

THE CATHOLIC CITIZEN

Organ of the Catholic Women's Suffrage Society, 55, Berners Street, London, W.1.

VOL. IV., No. 11.

November 15th, 1918.

PRICE ONE PENNY.

Daughter of the ancient Eve,
We know the gifts ye gave and give;
Who knows the gifts which *you* shall give,
Daughter of the newer Eve?

—Francis Thompson.

A CATHOLIC VIEW OF REGULATION 40D.

(Being an Address given to a Meeting of the Catholic Women's Suffrage Society, to Protest against Regulation 40D, Caxton Hall, 12th October, 1918).

In speaking to this meeting of Catholics who have come together to protest against Regulation 40D. I have a sense of weighty responsibility. You have invited me here and I have willingly accepted the invitation, that I may speak openly as a priest and theologian on a subject where it is hazardous not merely to speak as a theologian, but to speak at all.

Few questions affecting the Commonwealth are so full of ethical pitfalls as that which the War Council have tried to settle by Regulation 40D.

In the first place, it is a question not merely of a disease, and not mainly of a disease, but of a sin. Moreover, being a question of a sin of the flesh, it deals with that enemy within the gates which is as constant as our shadow and as dangerous as a traitor in the ranks.

Attempts to deal with this sin by methods of police or hygiene are foredoomed to that failure which made S. Augustine write, "Tolle meretrices et turbabuntur civitates." "Suppress harlots and the cities are aroused."

In the second place, therefore, the grave social vice which the framers of Regulation 40D. wish to settle by arrest and inspection is a moral question belonging to the delicate department of permission.

Assuredly there are great evils which must be tolerated for a while, lest the effort to destroy them lead to evils still greater. Tares and weeds must sometimes be left amongst the grain, in the interests of the grain.

But every ethical teacher knows how hard a task it is, in the matter of permitted evil, to weigh up the greater and the less, the direct and indirect, the voluntary and involuntary, and to detect the fine frontier which separates permission from effective and culpable co-operation.

This question being primarily a moral, not a medical, question, it would seem right that it must be settled finally by a moral, rather than a medical, judgment. If we venture to fulfil our function of giving a moral judgment it is with the conviction that the statesmen and doctors responsible for Regulation 40D. have acted as best they knew to meet an evil. If the best they knew has turned out to be, as we shall show it to be, far from the best, and indeed not far from the worst, it is because the evil they have sought to cure is one whose cure is beyond the sphere of politics or medicine.

Our opposition may be summed up in two phrases:—

A. Regulation 40D. is ethically wrong because it is a violation of individual liberty; and

B. Regulation 40D. is ethically wrong because it tends to increase, rather than lessen, sexual sin.

A.

Regulation 40D. is ethically wrong because it is a violation of individual liberty.

1. In the first place, it is a violation of individual liberty, because, in a matter affecting the character and personal freedom of the individual, it discriminates, for no valid reason, between women and men. Now, laws which burden one class of the community rather than another class equally open to the law are unjust laws which no authority has a right to pass. In the present case the injustice is all the more manifest and unbearable because this Regulation has been passed, not by women, but by men, and applies not to men, but to women.

2. Again, this injustice to individual liberty is inflicted in cases wherein, even on medical showing, there could be no certainty of the criminal offence. According to the "Lancet" of August 17th, 1918:—"Also difficulties may arise in regard to positive medical evidence.

"In a case where the woman is shown to be infectious, and where sexual intercourse has taken place, the length of time elapsing between inception of the disease and examination of the woman, adduced by counsel as a legal difficulty, may leave the medical examiner himself in doubt as to which party infected the other. Either the man alone, or both the man and the woman, may have been suffering from communicable disease at the time they met, and the statement of either party as to the date of possible infection is evidently always to be taken with reserve. Great probability may exist as to the precise nature and order of the events, and yet that degree of certainty may not be present which will enable the medical examiner to speak without reserve in a matter which involves such serious issues."

