# FIRST ANNUAL REPORT

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OF THE

EXECUTIVE COMMITTEE

OF THE

MANCHESTER NATIONAL SOCIETY
FOR WOMEN'S SUFFRAGE.

PRESENTED AT THE ANNUAL GENERAL MEETING,

OCTOBER 30th, 1868.

MANCHESTER:
ALEXANDER IRELAND & CO., PRINTERS.
1868.

PRICE FOURPENCE.

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# REPORT OF THE EXECUTIVE COMMITTEE.

1867 AND 1868.

IN presenting the first annual report your committee take occasion to congratulate the society on the great progress which the question of women's suffrage has made during the past year. The amount of this progress can best be estimated by recurring to the aspect of affairs at the formation of the society, in August, 1867.

Before doing this, it may be well to review the position which this society holds with regard to others. There arose about the same time two other societies, one in London and one in Edinburgh, formed entirely independently of each other. It was thought desirable, while preserving to each society complete independence and freedom of action, to secure the advantages of mutual support and co-operation by federal union into a National Society. Accordingly, at a special general meeting of this society, held on November 6th, 1867, it was resolved—"That "this society agrees that its members shall unite with members " of other societies having the same object, to form one National "Society for Women's Suffrage, with independent centres of "action; the constitution, executive, and funds of each society "shall remain entirely irresponsible to, and uncontrolled by, the "others, the bond of union to consist solely in the assumption "of the name National Society for Women's Suffrage; and the "amalgamation of the names of the members enrolled by each "centre into one national list of supporters of the political "enfranchisement of women."

Resolutions to the same effect were adopted by the societies of London and Edinburgh, and so the act of union was accomplished. Since then similiar societies have been formed at Birmingham and Bristol, which have entered the union as

integral, yet independent portions of the National Society for Women's Suffrage.

At the time of the formation of the society, it appeared to be generally understood that the admission of women to the parliamentary franchise was an innovation on the constitution, which needed to be granted by express legislation. But further consideration of the constitutional position of women, especially of the facts and arguments brought to light by the researches of Mr. Chisholm Anstey, and reference to the original authorities and cases quoted by him in support of his views, led your committee to the conviction that the supposed constitutional restraint of the political functions of women did not in fact exist; that as there was neither statute nor judicial decision declaring them incapable of voting in the election of members of parliament, they were, in common with the rest of Her Majesty's subjects, entitled to all the benefits of the late gracious act of Her Majesty, for amending the Representation of her People. Your committee therefore resolved to take their stand on the existing law, and no petition to parliament was promoted by this society during the session of 1868.

Your committee, being satisfied that under the Representation of the People Act, 1867, all women who pay their rates in conformity with its provisions are by law entitled to be placed on the parliamentary register, have been actively engaged in taking the necessary steps to enable such women to vote at the next election. They have sought to accomplish this object through the ordinary channels of the overseers' lists, and the revising barristers' courts. In this they have been aided by the effective co-operation of the societies of London, Bristol, and Birmingham, and their exertions have been rewarded by a measure of substantial success.

The first step in a practical direction was taken by establishing the precedent, that when the name of a woman appeared on the register of electors, the returning officer was bound to receive and record her vote. This was done at the election for the city of Manchester, on November 26th, 1867, when Lilly Maxwell, whose name was on the parliamentary register,

recorded her vote for Mr. Jacob Bright. No objection was raised at the time, either by the returning officer, or by any party concerned in the election, to the reception of the vote, or its entry in the poll books. It may therefore be assumed that the legal incapacity of a woman, if it exist at all, is incapacity to be registered as a voter, and not incapacity to record her vote when registered.

As the qualification under which Lilly Maxwell voted was one conferred by the Act of 1832, on "male persons," it is possible that on petition for a scrutiny the vote might have been struck off the list of Mr. Jacob Bright's majority, as that of a person not duly qualified according to the statute, but, inasmuch as no investigation into the legality of the vote was made or demanded, it must be presumed to be valid while unquestioned.

The record of this vote was further valuable as proving that whatever might be the then existing legal incapacity, there was neither physical, mental, nor moral incapacity to hinder a woman from exercising the privilege of the franchise in a rational and intelligent manner, and that the act of entering a polling booth and recording a vote was one that could be accomplished without the smallest practical inconvenience or annoyance, or any unpleasant consequences or accompaniments whatever.

The circumstance of this vote having been recorded excited a great amount of public attention not only all over the kingdom but on the continent of Europe, and in America. It removed women's suffrage from the region of theoretical possibilities to that of actual occurrences, and thereby gave a powerful impetus to the movement.

