

Observations on the Contagious Diseases Act (women, not animals) : showing how the new law debases women, debauches men, destroys the liberty of the subject, and tends to increase disease, being a reply to Mr. W. Paul Swain's paper on the working of the Act at Devonport / by Charles Bell Taylor.

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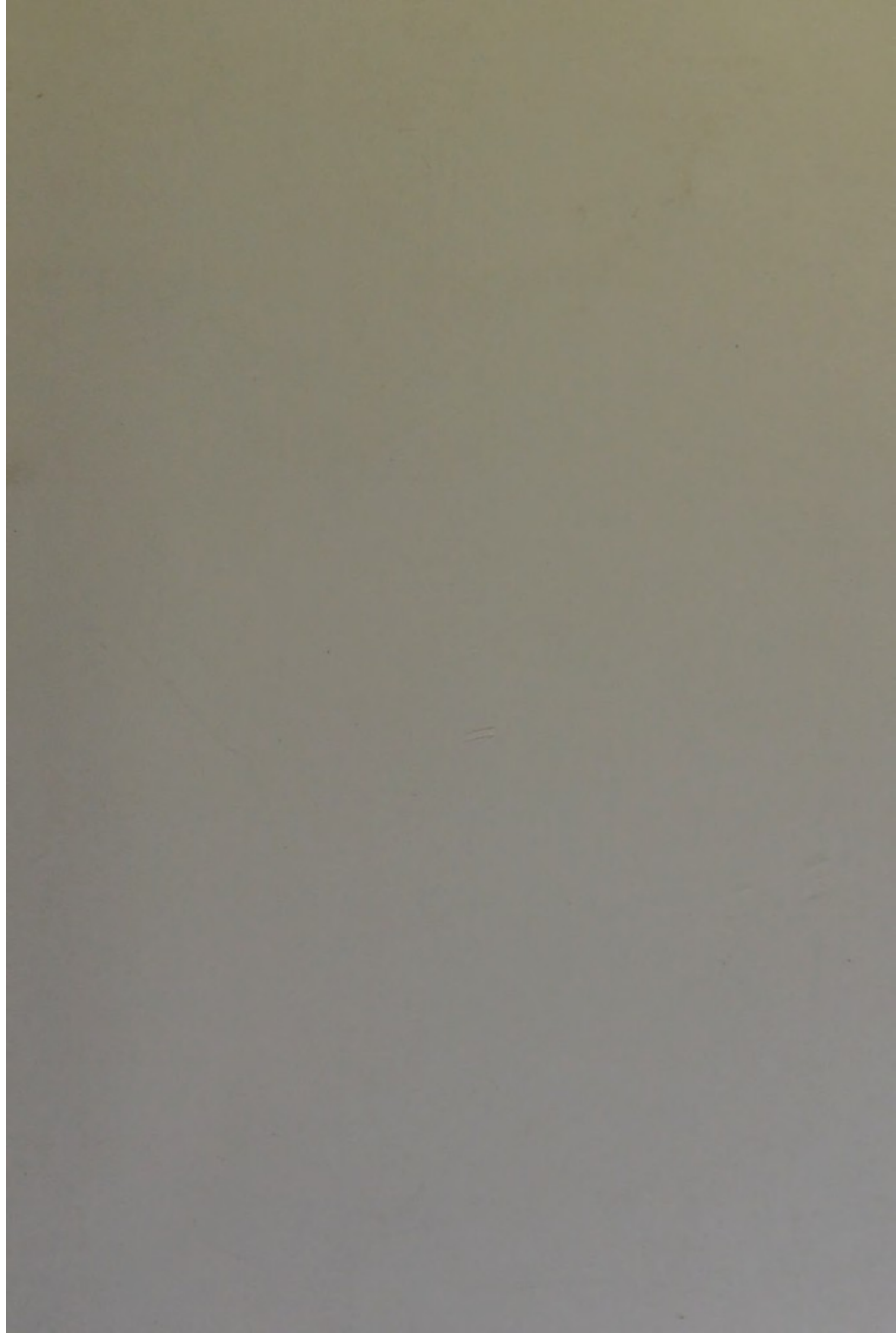
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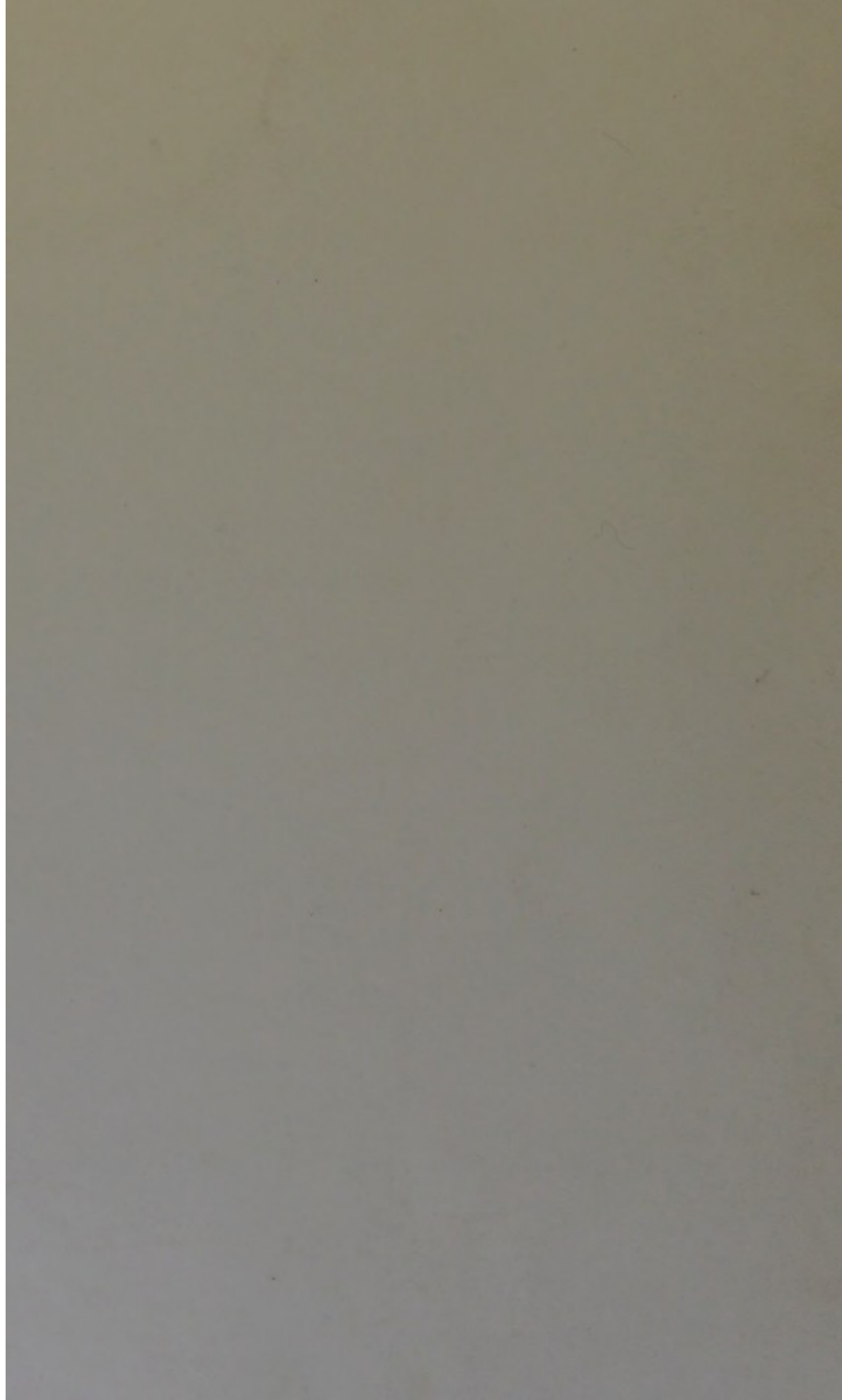
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OBSERVATIONS