This statement of a leading medical authority makes it clear that no medical certainty can be found in the case where it is undeniable that both parties have the disease and have had sexual intercourse. But there is still greater injustice where the fact of sexual intercourse, instead of being undeniable is denied by the defendant and proved only by the word of one whose word is almost suspect by being uttered. It is a point of natural equity, if not of positive law, that everyone is presumed innocent until their guilt has been proved. Regulation 40D practically presumes guilt as soon as guilt has been alleged. The Regulation as hitherto enforced in the courts practically lays upon the accused women the onus of proving that she is free from venereal disease and that she has had no sexual intercourse with her accuser. Moreover, in case she fails to prove herself free from the disease, she is presumed to have also failed to disprove the intercourse. All this is a breach of the sound principle that "Guilt cannot be presumed, but must be proved," and that "When proofs are doubtful the accused must have the benefit of the doubt." Such breaches of this principle of natural justice stamp Regulation 40D as itself a crime against the liberty of the individual.

3. In the third place, Regulation 40D is a further crime against the principle that "ten criminals must be acquitted rather than one innocent man be condemned." The actual carrying out of the Regulation seems based on the principle that it matters little how many innocent women are condemned provided one

guilty woman is not acquitted. (No mention is made of the equally guilty man.)

This strong statement is the self-statement of facts. Up to the present it may be taken that some 40 or 50 per cent. of the accused women whose accusation has led to medical examination have been found free from the alleged disease. It is significant that the latest official report gives the number of women charged and convicted, but fails to give the number of women charged and acquitted. Even if the number was now less than it was in the first few months of administering the Act, the rights of the subject would be subject to an injustice against the natural law of mankind and the positive law of the land.

4. In the fourth place, even if this law had none of the injustices just detailed, its failure to reach the aim of the law would make it unjust. A citizen's freedom is his fundamental right. Though personal liberty may sometimes be curtailed for some common good, still it cannot be curtailed for anything that is certainly, or even probably, not for the common good. Upon the legislators lies the burden of proving and not merely asserting that the common good is increased by this curtailing of private liberty, increased to an extent which more than compensates for the private liberty curtailed.

Now, on the medical evidence which is here expert and relevant, it is at least doubtful if not certain that this Regulation 40D fails in the end proposed by the legislators. The "Lancet" of August 17th said, "We observe, therefore, that up to the present time, in a large proportion of cases, it has proved impossible to establish the existence of venereal disease in a communicable form. In practice no medical examination suffices to ascertain the presence of infection, and this negative aspect in itself, we believe, discredits the Regulation as a public health measure. Regulation 40D appears to be condemned by its own futility."

The weight of medical judgment makes it quite clear that the curtailment of personal liberty made by Regulation 40D, fails in the very aim which it intends. It is therefore on all counts an injustice which no ethical expert could allow to remain in force against a class of the community which are especially incapable of self-defence.

(Continued on page 88).

NOTES AND COMMENTS.

By an overwhelming vote—274 to 25—the House of Commons has decided that women must be made eligible for Parliament by an Act of Parliament, since the Law Officers have declared that they are ineligible by law. The right to choose electors carries with it the right to be elected, a constituency is entitled to choose the representative it thinks most fitted to represent it, whether that representative be male or female, and we are glad that the House of Commons has manifested so emphatically that it is not inclined to stand any shilly-shallying on the matter.

On the same day as the debate on Women M.P's. it was decided, without a division, to throw open all the galleries to women, for the moment anyway the Ladies' Gallery will still be reserved for women. We live in a changing world.

* * * *

We regret that the American Senate has failed to pass the Woman's Suffrage Amendment, in spite of President Wilson's fine appeal to them to make America a real democracy. The President has realised, as a true democrat must, that there is no true democracy where women are held in political bondage. As reported in the Press, the President wrote to one Senator, saying: "I earnestly believe that our action upon this amendment will have an important and immediate influence upon the whole atmosphere and moral of the nations engaged in the war, and every day I am coming to see how supremely important that side of the whole thing is." And in addressing the Senate he said, "Through many channels I have been made aware what the plain struggling workaday folk are thinking, upon whom the chief terror and suffering of this tragic war falls. And this is that women shall play their part in affairs alongside of men upon an equal footing." But the majority of the Senators still pin their faith to a male democracy.