On the 14th of April, 1868, a public meeting was held in the Assembly Room, Free Trade Hall, the Mayor of Salford in the chair. It was addressed by Archdeacon Sandford, Mr. Jacob Bright, M.P., Mr. Chisholm Anstey, and others, including three ladies. The meeting was numerously attended, and resolutions expressing cordial approval of the objects of this society, and of the course it has hitherto pursued, were carried unanimously.

A similar meeting, held at Birmingham, under the auspices

of the society in that town, on the 6th of May, deepened the impression produced by the meeting at Manchester, and added importance to the movement.

Your committee considered it highly desirable that the several societies should unite in a systematic endeavour to procure the insertion of women all over England on the register of electors under the new Reform Act. Accordingly proposals for concerted action were submitted to the societies at London, Bristol, and Birmingham, which proposals were at once acceded to, and the plan suggested adopted without material alteration.

In accordance with these proposals, a resolution was passed by all the societies that the boards of overseers of the several parishes be respectfully requested, in accordance with the alteration of the law effected by the Representation of the People Act, 1867, to insert in the parliamentary list of voters all persons who have paid their rates. A copy of this resolution, accompanied by a letter stating the grounds of the application, signed by all the secretaries of the National Society in England, was sent to several hundred boards of overseers in different parts of the country. Very few replies to their application were received by your committee. Of these few some were favourable, and some otherwise; but there is reason to believe that many overseers complied with the requisition without making any communication to that effect to your committee.

During the months of May and June deputations from your committee waited on the overseers of various townships within the parliamentary borough of Manchester to urge the same application. The legal arguments in support of the claim were presented by Dr. Pankhurst with remarkable force and cogency, and though not immediately successful as regards the direct object of the interview, they had a powerful effect in dissipating the prevailing ignorance as to the rights of women under the new Reform Act, and in arousing attention to the importance of the subject.

Meanwhile, the overseers of the township of Salford

announced that in their judgment they had no alternative but to place on the parliamentary list of voters all duly qualified women, and they made out their register for the borough in accordance with this view. A similar course was adopted by the overseers of the following townships:—Aberdeen; Conside and Knitsley, Durham; Great and Little Marsden, North-east Lancashire; Ulverston, North Lancashire; Farnworth, Todmorden, Gorton, Haughton, Levenshulme, Denton, South-east Lancashire; Lydiate, Scarisbrick, South West Lancashire; Hillingdon, Middlesex; Bocking, Matching, Essex; Frinsted, Kent; Fawley, Hampshire; Fisherton, Salisbury; St. Margaret's, Ipswich; St. George the Martyr, Southwark. In various parishes in the metropolis, the overseers appear to have placed a few women on their lists for the purpose of testing the question. The same course has been pursued by the overseers of Gateshead.

Probably there are many other places where women have been placed on the lists of voters by the overseers, of which your committee have received no information.

As soon as the refusal of the overseers of Manchester to place women-ratepayers upon their lists was made known, your committee obtained the names and addresses of all the women-householders within the townships of Manchester, Hulme, and Chorlton-on-Medlock, in number about 9,000, and took steps for ascertaining how many of them desired to have a vote, and would send in a claim to be put on the register. Want of time and means precluded your committee from going through the whole of these, but, so far as their opportunities of investigation extended, they found an overwhelming preponderance of sentiment in favour of the franchise. In the township of Manchester, out of 4,215 persons asked, only 291 did not claim; and 3,924 signed the claim to be put on the register. Thus about 92 per cent of the women-ratepayers desire to have the franchise. In Chorlton-on-Medlock, out of the entire number of 1,850 women-occupiers whose names appear in the rate book, 1,106 claimed their votes. The residue includes many who were not canvassed, and many who were dead, or removed, or married,

since the rate books were last made up. The total number of claims from women to vote in the election of members of parliament for the city of Manchester was about 5,100.

In the borough of Salford the result was no less gratifying. The women of Broughton and Pendleton had not been put on the lists by the overseers, but they proved that they fully shared the sentiments of the women of Manchester. Out of the 270 women-ratepayers in Broughton, 242 claimed their votes; and a similar percentage claimed in Pendleton. In all, 857 women claimed votes for the borough of Salford, in addition to 1,341 put on the register by the overseers.

The total number of women who have the qualification to vote for Salford is between 2,000 and 3,000, and for Manchester, between 10,000 and 11,000.

