

Woman's Journal.

Boston, Chicago and St. Louis, June 28, 1873.

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WOMAN SUFFRAGE A REPUBLICAN ISSUE IN MASSACHUSETTS.

NATIONAL REPUBLICAN PLATFORM ADOPTED AT PHILADELPHIA, JUNE 9, 1872.

14. THE REPUBLICAN PARTY IS MINDFUL OF ITS OBLIGATIONS TO THE LOYAL WOMEN OF AMERICA, FOR THEIR NOBLE DEVOTION TO THE CAUSE OF FREEDOM; THEIR ADMISSION TO WIDER FIELDS OF USEFULNESS IS VIEWED WITH SATISFACTION; AND THE HONEST DEMANDS OF ANY CLASS OF CITIZENS FOR ADDITIONAL RIGHTS SHOULD BE TREATED WITH RESPECTFUL CONSIDERATION.

MASSACHUSETTS REPUBLICAN PLATFORM ADOPTED AT WORCESTER, AUG. 28, 1872.

8. RESOLVED—THAT WE HEARTILY APPROVE OF THE RECOGNITION OF THE RIGHTS OF WOMAN CONTAINED IN THE FOURTEENTH CLAUSE OF THE NATIONAL REPUBLICAN PLATFORM; THAT THE REPUBLICAN PARTY OF MASSACHUSETTS, AS THE REPRESENTATIVE OF LIBERTY AND PROGRESS IS IN FAVOR OF EXTENDING SUFFRAGE ON EQUAL TERMS TO ALL AMERICAN CITIZENS, IRRESPECTIVE OF SEX, AND WILL HAIL THE DAY WHEN THE EDUCATED INTELLECT AND ENLIGHTENED CONSCIENCE OF WOMAN WILL FIND DIRECT EXPRESSION AT THE BALLOT-BOX.

FIRST PURE, THEN PEACEABLE.

Mrs. Butler's organ, the *Shield*, published in Liverpool, comes to us full of the news of the good fight which she and others are making against the legalized degradation of women. Two numbers, just received, tell us of public meetings, numerous attended, of petitions almost innumerable, and of the open and clear opposition between two doctrines which cannot live in the same moral world, the necessity of vice and the necessity of virtue.

The religion and conscience of England do not, on the whole, take kindly to the theory that men must of necessity live in the secret violation of what they openly profess. The white flag of chastity is upheld by society, in order that maids and matrons shall walk under it in good faith. For sons and husbands a convenient method of retreat is to be opened, and the white flag before which they bow in public, is dishonored by them in their private life with all impunity, ay, and their offence is to be insured even against Nature's penalty, measured to the transgression. The brute element in English society and in all other likes this doctrine, and yet the public heart has generously seconded Mrs. Butler's efforts against it and, when the crying injustice was made evident by her, was not slow in responding "shame!" Among those who labor with her are dignitaries of Church and State, ministers of all creeds, and honorable women not a few. The superstition which shields the licentious offences of men has already been rudely shaken, and those of us who are not very old may live to see it totter and fall.

There is a very ugly dilemma, which the commonly received theory suggests, but does not solve. The doctrine of chastity is to be taken literally as applied to women. To conform to it is a part of their education, without which the rest is valueless. "We betide a nation when her women lose sight of this strict tradition! But with man the case is different." So runs the common talk. Now the dilemma is this: How can man offend against the laws of chastity without causing Woman also to offend? Society sanctions the overt act of offence in the man, and punishes with utter loss of character the responsive act of the woman. Upon what ground does society stand, granting license to the man, denouncing it in the woman, and yet knowing very well that the permitted act of the one necessarily involves the prohibited offense in the other? This seems to be the house divided against itself, and accordingly the whole building of society in this regard, is like a house of cards, and falls about the ears of those who raise it. We put this question categorically to those who advocate two codes of personal morality, one for men, and one for women: "If the man may follow his unbridled will, and cannot do this without the complicity of the woman, how can what is a right for him be an offense in her? And when, from the pulpit, men teach the awful maxims of purity, making in their own mind the reservation that men will not, and consequently women cannot conform to them, can one think that such a pulpit will do much to

lift men or women out of that unhappy slough of sensuality, which exaggerates sex, to destroy it?"

The truth is that society is still barbarous in this respect, as in much else. Here as elsewhere, physical force has been interpreted as the source of right, and because the man is able to enforce an unequal moral prescription upon the woman, he dreams that he is right in so doing.