* * * *

The Labour Party has decided to bring in a Bill to remove existing disqualifications, which prevent women becoming Ministers of State, or holding judicial offices. We give a report in another column of the Conference of representative women's societies, summoned

by the Labour Party, which was held in London on the 15th and 16th ult.

* * * *

We hope members will buy extra copies of the paper this month, so that Father McNabb's article on 40D may be well circulated both among Catholics and non-Catholics.

* * * *

We were glad to see Father McNabb's article in the "Catholic Times" (a paper upon whose support we can count on this question), protesting against an unsigned article in the "Universe," which was practically a plea for State Regulation of Vice as the lesser of two evils. We can assure the writer of that article, and those who think with him, that Catholic women are not to be trapped by any subtle argument into the belief that to assist men to commit sin, or to provide facilities for immorality in any shape or form, under any pretext whatsoever, is not a participation in the sin itself. That is what we were taught at school with respect to sin of any kind, and we have not forgotten the Church's teaching. The women of this country are strong enough to prevent any form of State Regulation of Vice being established, and if they do not receive from the religious press the support they are entitled to expect, that press must not be surprised if women transfer their support to those papers of the secular press that are sound upon this question.

We need scarcely remind the readers of this paper that, from the point of view of hygiene, a demand for State Regulation of Vice can only come from persons who are ignorant of its failure as a preventive of disease, wherever it has been tried.

* * * *

As we go to Press the Bill enabling women to be members of Parliament has passed through all its stages in the House of Commons, with very little opposition, and has been sent up to the Lords.

* * * *

We regret that we are unable from lack of space to report the great Protest Meeting against Regulation 40D., held recently at the Queen's Hall, under the auspices of the Association for Social and Moral Hygiene, supported by over 50 societies, including the C.W.S.S. The meeting demanded the immediate withdrawal of 40D.

THE CATHOLIC WOMEN'S SUFFRAGE SOCIETY.

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WOMEN IN CONFERENCE.

The month of October saw two Conferences of women, the one held in Harrogate, the other held in London. The former was the Annual Conference of the National Union of Women Workers, to be known for the future as the National Council of Women of Great Britain and Ireland. Resolutions were passed denouncing Regulation 40D, and re-affirming the Council's unshaken belief in an equal moral standard for men and women. The resolution put forward by the Women's Freedom League, pressing for equality of opportunity and training and equal pay for equal work was passed nem. con.

The second Conference of women was summoned by the Labour Party, to consider Women's Civic Rights and Responsibilities, and was held in the Caxton Hall, on October 15th and 16th. Two hundred and sixty organizations were represented, about sixty being political, professional or religious organizations, and the remainder Labour, Socialist and Trade Union bodies. Anyone who had the privilege of attending must have been impressed by two facts—that this assembly of women was intensely alive and intensely in earnest.

The first resolutions, which were passed nem con., bore witness to the progress made by the feminist movement in the last few years. For these resolutions, as the mover, Miss Macarthur, pointed out, had been before the various societies for a considerable time—societies representing, as we have said, every shade of opinion, and the amendments which

had been sent in were all in a broadening sense. The resolutions were:—

“That all legal restrictions on the entry of women to the professions on the same conditions as men should be abrogated.”

“That women should have all franchises and be eligible for election to all public bodies, and should be eligible to sit on juries and for the judicial offices and for all offices of State, on the same conditions as men.”

“That systematic provision should be made for the representation of women on all committees and commissions, national or local.”

On most of the subjects brought forward these women of all classes could agree; 40D was unanimously condemned and its immediate withdrawal demanded. The Conference recorded its deep conviction “that the effective prevention of venereal disease cannot be gained by repressive and unequal legislation, and must depend upon the education and social environment of the men and women citizens of the community.” “Education” is, of course, a wide term, and the Catholic representatives would read into the word a deeper meaning than some of the non-Catholic representatives. The Conference also protested against the provisions of the Sexual Offences Bill and the Criminal Law Amendment Bill now before a Joint Committee of the two Houses, which maintain an unequal standard between men and women and require medical examination in the case of those charged or convicted under certain of their provisions. The Housing Problem and a

THE GENERAL ELECTION AND THE C.W.S.S.