The revision courts were opened at Manchester on September 14, 1868, by the revising barrister, Mr. Hosack. As Dr. Pankhurst was technically precluded from appearing by a clause in the Registration Act, which provides that claimants in a revision court shall not be represented by counsel, your committee retained the services of Mr. R. B. B. Cobbett. Mr. Cobbett argued on behalf of the claims with great ability and tact, but the revising barrister decided against admitting them. A case was applied for, and granted, in which the 5,100 claims were consolidated. This has been lodged in the Court of Common Pleas, and is first on the list for adjudication.

In the court at Rusholme, on September 24, Mr. Chorlton argued with conspicuous skill the claim of Mrs. Kyllmann to vote, under the statute 8 Henry VI., which enacts that elections of knights of the shire shall be made "in each county by people "dwelling and resident therein, of whom each has freehold to "the value of forty shillings by the year," but with a result similar to that of the proceedings at Manchester,—the claim was refused, and a case granted for the higher courts.

At Salford the revising barrister not only disallowed all the women claimants, but expunged from the register the names of women against whom no objection had been raised. He stated at the time, that it was doubtful whether he had legal power to

do so, and that many of his brethren held a contrary opinion, but that he should expunge the names, and grant a case on the question of jurisdiction. It therefore appears that in Salford women ratepayers have to overcome obstacles which would not occur in the case of men. The claims of such persons would be ruled by the ordinary law and practice of the revision courts, but 1,341 ratepayers of Salford have found that novel procedure can be instituted, and extra judicial powers extemporised, for the special purpose of depriving them of a constitutional privilege.

In the same court Mr. Hosack disallowed the claims of 857 ratepayers of Broughton and Pendleton. Mr. W. Cobbett applied for and obtained cases in both the questions which have arisen in Salford, and lodged these cases in the Court of Common Pleas, under instructions from the Mayor of Salford, Mr. H. D. Pochin, who has undertaken the charge of prosecuting them.

The decision at Leeds, where Mr. Campbell Foster fined Mrs. Howell 10s. for making what he was pleased to consider a "frivolous claim," occasioned much surprise. That the claim was not frivolous is proved by the fact that Mr. Campbell Foster bestowed much time and pains in disputing it, that in all registration courts where it has been presented it has been carefully considered, and that, in many, it has been admitted on its merits. Your committee rejoice that the universal expression of public opinion has condemned, as "unmannerly and unjust," the attempt to put down a claimant in a court of law by intimidation. They have reason to believe, however, that many persons have been deterred from submitting their claims for adjudication by the fear of being subjected to fines and insult at the hands of the judge, for the offence of thinking themselves entitled to the privilege of English citizens, and seeking to establish their claims by lawful and constitutional methods in the courts specially instituted for considering and deciding such matters.

But though the decision in Manchester and Salford and some other places has gone against them, the judgments in the revision courts throughout the country have not been universally adverse to the votes of women. In many townships,

where no objection was made, or where the notice was informal, the revising barristers have decided, in contradiction to the position assumed by Mr. Hosack, that they had no jurisdiction to inquire whether the women's votes were good in law or not, and that they must remain on the register. From the published reports of the transactions of the revising barristers' courts, your committee learn that in at least twelve townships this has been done, and the qualified women in these places will be legally entitled to vote at the next election.

In four distinct revision courts the claim of women to vote under the Act of last year, has been admitted on its merits. In Finsbury, the revising barrister, Mr. Chisholm Anstey, in giving his decision on the claim of Jane Allen, said that in the reign of James I. there were two cases tried in Westminster Hall, Holt v Lyle, and Coates v Lyle, in which it was decided that a femme sole had the right, if a freeholder, to vote for a parliament man. He could see nothing in the Act of 1867, destroying the ancient rights of franchise, and, interpreting that Act by Lord Romilly's Act, he should retain the name of Jane Allen on the register.

In the revising barrister's court at Cockermouth, Mr. Wheeler placed on the register the name of Mrs. Rachel Pearson, and, in order to prevent women rashly withdrawing their claims in consequence of the adverse decisions in Manchester and Leeds, he expressed in general terms a strong opinion in their favour. He said his own opinion was that the law was decidedly in favour of women having votes, and that, when there was a doubt, and a reasonable doubt, he was bound to find in favour of the franchise. At Winterton, in Lincolnshire, the revising barrister expressed his deliberate opinion that the Reform Act, taken in conjunction with the Interpretation Act, does confer upon women the right of voting, and allowed the names of women to remain upon the register in consequence.