ON THE

CONTAGIOUS DISEASES ACT,

(WOMEN, NOT ANIMALS),

*SHOWING HOW THE NEW LAW DEBASES WOMEN,
DEBAUCHES MEN, DESTROYS THE LIBERTY
OF THE SUBJECT, AND TENDS TO
INCREASE DISEASE;*

BEING A REPLY TO MR. W. PAUL SWAIN'S PAPER ON THE
WORKING OF THE ACT AT DEVONPORT;

BY

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TO BE OBTAINED OF FREDERICK BANKS, BOOKSELLER AND
STATIONER, MANSFIELD ROAD, NOTTINGHAM,
AND OF ALL BOOKSELLERS.

PRICE SIXPENCE.

PREFACE.

Much more than I have either time or space to write, might be urged against the Contagious Diseases Act. There are a few facts, however, bearing on this subject, which I am anxious to bring before my readers in lieu of preface.

With regard to the pretended prevalence and malignity of disease, Prof. Syme, one of the most—if not the most distinguished surgeon in Europe, remarks “the subject has been of late most thoroughly over elaborated.” Mr. Skey, President of the Venereal Commission, and well known as surgeon to St. Bartholomew’s Hospital, expresses his own conviction, and that of numerous leading metropolitan surgeons, when he remarks, that “the disease is neither so severe nor so prevalent, *by any means*, as has been represented by the Association for forcing this Act on the civil population;” an assertion in which I thoroughly coincide, and which is endorsed by all the leading practitioners in this district. Mr. Byrne, surgeon to the Dublin Lock Hospital, when asked “if syphilis had increased of late years?” replies: “There is not *nearly so much* syphilis as there used to be. Formerly we saw persons suffering from depression of the nasal bones, and other accidents from this disease, *almost daily in the streets*; but no such thing is to be seen now. You will *not see such a case for years*. A fact that no medical man can have failed to remark.” Auzias Turenne, an eminent authority on this subject, says, “It is on the wane all over Europe; and it is unquestionably less prevalent and less malignant in countries where this Act is not in force.” Mr. Simon, medical officer to the Privy Council, and one of the first pathologists in Europe, remarks that “most exaggerated notions prevail as to its extent and malignancy, and that the estimates of the Association for forcing this Act on the civil population are simply *romantic*.” Some of the London lay papers even improve upon these by multiplying the weekly attendants at various London Hospitals by 52, a procedure by which *one patient*, if ill for six months, is made to figure as 26 sufferers; if ill for a year as 52, and so on in proportion; until the most absurdly false statistics are built up and paraded to frighten the public. The real fact is, that there is less cause now than there has ever been for the last three centuries for any such iniquitous legislation.

With regard to remedies. Mr. James R. Lane, surgeon to the London Lock Hospital, and St. Mary’s Hospital, observes in his evidence given before the Venereal Commission, “*that much more good may be done by Free Hospitals than by police regulations*. Police regulations can only act upon professional prostitutes, whereas Lock Hospitals will be resorted to not only by professionals, but also by many who have unfortunately contracted disease clandestinely, and who would escape the police.” Dr. Fraser, surgeon to the 10th Hussars, in his evidence before the same commission, when asked “what must be done if public feeling were roused against such arbitrary measures,” replied: “Then no doubt the evil would be very much mitigated by the establishment of special Hospitals for the relief of persons thus afflicted.” Many others gave similar evidence. None seemed to be aware of the most iniquitous provisions of the Contagious Diseases Act, though they concurred in the advisability of establishing Hospitals; the doors of which I protest, most emphatically, ought to be opened by Christian charity and not by the police.

As to the sanitary influence of despotic measures, all evidence goes to prove that they fail in repressing disease. Admiral Sir S. W. Martin stated that they had failed signally at Portsmouth, and Admiral Sir F. Grey gives similar evidence; showing that 81 men on board the “Octavia” had contracted disease under the protecting provisions of the Contagious Diseases Act. As to their moral influence, it is an undeniable fact that immorality is fearfully increased wherever such laws prevail. The vice of London floats on the surface, but for the size of it, it is undoubtedly the most moral town in the world. In Portsmouth and Bristol, for instance, and other English ports—which certain persons seem just now to take a pleasure in vilifying—the crime and immorality practised by the same men, under exactly similar conditions, is just *one half what it is at foreign stations*. (See the Report on Crime and Punishment in the Navy.) On looking over the *Madras Times* of last month, I find that the most shameful outrages have been perpetrated under this Act by the gomasthas or disguised police, on the strength of anonymous letters, &c. In fact, the whole thing is one of the greatest blunders ever achieved by the stupidity of Englishmen. Is it just that a fallen woman should be stamped with infamy, for a crime which leaves her partner untouched and free to spread disease? Is it right that pure and virtuous women—poor though they may be—should be at the mercy of a low legalised espionage in order that men may be vicious with impunity? God forbid! that we should ever thus violate the inextinguishable rights of womanhood, recognise expediency in lieu of right, or establish a law in this country which, I protest, is a foul disgrace to any civilised community.