We have been asked what attitude our members should adopt towards prospective candidates. We suggest that they should be asked to pledge themselves to work for:—

- (1) The immediate withdrawal of Regulation 40D., D.O.R.A., and to oppose all similar legislation which tends to establish State Regulation of Vice and to maintain an unequal moral standard.
- (2) The removal of the present age limit for women voters and equality between men and women in any further extension of the franchise.
- (3) Equal opportunities and equal pay for equal work and the opening of all professions to women with equal opportunities of training.
- (4) Removal of the restrictions which prevent women from holding offices of State.
- (5) Adequate representation of women on all bodies dealing with Reconstruction and Demobilization.

As to the more general questions of International Policy, etc., also questions of social reform such as Housing, Maternity, Child Welfare, Public Health, etc., our members probably hold conflicting views and should satisfy themselves as to their candidates' attitude on these questions. Upon purely Catholic questions there is no need for us to offer advice.

LIVERPOOL AND DISTRICT BRANCH.—Hon. Org. Sec., Miss A. J. Musson, Fair View, West Rainhill, Lancashire. A meeting was held at 18, Colquett Street, on October 30th. Mrs. A. J. Hughes was in the chair. Miss L. M. Blackledge gave a very interesting address on “How my vote can affect my House.” Questions were asked and a good discussion followed.

Mrs. V. M. Crawford has promised to speak at the next meeting, which will be held on November 21st, at 7-30, at the Women's Council Room, 6, Lord Street. Mrs. Crawford's subject will be: “The Church and the Worker,” giving some account of the Catholic Labour movement abroad, based on Leo XIII's Encyclicals.

Representatives of the Branch visited the Conference of the Catholic Social Guild at Stoke-on-Trent, on October 26th and 27th. Copies of the “Catholic Citizen” were sold outside five of the principal Churches of the Potteries. In all 250 copies were disposed of, the total number we had with us, and many more could have been sold.

Ministry of Health were also discussed. The most heated and the most interesting discussion arose on the resolution dealing with the continuation or not of the women's organizations, the resolution urged women to throw their strength into the development of a strong political organisation, embracing both men and women, and not to follow the lines of sex division. The amendment, moved by the Women's Freedom League, and seconded by the National Union of Women Suffrage Societies, advised women, while working with men in political organizations, to continue their independent societies until such time as women had secured political, social and economic equality. The amendment was lost, chiefly, I think, because of a certain confusion which seemed to exist in the minds of the supporters of the resolution. They appeared to think that the only alternative to all women joining the Labour Party was to form a woman's party. But none of the supporters of the amendment desired to see a woman's party formed, or desired to advocate sex antagonism. The reforms for which the Suffrage Societies stand should be above party. For instance, we do not wish to make the opposition to 40D and similar legislation a party matter, we want to see men of all parties denounce as unjust and immoral any legislation of the kind.

It looks as though the long desired, long prayed for peace was in sight, if on the cessation of war, we are not to have war at home, the energy, the forbearance, the good will of men and women will be taxed to the uttermost. But we think women can best safeguard the interests of women—and the interests of men—by continuing their work in the societies they have built up, which will not prevent them joining any of the political parties if they wish. The C.W.S.S., like the other Suffrage Societies, is formed of women of all parties, and also of women who are not enamoured of any party.

L. DE ALBERTI.

PEACE IN SIGHT.

We go to press amid the firing of cannon, the pealing of bells, and the shouts of a sober people gone mad with joy at the glad tidings of the cessation of hostilities. God be praised.

(Continued from page 84).

B.

Regulation 40D. is ethically wrong because it tends to increase rather than lessen sexual sin.