Christ's course regarding the woman taken in adultery seems to show a very different process of reasoning. She is brought to him in all the fierceness of recent anger. Her life is forfeit by the Jewish law. Christ simply asks: "Which of you is free from the same offense?" This question ends the matter. But it is so wise, deep, and pregnant, that to-day, when recognized teachers of religion advocate the double rule, we may quietly ask them if they remember the judgment of the Master, and further, if they think themselves able to amend it? J. W. H.

MISS ANTHONY'S CASE.

Some of the friends of Woman Suffrage have claimed that the passage of the Fourteenth and Fifteenth Amendments secured the ballot to women, that the question only needed to be tested in the courts to have it settled in favor of universal suffrage.

Accordingly, women voted, or attempted to do so, in Michigan, Missouri, New Jersey, Connecticut and New York.

Miss Anthony, and fourteen other ladies of Rochester, were duly registered, and voted. Subsequently, they were prosecuted for illegal voting. The trial was to be held in Monroe County. Miss Anthony immediately arranged meetings for every town in the county, so that the people should hear both the argument for Woman Suffrage and for that particular case. The jury would then be able to act understandingly. Whereupon a change of venue was taken to Ontario County, by the government, on the ground that Monroe County was so prejudiced by Miss Anthony's meetings that a proper jury could not be paneled there.

Nothing daunted, Miss Anthony began a similar canvass of Ontario County, which she continued up to the day of trial, June 17th, the anniversary of the battle of Bunker Hill.

On that day, the case was called, in the Circuit Court of the United States, then in session in Canandaigua, at three o'clock p. m. Miss Anthony personally appeared in Court, accompanied by other ladies. She was represented by her counsel, Mr. Henry R. Selden and John Van Voorhis, of Rochester. Mr. Richard Crowley, District-Attorney, represented the United States. A jury was empaneled without difficulty, the Government exercising the right of challenging, but once and the defendant, three times. The District-Attorney made a brief statement of the facts on which he relied for a conviction and which were charged in the indictment—"that Miss Anthony voted at the last election for the Congressional candidate for the Twenty-fifth District, and for the Congressman at large." It was conceded that the defendant was on the 5th of November, 1872, a woman.

Beverly W. James was sworn by the Government as a witness, and testified:

That he knew the defendant; that he was an Inspector of Election in the Eighth Ward, First District, of the city of Rochester; that Miss Anthony voted the Congressional, State and Assembly tickets at that poll; that he put the several ballots in the boxes where they respectively belonged; that Miss Anthony was not challenged; that he was one of the Board of Registry; that the defendant appeared before the Board and claimed the right to be registered; that objection was made as to her right to vote; that the board decided that she was entitled to vote, and registered her name; that one of the Federal Supervisors of Election was present and advised the Inspectors that the defendant was entitled to be registered, and they did it; that Miss Anthony claimed the right to vote under the United States Constitution and not under the State law; she claimed the right under the Fourteenth Amendment; the name of the defendant appeared on the poll-list as No. 22, and it also appeared that she voted the Electoral, State, Congress and Assembly tickets.

In opening the defense, Judge Selden claimed that the case was one of great magnitude and interest, not only to the defendant but to the whole people. When the defendant claimed her right to be registered and to vote, she was as much entitled to both of these rights as any man, and when she voted, if she fully believed that she had a right to vote, she committed no crime. The question for the jury was whether she did vote in good faith believing that she had a right to vote. Judge Selden then stated that for the second time in his professional life he was compelled to offer himself as witness in behalf of his client. Being sworn, he testified that before the defendant voted she called on him for advice as to her right to vote; that he took time to examine the question and did so very carefully, and that he then advised her that she was "as much a voter as I or any other man"; that he believed then that she had a legal right to vote, and he believed so now, and on that advice she voted.

The defendant then offered herself as a witness on her own behalf on the subject of intent and good faith. The District-Attorney objected to her competency to testify in her own behalf, and the objection was sustained. The de-

fence then rested. John E. Pound was then sworn by the prosecution. He testified that on the examination before Commissioner Storrs the defendant stated that she should have offered to vote even if she had not had Judge Selden's advice; that she had not a particle of doubt of her right to vote.

There was no further testimony given, and Judge Selden proceeded to address the Court and urge in an argument, occupying nearly three hours. Mr. Selden insisted that the only alleged ground of the illegality of the defendant's vote is that she is a woman; that if the same act had been done by her brother under the same circumstances it would have been not only innocent but laudable, but being done by his client, because she is a woman, it is said to be a crime. The crime, therefore, consisted not in the act done, but in the fact that the person doing it was a woman and not a man. He believed that it was the first time in the history of the world in which a woman had been arraigned in a criminal court merely on account of her sex. The right to take part in the establishment of government is founded in a natural and inalienable right of every citizen. Women have the same interest in the maintenance of good government as men. No greater absurdity, to use no harsher term, could be presented to the human mind than that of rewarding men and punishing women for the same act, without giving women any voice in the question of which shall be rewarded and which punished.