OBSERVATIONS ON THE CONTAGIOUS DISEASES ACT, &c.

Mr. Swain having, in an ably written paper read by himself at the Bristol Social Science Congress, and since published, impugned certain of the statements contained in an address which I delivered at the same meeting, I have thought it due to myself to reiterate those statements, and to justify them by quotations from authorities of such weight as I believe to be conclusive of the question. Mr. Swain remarks that the early portion of his paper is occupied with a brief account of all the legislation which has taken place on the question of the prevention of the spread of Contagious Diseases, and continues, "I venture to think that considerable ignorance prevails on this matter, and that powers are popularly believed to exist which have never yet been granted, or ever could be. Thus—in a resolution lately carried at a meeting in Bristol the Contagious Diseases Act is set forth as "legalising in the Land, houses of ill fame . . . and the placing of our English homes, for the purposes of the Act, under the surveillance of the Police." "It is hardly probable that the gentlemen who supported this resolution could have been conversant with the Acts of Parliament that have been passed on the subject, or that they could have known the manner in which they have been carried out, or the results of their working. I suppose there are few subjects more favourable than this for platform denunciation or excited mis-statement of facts, and such meetings as the one above referred to are comparatively harmless." "I cannot, however, but express extreme surprise that, at a Congress avowedly of scientific men, assembled to discuss calmly and dispassionately great social questions, the opponents of this particular measure should have been summoned to attend the meeting where it was to be brought forward, for the purpose, not of hearing the papers set down to be read, but of expressing a foregone conclusion in the shape of a resolution, the passing of which was in itself contrary to the rules of the Council. I think I am within the mark, when I say, that the result of this conduct was to give to the assemblage in the Health Department an aspect more resembling a turbulent Election Meeting, than a calm, deliberative conclave of scientific men."

With regard to the above observations, I entirely agree with Mr. Swain that considerable ignorance does prevail on this matter. If it were not so, the promoters of the Contagious Diseases Act would not have been allowed to go so far as they have done. As to the powers popularly believed to exist, I am quite sure that the people of this country do not, as yet, nearly appreciate their full extent or iniquity. They amount to a general warrant, a species of authority, which, ere this, has caused a revolution. Under the provisions of the Contagious Diseases Act, any woman whom a policeman may choose to designate, or affect to believe to be a prostitute, without proof, without evidence, trial, or conviction, is liable to be arrested, taken before a magistrate,

and condemned to three months' imprisonment with hard labour, which may be repeated indefinitely, that is, for life, if she decline to submit (for at least a year, in company with the vilest prostitutes) to a frequently repeated violation of her person with a surgical instrument. The policeman is disguised in plain clothes, and his functions are those of a spy. When "he has spied out a woman," he informs her, in the language of the force, that "he shall run her in," that is, take her before a magistrate, unless she consents to the operation I have described. In the middle ages, when our forefathers employed the rack, thumb screw, fire, and other forms of torture, such exposure and violation was one of the "*peines fortes et dures*" occasionally offered, with others, for selection to female criminals—but it was always the last chosen. It is now offered with the alternative of imprisonment for life to those who at the very worst are not criminals, and who may be entirely innocent.