1. In the first place, this tendency is at once seen in the movement towards State controlled and medically certified (brothels) vice. As Mr. Lees Smith, M.P., said, in the House of Commons, June 19th, "The principle of Regulation 40D is the principle of the C.D. Acts, and it is because people recognise that this obsolete, discredited, hated principle is being revived that a great agitation is arising throughout the country."

As the "Shield" for July says, "Regulation 40D, put into plain words, is an attempt to provide clean women in the streets."

2. In the second place, it will be seen that this view of the question is not an exaggerated or an unfounded one, when we remember what has taken place in our Indian military centres. In a pamphlet, entitled "An appeal to the Women of the Empire," being an address given by the Association for Moral and Social Hygiene, we find the following significant facts:—"The effect of the C.D. Acts, both in England and India, was to enforce the medical examination of prostitutes, or of suspected prostitutes, and in order to do this it was necessary to have a register of prostitutes and their addresses, the practical result being to put brothel-keepers under the protection of the law. In India the Military Authorities went further; they instituted brothels in cantonments and kept an official hand upon them; they were Government institutions." P. 4.)

I beg my hearers to realise the full meaning of the words "they instituted brothels in cantonments," &c. My deliberate judgment as a priest and theologian is that this is such a direct and deliberate co-operation with sin that it is not lawful because it is itself a sin.

But Regulation 40D, according to the judgment of many, tends in the direction of these Government institutions. No wonder that Mr. Chancellor, M.P., argued, in the House of Commons, that "the very fact that the Government have made the provision is calculated to break down the morals of men who otherwise keep themselves clean."

3. In the third place, the actual circumstances of the War in the West have led to something like this State-procurement of vice. Thus, in a circular headed "Minister's Cabinet, 4th Bureau," the French War

Department issued, on March 13th, a circular on the "Creation of Tolerated Houses." The following order is issued to Generals in the French Army:—"You are requested to determine in agreement with the civil authorities: A. Suitable places for establishments of this kind. In case such places cannot be found, it would be well to take steps at once for the construction of special buildings."

"B. The persons who seem to you suitable for these establishments." (The "Shield," July, 1918, p. 9, 10.)

It can hardly be denied that Regulation 40D contains in principle all the crime of this Circular. No wonder our Catholic instinct rises against it as against a crime of first magnitude.

4. In the fourth place the definite immoral tendency of this Regulation will lead, as it has led, to almost explicit lectures of encouragement to vice. To quote the pamphlet already quoted as to the state of things in India:—"In India the soldier finds that certain brothels are recognised officially, are under police supervision, and are legal, provided the women inmates are free from disease . . . and in 1886 an order was issued to the Quartermasters to keep these brothels supplied with young and attractive girls." On the arrival of draft recruits in India the men are lectured on the dangers of venereal diseases, and in some of these lectures they have been told that if they only frequent authorised brothels they will escape those dangers. The result is that a large number of men do frequent these brothels. They are distinctly taught that the thing to be feared and avoided is disease rather than vice.

I can supplement these horrible facts by what was told me by a married non-commissioned, now a commissioned, officer on the Western Front. On the arrival of a regiment at a rest camp in a town after several months in the desolated fighting line, the men of the regiment were paraded by the doctor. A long lecture was given on venereal disease. Then the doctor described in detail how the men would recognise the house where only medically certified women were to be found. He even went to the pains of telling the men the French words for the preventives which could be obtained in the chemists' shops. But there was not a word saying that the acts to which he was constructively inciting them were sin, and the disease they risked could be best avoided by avoiding the sin.

5. These facts, horrible as they are in them-

PROTEST MEETING AGAINST REGULATION 40D.

There was a large audience at the protest meeting against 40D., organized by the C.W.S.S., at the Caxton Hall, on Saturday, October 12th.