In the townships of Lydiate and Scarisbrick, South-west Lancashire, a number of women had been placed upon the list of £12 occupiers, and they were objected to on behalf of the Conservatives. The notices of objection were held to be bad, inasmuch as they did not specify the grounds of objection, but, in

one case, the notice was admitted, and Margaret Ackers proved her qualification. The revising barrister, Mr. J. T. Foard, decided that the vote was good. In the course of his judgment he said, referring to the new Reform Act: "Reading this "Act, as governed absolutely by this Act of 1850, I am constrained to say that this section (s. 5) must be read thus,—that "every man and woman shall be entitled to be registered as a "voter, and when registered, to vote, if of full age, and not "subject to any legal incapacity, provided that no person, man "or woman, shall be registered unless he or she has complied "with the provisions of the Registration Acts. \*

"The question is how it can be said that the franchise which " seems an incident of certain property can cease to exist, or to "lapse or be suspended when it comes into the hands of a "woman. Every point, every necessity, which the act imposes "in the case of a male person, has been satisfied with respect to "the one claimant first on the list to-day. She occupied her "property, paid her rates, and in every respect fully sustained "every requirement of the act. I have therefore to decide, "before I can strike out her vote, that this person, though in "possession of property which qualifies her to vote, is subject "to an incapacity. I can find in no similar franchise, in no "case where a franchise has been annexed to realty or to any "species of property, I can find no proof that the franchise "becomes lapsed or suspended by virtue of any disability in "woman herself, or the mere fact of its having passed into the "possession of a woman. \* \* I therefore declare that these "votes are good, subject to the objection that has been taken on "the other side. Of course I shall grant a case in the matter." This judgment was given at Ormskirk on September 24th, 1868. No appeal has been made against it.

So far as your committee has been able to ascertain the number of women placed on the electoral roll by these decisions, they are about 230. This is exclusive of Finsbury and Winterton, and probably of many other places of which no information has been received. Of these 52 are on the register for South-east Lancashire, 41 for South-west Lancashire, and 16 escaped the

general massacre in Salford, and are on the register of duly qualified electors certified by Mr. Hosack for that borough.

The following is a statement of the number of women electors on the register in places whence information has been received:—Aberdare, 1; Ashford, 33; Driffield, 2; Todmorden, 17; Gorton, 21; Denton, 12; Haughton, 3; Levenshulme, 8; Lydiate, 11; Scarisbrick, 30; Beeford, 2; Sebergham, 8; Castle Sowerby, 9; Cockermouth, 1; Moss Side, 1; Alton, 9; Salford, 16; Sittingbourne, 48. Your committee earnestly desire to impress on these voters the necessity of exercising their newly recognised rights at the forthcoming election. By actual use of the constitutional privileges the law courts have awarded them, they will not only secure themselves in the position they have attained, but render the most effectual aid to those who are still excluded from the benefits of recent legislation.

Those women whose claims have been rejected by the revising barristers are earnestly requested to act on the suggestion conveyed in the following extract from an opinion by Mr. Chisholm Anstey, barrister-at-law, dated September 5, 1868:— "I presume that the women whose votes may chance to be "rejected by the revising barrister before the coming general " election are aware of their right to go up to the polling booths "and tender their votes. This they may do under section 59 "of the Act of 1832 (2 and 3 William IV., chap. 45); and I "think that they will do well not to neglect the opportunity "thereby afforded of bringing their claims under the notice of "the NEW election tribunal by a petition to the Court of Com-"mon Pleas, under sections 2, 5, and 6 of the Parliamentary "Elections Act, 1868. This will not prevent them from also "appealing to the same Court of Common Pleas against the "decisions of the revising barristers under the 6th and 7th " Vict., chap. 18."

Note.—Section 59 of the Reform Act of 1832, referred to in the above extract, runs thus:—

"39. Provided always, and be it enacted, that any person whose name shall have been omitted from any register of voters in consequence of the decision of the barrister who shall have

"revised the lists from which such register shall have been formed, "may tender his vote at any election at which such register shall be in force, stating at the time the candidate or candidates for whom he tenders such vote, and the returning officer, or his deputy, shall enter upon the poll book every vote so tendered, distinguishing the same from the votes admitted and allowed at such elections."

This applies only to persons whose names have been struck off by the revising barrister, either from the overseers' lists of voters, or from the lists of claimants. All women in this position are exhorted to avail themselves of this provision of the law, and thus at once assert and prove their comprehension within the operation of the constitution, and the statutes of the realm.