The argument was listened to with profound attention from beginning to end, occupying the Court until the hour of adjournment.

The Court declined to submit the case to the jury upon any question whatever, and directed them to render a verdict of guilty against the defendant.

Mr. Selden then requested the clerk to poll the jury, which request was denied and a verdict of "guilty" was rendered.

The next day Judge Selden made a motion for a new trial upon the ground of a misdirection of the Judge in ordering a verdict of guilty without submitting the case to the jury. He maintained in an elaborate argument the right of every person charged with crime to have the question of guilt or innocence passed upon by a constitutional jury, and that there was no power in this Court to deprive her of it.

The District-Attorney replied, when the Court in a brief review of the argument of the counsel, denied the motion.

The District-Attorney immediately moved that the judgment of the Court be pronounced upon the defendant.

The Court made the usual inquiry of Miss Anthony if she had anything to say why sentence should not be pronounced.

Miss Anthony answered that she had a great many things to say, and declared that in her trial every principle of justice had been violated; that every right had been denied; that she had had no trial by her peers; that the Court and jurors were her political superiors, and not her peers; and announced her determination to continue her labors until equality was obtained, and was proceeding to discuss the question involved in the case when she was interrupted by the Court with the remark that these questions could not be reviewed.

Miss Anthony replied that she wished it fully understood that she asked no clemency from the Court; that she desired and demanded the full rigor of the law.

Judge Hunt then said: "The judgment of the Court is that you pay a fine of \$100 and the cost of the prosecution," and immediately added: "There is no order that you stand committed until the fine is paid."

Thus closed one of the most remarkable trials in the world's history. For the present, at least, it settles the claim of Woman Suffrage under the 14th and 15th Amendments.

Undoubtedly there will come a day, when that provision of the United States Constitution which requires that "The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States," will be practically applied.

The public sentiment must be created which will demand its construction in harmony with the evident intent. Our work is to make this public sentiment.

On the 20th inst, the motion for a new trial of the Inspectors was denied. Upon being asked if he had anything to say why sentence should not be pronounced, Mr. Jones, one of the Inspectors arose and said: "Your Honor has pronounced me guilty of a crime. The jury has had but little to do with it. In the performance of my duties as an Inspector of Elections, which I have held for the last four years, I acted conscientiously, faithfully and according to the best of my judgment and ability. I did not believe that I had the right to reject the ballot of a citizen who offered to vote and who took the preliminary and general oaths and answered questions prescribed by law. The instructions furnished me by the State authorities declare that I had no such right. As far as the registering of names is concerned, they would never have been placed upon the registry if it had not been for Daniel Warner, the Democratic federal supervisor of elections appointed by this court, who not only advised the registry but addressed us, saying, 'Young men, do you know the penalty of the law if

you refuse to register these names?' And after discharging my duty faithfully, honestly and to the best of my ability, if it is to vindicate the law that I am to be imprisoned, I willingly submit to the penalty."

Each of the defendants appealed to the honesty of their intentions in their action. They were sentenced to pay a fine of \$25 each and costs of prosecution.

On Saturday the 21st, District-Attorney Crowley entered a *nolle prosequi* in each of the cases of the fourteen women indicted with Miss Anthony for illegal voting, and the court adjourned sine die. L. S.

THE TABLES TURNING.

For many years it has been customary to make bequests to rich Literary Institutions, to Missionary Societies, to Libraries and to all popular objects, and the praises of the press have been duly and properly bestowed on all these cases of liberality.

Very rarely has any bequest been made to an unpopular cause.

Many years ago, Charles F. Hovey gave \$50,000 to Anti-Slavery, Free Trade, and Woman's Rights. Francis Jackson also gave \$5000 to Woman's Rights. More recently Deacon Josiah Henshaw gave \$500 to Woman Suffrage, and to-day, the record shows another bequest of \$400 by Mr. Samuel Barrett of Leicester.

SECOND CLAUSE IN THE WILL OF SAMUEL BARRETT.

I give and bequeath to Wm. Lloyd Garrison, Julia Ward Howe and Lucy Stone, of Boston, in the County of Suffolk, the sum of four hundred dollars, to be held by them, or the survivor of them, in trust, for the benefit of the Massachusetts Woman Suffrage Association, in such sums and in such manner as shall seem best to said trustees or the survivors.