The sworn evidence which some pretend is a protection to the liberty of the subject is worse than useless, at best it amounts to this:—a woman protests her innocence, and declines to go with or accept the disguised policeman's invitation to register herself as a common prostitute. He therefore, doubtless with considerable chagrin, informs his superintendent that he *thinks* a certain woman is no better than she should be; and the superintendent goes before a magistrate, and swears "That he has *good cause to believe* such a person is a prostitute," whereupon the magistrate issues a warrant for her apprehension. To Englishmen, with the old fashioned notions of freedom, this seems bad enough, but unfortunately worse lurks behind. Under the 17th section of the Act, called the "voluntary submission," the police spies are enabled to cajole and terrify comparatively innocent, or entirely innocent, women into permitting themselves to be registered as common prostitutes; that is, innocent women, falsely accused, are so hopeless of justice that they submit to be herded with prostitutes and periodically outraged. Why? For fear *their husbands and friends* should hear that they had been accused of prostitution!!! This seems incredible, and I will therefore, in proof of my assertion, quote from the minutes of Parliamentary evidence:—Dr. Brewer, Q 336, asks Mr. Parsons, the examining surgeon, whether any woman has been brought to him by false accusations, and his answer is *Yes!* In Query 345, "How do you know that women brought before you as common prostitutes are not prostitutes?" He says, "I knew one instance of my own knowledge, by my happening to know the woman *was a respectable married woman*. Further, in 351, he observes that the surgeon has no power to relieve women falsely accused, and suggests that he should have the power of saying to the police, "I believe this woman is a modest woman, and that you have made *some little mistake*." Further on he says some have willingly offered to take their oaths that they were modest women, and yet they were obliged to keep coming up week after week, with common prostitutes, to be examined, because nobody had power to relieve them except the magistrates. *Mark!* question 353. He says *they were brought up by the police*, and he has said to them, "You should go before a magistrate to prove your innocence. They say, "Oh, dear no! I would rather submit for 20 years," because if they go to the magistrates' court it is known all over the town, and the *husbands and friends* become acquainted with it. In another place he remarks, "If the police see a woman out at night, they are very apt to jump to the conclusion that she is a prostitute." Now, I should like to know what right the police had to say a word to these women, much more bring them up for examination! It was a monstrous outrage for these odious officials to speak a word to them. It is useless to mince matters, this Act is not intended for harlots; it is distinctly stated in the Parliamentary reports that milliners, dressmakers, and others at work all day, are classed as prostitutes for the purposes of this Act. They say that abandoned women are dangerous to society. If that danger was multiplied a thousand times,

it would be as dust in the balance compared to the numerous abuses which immediately arise when once the sacred principle of liberty has been violated. Further on, Mr. Parsons says he had not *had many cases of virtuous women* so brought up, and explains the reason, namely, that until after last January the beds were all filled with voluntary patients; that is, patients who came of themselves and begged for admission, which proves two important facts: 1st, that the outrages spoken of all occurred in one town in less than five months; and 2nd, that diseased women are only too glad to go voluntarily any where to be cured, even though they know that they must be temporarily imprisoned in consequence.

No wonder that the subject should be a favourable one for platform denunciation, but no mis-statement of facts is necessary. The facts themselves are enough to justify, as Mr. Charleton observed at Bristol, "a tornado of indignation." As to the resolution submitted to the meeting of members of the Social Science Congress, I deny entirely that it was a foregone conclusion. Not more than two or three knew anything about it, and the great majority knew so little about the matter that they had not made up their minds before the discussion. The meeting was composed of a few clergymen of the Established Church, Dissenting Ministers of various denominations, professional gentlemen, a considerable number of members of the Bristol Town Council, leading men of business, and other prominent citizens of Bristol, with a number of gentlemen of the same status from other parts of the country to the number, probably, of 200. A company of gentlemen more influential, more intelligent, or of more practical good sense and greater ability to arrive at a sound conclusion from the evidence given it would be difficult, if not impossible, to bring together on any subject whatever. After hearing two papers in favor of the Act by Messrs. Berkeley Hill (Secretary of the Association for extending this Act to the civil population), and Swain, surgeon to a certified hospital under the Act; and one by myself, denouncing it as unjust, cruel, and useless; and after a prolonged and deliberate discussion of both sides of the question, these gentlemen determined to pass the following resolution: "That this department recommends the Council of the Association to take the necessary steps to express to the Government the following conclusion:—
 "That we protest against the secret legislation that has marked the progress of the Contagious Diseases' Bill in all its phases; deplore the extension of the Act to several towns, in no sense garrison towns, which has recently been legalised without the knowledge or consent of the people, and without any public or proper discussion of the subject; and consider that its further extension to the civil population will not only fail to check disease, but will be also fraught with the utmost danger to the best interests of all classes of society." As to the rules of the Council, a motion on this very subject was passed last year and *recorded in the Society's Transactions*. Resolutions were at the same time being put in each department. I am told that one on vaccination had been shortly before passed in the same section, and I think I am within the mark when I say, that a number of gentlemen interested in the matter, had assembled with the distinct object of passing a resolution in favor of the Act. I don't think the few members of the Council who were opposed to us were wise to interfere or endeavour to stifle the very manifest and very proper feeling of indignation expressed against this measure by the members present. What could possibly be the object of our meeting if we were to leave no record of the results of our deliberations? It was this and the persistent efforts of the chairman (an avowed supporter of the Act), to avoid putting the motion condemning it, that roused the members present into insisting on their rights. That gentlemen, such as I have described, should indignantly insist on the record of this resolution, in spite of the persistent opposition of the supporters of the bill, to my mind only gives greater weight and significance to their action in the matter; and may be taken as a slight indication of