Your committee desire to return their earnest thanks to those friends whose contributions to the funds of this society have enabled them to accomplish the work that has been done during the past year, of which they now present the record. They have employed, to the best of their judgment, the whole of the means at their disposal, and thereby reduced to zero the balance in the hands of the treasurer. Much remains to be accomplished which demands immediate and strenuous exertion, especially the prosecution of the appeal cases in the Court of Common Pleas. To meet these expenses, and to carry on the ordinary work of the society, which may be expected to increase with the growing magnitude of the question in the eyes of the public, your committee have no funds in hand. From the balance sheet presented by the treasurer it will be seen that the receipts during the past year have been £229, and the expenditure £225. The small balance shown is absorbed by outstanding liabilities, which it does not cover. It will be seen, therefore, that there is urgent need for immediate pecuniary support, and your committee earnestly hope that those friends of the cause who think that it has been advanced by their past efforts, will manifest approval of their exertions by enabling the society to continue the work so successfully begun.

## ANNUAL GENERAL MEETING

Of the Society, held in the Mayor's Parlour, Town Hall, Manchester, Friday, October 30th, 1868.

MRS. MAX KYLLMANN in the Chair.

The Secretary read the Report of the Executive Committee.

The Treasurer read the Statement of Accounts.

Resolution I.—Moved by Jacob Bright, Esq., M.P.; seconded by the Rev. W. H. Herford; supported by Dr. Pankhurst—

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

Resolution II.—Moved by Ernest Jones, Esq.; seconded by Mrs. Lucas—

That the following persons be appointed the Executive Committee for the coming year: Jacob Bright, Esq., M.P., Mrs. Jacob Bright, Miss Becker, Mrs. Butler, Thos. Chorlton, Esq., Professor Greenbank, Mrs. E. Kyllmann, Mrs. Max Kyllmann, Miss S. Miall, Mrs. R. R. Moore, Dr. Pankhurst, R. D. Rusden, Esq., Rev. S. A. Steinthal, Mrs. J. P. Thomasson, Miss A. Wilson, Miss M. Wilson, Miss Wolstenholme.

Resolution III.—Moved by James Heywood, Esq., F.R.S.; seconded by R. D. Rusden, Esq.—

That the best thanks of this meeting be given to the Mayor for his kindness in allowing the Society the use of his parlour.

Resolution IV.—Moved by the Rev. S. A. Steinthal; seconded by Miss A. Wilson—

That the best thanks of this meeting be given to Mrs. Kyllmann for presiding on the present occasion.

# MATHILDE KYLLMANN, TREASURER,

# IN ACCOUNT WIT

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Audited and found correct.

Manchester, October 21, 1868,

LOUIS BORCHARDT, M.D., A

# ANNUAL SUBCRIPTIONS, AND DONATIONS.

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# MANCHESTER NATIONAL SOCIETY FOR WOMEN'S SUFFRAGE.

### RULES.

I. The object of the Society is, to obtain for Women the Right of Voting for Members of Parliament on the same conditions as it is, or may be, granted to men.

II. The qualification of membership in the Society is approval of its objects, and an annual subscription of not less than One Shilling.

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

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

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

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

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

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

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

# MANCHESTER NATIONAL SOCIETY FOR WOMEN'S SUFFRAGE.

Members of the Society and others are earnestly requested to aid the movement.

- 1. By collecting signatures to the petition, forms of which may be obtained from the Secretary.
- 2. By bringing the question under the notice of Members of Parliament, whenever they appear before their constituents.
- 3. Should notice of any motion, friendly or hostile, be given in the House of Commons—by writing letters, asking the local members to support the principle of Women's Suffrage.
- 4. In case of an election, by calling on every candidate to declare whether he considers that women who fulfil the conditions required of men, ought to be excluded from the franchise.
- 5. By trying to procure insertion of facts and arguments bearing on the question, in the local press.
- 6. By communicating to the Secretary any information likely to be useful to the Society, and the names of such persons as may be disposed to assist the cause.
- 7. Where there are three or four members in the same place, by uniting to form a local committee.
  - 8. By endeavouring to increase the number of members.
- 9. By extending the organisation of the Society through the medium of corresponding members or local committees. All persons willing to render such assistance are earnestly requested to communicate with the Secretary.

Further information will be willingly afforded to all who may desire it.

LYDIA E. BECKER, Secretary, 28, Jackson's Row, Albert Square, Manchester.