Thus the fortunate possessors of wealth are beginning to feel their obligation to help establish immortal principles. The tables are turning, and examples are set, which we trust may be widely followed. L. S.

ILLIBERAL AND UNCHRISTIAN.

We have long since learned to distrust the arrogant claim of Conservative Unitarians to the title of "Liberal Christians," and have contrasted the healthy growth of progressive Methodism and Orthodoxy as represented by *Zion's Herald*, the *Christian Union*, and the *Independent*, with the fossilized torpor of the successors of Channing and Ware. Yet it is with a sensation of painful surprise that we find in the editorial columns of the *Liberal Christian*, last week, an elaborate argument against the co-education of the sexes, side by side with a distinct avowal of two codes of morality—a rigid standard for women, a lax one for men.

This repudiation of Christian ethics in theory and in practice, is so shameful and so monstrous that we should not dare to make the charge without adducing the proof. Here is the Gospel according to Dr. Bellows: INTELLECTUALITY THE BANE OF AMERICAN WOMEN.

***** We are making household work a thing only for servants; we are rendering hand-labor disreputable; we are cultivating foolish aspirations as to dress, living, marriage, life, by our system of education of girls, whether in common schools or in the academies, which threaten to make the problem of American society more and more painful and perplexing. We protest against any one plan of education, or any literary standard, as the exclusive rule for educated among girls. We have altogether too many people in America living on "words." If we could suppress nine-tenths of our scribbles and penny-alieners and nascent or self-styled literati of both sexes, and our sputterers on platforms, we should have not only a better hope for learning and letters, but a far greater hope for good living and domestic happiness, virtue and piety. But if the girls ought not all to be educated alike, what reason is there for opening our institutions to the learning and culture of the use of women? It is based upon the assumption that men and women profit best by the same kind of culture. We have no doubt that here and there there are persons in whom sex is so little distinction that they might be educated as men or women. It is assumed that to deny the use of colleges designed for men to women is to declare women disfranchised, inferior, incapable of high culture. This is ridiculous. Woman has shown splendid genius in poetry, art, statesmanship, science. But it would be a fearful blow to society if all or most women, or as many women as men, took to such positions, studies or tastes. It would be at the cost of things more precious, sacred, womanly, of what is more special to themselves and most important to the world.

We have watched the co-education of the sexes for twenty years, with some moderate opportunities for observation. We are satisfied that women can be educated as men, and in many studies—classics, mathematics, and the rest. We are satisfied, also, that they can learn to skate and swim and plough and do carpentry-work, paint the outside of houses, and even wield the axe. We are satisfied, too, that no very great harm would arise from the admission of women to the contact of boys and girls in classes or within neighboring premises. We do not see that any injuries to morality would arise from allowing girls to attend college exercises at Harvard. And we think it likely enough that their scholarship would be equal to that of the young men. We are confident, on the other hand, that their health would decline as fast as their scholarship rose; that their safety, even as to morals, would be very much due to their unattractiveness and absence of womanhood, and that all they gained in the way of masculine culture would be at the expense of things more valuable to themselves and more important to society. In short, we hold the intellectual and literary woman to be an exceptional and not very interesting representative of her sex. She usually discards herself of her chief glory, her womanliness, by aspiring to what she misconceives to be something higher. We can make room for the few who, by irresistible impulse, insist upon being men in women's garb, but we decidedly object to manufacturing that kind of person wholesale and of set purpose.

We are alarmed at the decline of health and sanity among American women of the favored class. And we think it due to the strain under which they are put by ambitious teachers and parents at the critical period of their lives. What they lose, nothing can repay. All they give society, intellectually or morally, is nothing compared with the physical deterioration they entail upon their offspring, and the unhappiness they bring into their homes. We trust there will be a long pause before co-education of the sexes in our more advanced colleges gives a fresh impulse to the stilted intellectuality which is becoming the bane of American women; for what spoils them ruins the hopes of humanity.—*Liberal Christian*.

EQUAL SOCIAL RESPONSIBILITY FOR VIOLATED CHASTITY IS AGAINST NATURE.