the indignation that will be felt throughout the country, should this iniquitous measure ever become law. Now, as to the misapprehensions which Mr. Swain observes seem to possess the minds of those who oppose the Act. I repeat, and defy contradiction, that there is no definition of prostitution whatever given in connection with this Bill, the spies have nothing to guide them in their selection of victims; and I am informed that one of these officials recently told a girl that his reason for arresting her was that he had seen her twice at a concert. One witness, in his evidence given before the Parliamentary Committee, said that prostitution was more a matter of mannerism than anything else. No proof is required. Suspicions, just or unjust, aroused by worthy or unworthy motives, are all that is necessary to condemn the best woman in the land; and if she happens to be penniless and friendless so much the worse for her. After the evidence I have given as to modest women having been arrested, Mr. Swain's statement, that it is utterly untrue, I leave to the careful consideration of my readers. Mr. Sloggett, another examining surgeon, even mentions that a mere child, who proved to be a virgin, was denounced out of spite, and brought up to him by the police to be examined as a common prostitute. To say that it is impossible that an error should have been committed is nonsense—impossible for a policeman to make a mistake!!! Englishmen may be eminently stupid, but I don't think they will believe that.

As to the second assertion, I don't know who the speaker was who called the inspection *beastly*, but I am quite prepared to affirm that nothing can be more disgusting than the whole process, and would refer those who doubt it to an excellent article in the *Medical Times and Gazette* of Oct. 2nd, where I find the following pertinent remarks:—"Nothing would tend more to deprive medicine of the rank of a respectable calling than the fact that practitioners should be found willing to lend themselves to the dirty work of examining prostitutes, in order to enable them to carry on their trade, and even, as has been proposed, instructing them in the art of injecting, &c., so that they may sin with safety." I don't know what occurs at Devonport, but the examinations elsewhere are not private. How are they to be made the means of instructing students and others if they are? I have been present myself at many such, with other gentlemen, in France, and saw one young girl seized with most serious convulsions, caused by the shame and anguish of the exposure. To say that women submit to such indecencies without repugnance is monstrous, and is to deny that they have a single natural instinct left. What prompted them to go out of the five mile limit to escape the examinations if such was the case? and why do the poor wretches drink to excess on examination days and paint themselves like savages, so that it may be thought they were suffering from their monthly illness, to avoid the same shameless act of tyranny? You might as well say that criminals liked being hanged because they made no active resistance on the scaffold. As to ladies submitting for the cure of disease, many suffer acutely rather than undergo the inspection, but when they do submit it is well-known that it is with extreme repugnance; and if they did not, it would be no argument for violating the sanctities of a healthy woman's womb once a week or fortnight against her will.

Second,—Mr. Swain states that:—"The assertion that disease is thus communicated is utterly *without foundation*." I should like to be informed how Mr. Swain knows that; it is utterly impossible for him to know whether such an accident should have happened or not. To prove that it is not only likely but certain to occur when one or two hundred women are examined in a morning, I will quote a few authorities:—Mr. Berkeley Hill, assistant surgeon to the London Lock Hospital, says: "It is well-known that catheters and other instruments have communicated the disease." Glass blowers frequently become infected by passing the tubes from mouth to mouth; it has

* All these facts are recorded in the Parliamentary evidence.

distinctly been inoculated by an instrument used for examining the ear, and Cullerier mentions that a lady contracted syphilis by tasting soup after her cook. A writer in the *Westminster Review* states, on the authority of Ricord, that a drop of syphilitic matter dissolved in half a pint of water, will form a solution any drop of which will inoculate with syphilis. Mr. Jonathan Hutchinson tells us that whole families in Norway became infected by using the same drinking vessels. Hospital authorities object to the admission of such cases on account of the risk of contagion; and Sir W. Jenner, referring to the same danger, says it is a wonder any of the medical men escape. Mr. Syme, professor of clinical surgery in the University of Edinburgh, and certainly one of the most distinguished surgeons in Europe, says that *there is no question* that disease is thus communicated, and that he had repeatedly met with men in whom the disease was distinctly traceable to females who had been contaminated "through the proceedings of accoucheurs who use specula and are not careful in cleaning them." In face of these facts what honest man can deny that these poor women are subjected to great risk, when healthy and diseased alike are examined one after another in quick succession? Even, if the farce of washing were gone through by some irresponsible nurse, the water itself would become a sink of contagion; but I have it on good authority that the washing process is occasionally neglected altogether; and when we consider that a woman who is quite capable of communicating disease may on examination appear quite healthy (a fact I shall shortly demonstrate) we can readily understand, especially when time is an object, that the cleansing process may appear a work of supererogation when, in fact, it is most urgently necessary.

