to the Wordsworths or the Herschells, "Because you can not lead armies and govern States, therefore you shall have no civil rights?"

In the language of Governor Hoyt, of Wyoming Territory:

I see a castle on yonder plain, a castle beleaguered, and there are found within its walls a band of noble, heroic women. They are in peril of their precious lives and of all that is dear to them and their hearthstones. Were this vision a reality, and of you accepted as a fact, how quickly every man would leap from his seat, secure arms, and rush to the rescue. But when woman's spirit is enthralled, immured, not her person; when her rights have been usurped, when her spiritual powers have been repressed and subordinated to the selfish will of man, and the call comes for help, how slow we are to fling wide the gates and bid her be free. * * *

Man himself can not stand before God in his uprightness, man himself can not develop into his completeness while he is halved, while he is less than himself, because of denying the full development and exercise of powers to her whom God gave to be his completement. A woman who is only half a woman, who is cramped, suppressed, restricted, and restrained, she can not be all that a man needs; and so I plead in the interest of my own sex while pleading for her. I

shall walk freer myself when I know that no denial is made to woman of what belongs to her—not to my wife only but to every woman on the earth. I shall be more a man, I shall stand up in the presence of mankind and before the Father of all with an uprightness, with a conscious dignity and nobility, which I can not possess so long as aught is denied to her.

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A majority of questions to be voted on touch the interests of woman as they do not those of man. It is upon her finer sensibilities, her purer instincts, and her maternal nature that the results of immorality and vice in every form fall with more crushing weight. Ay, it is woman who hath given hostages to fortune of all that is most precious on earth. Trust her, then, O ye doubting men! Trust her, and so receive, in countless ways ye know not of, the unfailing benediction of Heaven.

I defy any one to suggest any fundamental principle to substantiate our right as a nation to exercise free government which does not apply to woman as well as man. She is the equal of man in every vicissitude in life, and it is a shame to require her to ask as a charity what she is entitled to as a right.

In this free country "the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," did in 1787 ordain and establish a Constitution for the United States of America. Before the end of the year 1790 that Constitution was amended by the people of the United States, the very first article of which amendment read as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. (See Constitution of the United States, amendment 1, article 1.)

Now, it seems to me that the right to assemble and to petition the Government carries with it the right to present the petitions to the Congress of the United States, in which reposes all legislative powers granted under the Constitution of the United States. If this be so, is it not our duty as the representatives of the people to appoint a committee to hear the petitions of the thousands, yes, tens of thousands, of men and women who, by resolution or by vote at the ballot-box, have petitioned for the recognition of the political rights of women?

By article 5 of the amendments to the Constitution, "No person * * * shall be deprived of life, liberty, or property, without due

process of law," and under that guarantee every criminal has the right of trial by jury.

Is it more important to the life, honor, and prosperity of the nation that Congress should establish courts to grant trials by jury to criminals like Guiteau or men like the alleged star-route thieves than that Congress should appoint a committee to consider the petitions and hear the accredited representatives of many of the best people of the United States who are or may be here to be heard on subjects affecting the political rights of women? Mr. Speaker, I trust that the House will sustain me in this effort to amend Rule X, so that we shall have in the list of the standing committees of this House a committee, to consist of eleven members, whose duty it shall be to consider the political rights of women.

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