Father Vincent McNabb, O.P., was the chief speaker. His address is printed verbatim as our leading article. Dr. Alice Vowe Johnson, speaking as a medical expert, gave reasons why 40D. is futile as a preventive of disease. Miss Alison Neilans, for the Association for Social and Moral Hygiene, gave an account of the working of the regulation from the records of cases which, in her position as Secretary of the A.S.N.H. and Editor of the "Shield," had come under her notice, and said fifty per cent. of the cases had broken down, after the women had submitted to a degrading examination. There was a tendency to drift back to State Regulation of Vice, but pressure on this point could only come from ignorance. The Hon. Mrs. Walter Roch presided at the meeting. The following Resolution was carried unanimously:—"That this meeting demands the immediate withdrawal of Regulation 40D. of the Defence of the Realm Act, which was passed without the consent of Parliament. It pledges itself to offer uncompromising opposition to this kind of legislation, which tends to encourage rather than lesson immorality and which, moreover, constitutes a grave menace to the liberty and civil rights of all women." Representatives of the Suffrage Societies, Catholic Social Guild, &c., were present, and among those on the platform were the Prior of Hawkesyard, Revd. Father W. H. Kent, Mr. Chancellor, M.P., Mrs. Crawford, for the Catholic Social Guild, Mr. Coldwell, for the Catholic Reading Guild, and Mr. Martin, for the Catholic Federation. Apologies for absence were received from Bishop Keatinge, Monsignor Brown, Monsignor Hinde, Canon Brennan, Prior Bede Jarrett, Father Keating, S.J., Dr. Jane Walker, Dr. Magill, &c.

CHRISTMAS IS COMING.

The generosity of the members of the C.W.S.S. is a thing to be taken for granted, otherwise we should not attempt, during times like these, to make an appeal on behalf of our stall at the Christmas Sale. Funds to carry on our work are just as urgently needed now as they were this time last year, before our cause had met with a measure of success. The sale organized by the Women's Freedom League will be held at Caxton Hall, on November 22nd and 23rd, and we know that all members will wish to help in making it a success. This can be done by sending either a donation or some useful article to 55, Berners Street, W.1., without delay. Nothing is too small and nothing too large, and the sooner gifts are sent the better!

D.W.W.

selves, are now made more horrible by Conscriptio. Every boy over eighteen years of age is now forced into the Army. According to the plain facts you have heard he is therefore forced into an atmosphere where he has every inducement to begin a career of vice. Those whom he should look up as his guides, make easy for him the ways of sin. They are as careful of his body as they are careless of his soul. They sully his chivalry towards women by making him look on women as the tools of his pleasure and the objects of his revenge, and they inculcate the vices of the superman in an immoral "Be strong."

This becomes poignant when we reflect that among the conscripts who are now forced into this atmosphere are many who have been taken from sheltered Catholic homes and even from Catholic noviciates!

Amongst the most appalling facts which this controversy has brought to light is a letter to a morning paper, signed by a "Mother." This mother—or so-called mother—urged the retention of Regulation 40D, because her beloved son, one of three or four, had contracted disease. I leave you to imagine what claim to true motherhood could be made by a woman whose one regret was not her child's sin, but his punishment. Did she realise that in writing as she wrote, she suggested that her son's sin would be nothing to her, if only he could be free from bodily taint. To such straits are forced those who uphold a vice which should be condemned.

As a priest therefore and as a theologian, I agree with Mr. Lees Smith that the military methods of dealing with these matters is absolutely wrong from the moral and ethical point of view; and therefore I have a duty of urging the War Council to withdraw a Regulation which proves itself morally wrong by an offence against the liberty of the citizen, and by worsening a moral evil under plea of counteracting its physical effects.

FR. VINCENT McNABB, O.P.

LONDON NEWS.

Office, 55, Berners Street, London, W.1. Hours, 3-30—5-30; Saturday, 10-30—12-30. Other times by appointment. Holy Mass will be offered for the intentions of the Society, i.e., for Peace and for all who have died in the war, on Sunday, December 1st, at 10-30, at St. Patrick's, Soho. We are glad to welcome back to London our members, Mrs. Christitch and Miss Annie Christitch, after their long imprisonment in the hands of the Germans.

We once more call attention to our stall at the Christmas Sale, to be held at the Caxton Hall, on November 22nd and 23rd. We hope our members will help us as generously as possible.

We are compelled to omit from lack of space reports of the two meetings held at the Albert Hall and the Queen's Hall to demand equal pay for equal work.

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