I should like to know which of the advocates of the Act would face such a risk himself, or permit any female relative to be examined with the same speculum used for diseased prostitutes? Mr. Acton states that 150 women are examined in two hours; another writer that, including signing the certificates, each patient takes about two minutes. I should wish to know who does the washing, and how long they are about it? The opinions I have expressed are those entertained by 50 Physicians and Surgeons who reside in Nottingham, many of whom have been connected with Lock Hospitals, or have, like myself, studied the disease at L'Oursine and Midi in Paris, all of whom have signed a memorial, which contains the following paragraph:—"We are of opinion that the perfunctory performance of the duty of examination, such as this routine must of necessity practically become, while leading to false conclusions, and frequently failing to detect disease, will certainly spread contagion from one female to another, a risk that no healthy woman can justly be subjected to on any plea whatever."

Lastly, Dr. Drysdale, Secretary to the Harveian Society, Physician to the Royal Free Hospital, and a well known author on syphilis and prostitution, who has recently returned from Paris, remarks in a paper published in the *Medical Press* last week:—"Many of the Parisian medical men are much opposed to the system (Contagious Diseases Act). It was opposed by M. Auzias Turenne, at the Congress in 1867; and it is a well known fact that the wholesale examinations which I have witnessed, in company with Mr. Robert Dunn, at the Police Office in the Rue de Jerusalem, not unfrequently are the cause of *spreading syphilis by means of the instruments used*; and it is, I believe, almost impossible to avoid the occasional contamination of female specula, when frequently used for a hundred or more prostitutes in the course of one morning's examination." I am almost ashamed to quote authorities in support of a proposition which is so self evident. The risk these poor women encounter is truly frightful. A moment's reflection, a slight knowledge of facts, and a little common sense, will enable any man to appreciate this as well as the most eminent Physician in the land.

So much for the risk, now for the absurd statement advanced by myself that it is sometimes impossible to discover disease in the female. Mr. Swain expresses surprise that any one in the medical profession

should have advanced such a statement. Well, I can only express surprise in return that he should not be acquainted with the fact, that, one of the most difficult problems that can be offered to a diagnostic physician for solution is, whether certain women subjected to examination with the speculum, are in a condition to communicate disease or not. In reference to this point the editor of the *Medical Times and Gazette* observes that apart from all moral considerations no woman should have a clean bill of health. Why? because it is often impossible to say from examination whether she is in a condition to communicate disease or not. After remarking that a surgeon might easily be led to discharge a woman quite capable of propagating disease, under the impression that she was cured, he says: "Still more, women might be passed without having anything noticeable beyond a slight uterine discharge *almost if not perfectly undistinguishable from the healthy one, and these may infect their paramours.*" Mr. Berkeley Hill states that "some disease must always escape detection," also that it is very necessary to enlist the co-operation of the women themselves for "there is great difficulty in detecting disease if it is the interest of the prostitute to conceal it." In fact the primary disease in the female, the condition that communicates true syphilis (the only venereal disease that we are interested in checking), is so masked and so slight, that eminent authorities have actually maintained that it may be absent altogether. Dr. MacLoughlin, who during 27 years private practice in Paris saw an immense number of cases of syphilis, stated before the Committee on venereal diseases, that whenever a gentleman applied to him suffering from disease, he immediately sent a surgeon or inspector of police, and had the woman examined, but that they *scarcely ever* were able to detect any disease in the female; it was *excessively rare* for them to discover the source of infection in the female. In one case, *specially severe*, he mentions that two women denounced as having infected his patient were examined by *five or six or more* medical men, but that they were unable to discover any trace of disease; so frequently was this the case that he was led to deny the existence of a venereal virus altogether. Sir William Lawrence states, that when he has examined women who had infected patients of his (suffering from unequivocal syphilis), that to his astonishment he has frequently been unable to trace any disease in the females from whom the sores have been contracted. Mr. Evans, who wrote an excellent work on venereal sores, remarks "that an altered secretion that cannot be detected, is sufficient for the production of disease," adding that when he attended the examinations of 200 women, of the lowest description, who were frequented by the soldiers belonging to the army of occupation at Valenciennes, that no disease could be detected in the women, and yet the hospitals were filled by diseased soldiers, infected by these very women. He noticed exactly the same thing at Lille, and observes "that the condition that communicates infection in the female is only to be known by its effects;" and says it is thus "THAT GOVERNMENT REGULATIONS MADE FOR PREVENTING THE PROPOGATION OF VENEREAL DISEASES SO COMPLETELY FAIL IN THE ATTAINMENT OF THEIR OBJECT." In fact, the local manifestation so frequently escapes notice that Clerc, one of the greatest authorities, failed to find it after most careful search in a considerable proportion of women who had recently contracted the disease. It is also stated, that at the London Lock Hospital, it is extremely unusual to find the point where the disease enters. Mr. Busk states, that some of the worst cases of disease [treated on board the "Dreadnought" Hospital Ship, were contracted from women who, on examination, appeared to have *little or nothing* the matter with them.* Mr. Langston Parker, an