Among the chief causes of crimes of violence is the disorder, anarchy and virulence of unhappy homes; and unhappy homes come, in the educated classes as well as the ruder ones, from low views of marriage. We are not certain that loose and false notions of the

sanctity of marriage are not more rife among the educated than the uneducated class in this country. At any rate, divorce being an expensive luxury, is often procured by the well-to-do and supposedly educated class than by the working-people. The habit of separation, without divorce, from mutual fatigue and incompatibility of temper, is also chiefly illustrated in the literary, artistic and esthetic class—among writers, musicians, actors and poets. Doubtless, too, the new notions of female independence, the struggle for the similarity instead of equality of the sexes, has greatly augmented domestic strife, and led to conjugal disaffection, and often to vice, crime, and even murder. If we expect the next generation to be less violent and passion-driven than the present, happier at home, and rearing children to virtue and self-control, we must stop treating marriage as a matter of convenience and caprice; cease to condone the offense of easy divorce, or the sin of separation on grounds of distaste. We must resume the old ban against those who break the marriage vow. The modern attempt to release women, the natural guardians of domestic purity, from the chief weight of responsibility in matters of violated chastity, is ill-made, against experience and against nature. By attempting to hold men and women to an equal social responsibility for unfaithfulness, we really simply release women without holding men. God will hold men just as he holds women amenable to his holy law, for unchaste desires and offenses. But society is wise in putting a special obligation where nature herself has put it—upon Woman—for the maintenance of the purity of both sexes. Let us recollect that, in making either wholly chaste, we compel the other to be so, and that it is easier to restrain men's passions through women's modesty and self-control than by any direct assault upon them.—*Liberal Christian*.

The *Jewish Messenger* finds the Phariseism of the nineteenth century congenial with its oriental prejudices, and sustains Dr. Bellows, as follows:

A subject that is likely to invite considerable discussion in the near future is that of the co-education of the sexes. Even now the sides are arrayed in favor and against the proposition. It seems to be conceded that with young children the mooted benefit of a miscellaneous grouping together of sexes admits of only small doubt. But the great objection to the idea of co-education will be found in the natural inclination of the species to devote more time to the gallantries and amenities of social life than in any severe attention to the duties imposed by an earnest course of collegiate studies. It is bad enough for a youth at college to have his head turned by some charming girl far away from his alma mater. What must the consequence be, when her constant presence will tend rather to divert his mind from the metaphysics of Euclid and Aristotle to the more seductive allurements of Ovid and the Eleusinian mysteries? It is to be feared that no good will ever result from such an equivocal combination, and few parents will care to have their daughters surrounded by temptations which only the strongest-minded can successfully resist.

In a subsequent number the *Liberal Christian* opposes the co-education of races also, and favors separate schools for white and colored children. If this is liberal Christianity we prefer the Evangelical type. For, "if the salt have lost its savor wherewith shall it be salted?" H. B. B.

THE STATE OF MASSACHUSETTS vs. MRS. FLAGG OF WORCESTER.

A DIALOGUE.

Respectfully dedicated to the Cambridge Press.

The State.—The United States and myself exist in consequence of the actions of your forefathers, who in 1775 took arms against England on the ground that "taxation without representation is tyranny." In 1776 signed a solemn declaration that all mankind were created free and equal, with the same right to "life, liberty and the pursuit of happiness," and after a successful war framed our Constitutions, which embody and preserve in perpetuity to their descendants the glorious principles for which they fought.

Mrs. Flagg.—Would you kindly explain the cause of the late war, and how the United States came into such peril within less than a century after these glorious principles had been so nobly vindicated in its behalf?

The State.—The framers of our Constitutions accepted the principles just mentioned in a general sense, but did not think it necessary to secure their particular application except to themselves, and unfortunately failed to recognize their important bearing on the class called slaves. This inconsistency I saw and rectified, as did the other Northern States, but the United States and the South did not, and from this injustice sprang the complications which ended in civil war, and cost the lives of so many of my noblest children.

Mrs. Flagg.—Then it would seem that Eternal Justice was not satisfied with the definition of a general principle you mention, as true in a general sense, and applying in particular to ourselves, but preferred that it be applied in particular for the benefit of all those to whom it can logically be held to have reference?

The State.—It would certainly seem so, judging by this case.

Mrs. Flagg.—President Lincoln stated the object of the late war, and reasserted the American theory of government in the concluding words of his address at Gettysburg as follows. "Government of the people, by the people, for the people shall not perish from off the earth." You accept for yourself this same definition, and claim to be a "government of the people, by the people, for the people," do you not?

The State.—Certainly.

Mrs. Flagg.—Who are the people?

The State.—The people is a collective term for the whole mass of individual citizens, men, women, and children, each of whom is counted in the census which forms the basis of representation.

Mrs. Flagg.—"Government by the people" means, if I understand you, government by a few persons who represent the people. What makes those persons representative?

The State.—They are chosen by the people.

Mrs. Flagg.—Indeed. And you say I am one of the people. Could you kindly inform me what representative I have helped to choose?

The State.—Excuse me. You are not a voter. You are represented by being counted