* The statistics of M. FOURNIER, M. Ricords' able successor, prove that almost all syphilitic cases (two thirds at least), are derived from registered French prostitutes, who are examined once a week; while the milder affections are due to those who do not make prostitution a business, and who, consequently, escape the danger and degradation of the weekly inspections.

eminent authority on syphilis and allied affections, says that syphilis is certainly communicated when it is impossible to detect any sores whatever. Clerc quotes an instance of a prostitute who was repeatedly examined, and declared to be free from disease,—*she, however, infected several men*; and on a subsequent and most careful examination all that could be found was a slight uterine mucopurulent discharge, a condition common enough in respectable women, and stated by Mr. Hill to be almost universal among London prostitutes. What can an examiner do in such cases? He cannot seclude 18,000 women in London alone; and yet it is impossible for him to say whether it would be safe to have intercourse with them or not. Mr. Hill states that great difficulty exists in deciding whether a particular discharge is likely to communicate disease. Again, “a patient is often very anxious to know if a discharge is contagious, a question most difficult to answer.” “It may be mere mucus and quite healthy in appearance, and yet retain its infectious quality very strongly.” Fifty medical gentlemen resident in Nottingham have agreed to the following statement on this important point:—“That as it is admitted by all competent authorities not only to be difficult but oftentimes impossible to detect the infecting sore (the only form of disease likely to affect the constitution, and hence most important to discover) in the female, even with the most careful vaginal examination with the speculum, such examinations must, in many instances, not only be barren in results but lead to false conclusions as to the safety of intercourse with such women.” Aitken, in his most valuable work on the science of medicine, fifth edition, completely revised, and published last year, says:—“Medical inspections are formal and look useful, but the infecting sore, the true syphilitic one, can rarely be detected in the female.” In another part of his work he observes:—“The syphilitic sore, when it does occur in women, is readily overlooked, even when searched for with great care, aided by a vaginal examination with the speculum.” Another eminent writer says that the proof of infection by syphilis of a given person is so slight that it will evade any ordinary organisation. Again:—“slight forms of venereal disease need no specific pabulum, and the poison of syphilis is so insidious, and lurks where least expected, that it is in vain to attempt to keep it out.” Lastly, Mr. Simon, medical officer of the Privy Council and one of the first pathologists in Europe, remarks:—“That the various local states which most habitually spread the infection of true syphilis, not only escape the patient’s notice but are constantly overlooked in examinations made expressly for their discovery.”

Is any more evidence required in proof of my assertion that it is often impossible to detect disease in the female? If so, let us turn to the Reports from Paris, where we find that police regulations and periodical examinations are in full force, and yet syphilis is more rampant than ever. More physicians, and better ones, are wanted. Why? Because they fail to detect disease, and the examinations of the *filles publiques* (in the language of the reporter) do not answer their end.

Dr. Drysdale, in reference to this point, observes:—“I am much interested in seeing syphilis abated, and were the Contagious Diseases Act likely to accomplish this end, I would support it; but is it likely to do so? Let us see. I told you that I had frequently (this year) visited the two Parisian Hospitals, the L’oursine and the Midi, each of which was full, and each of which contains 300 beds (for patients with venereal disease), and that 100 out-patients daily came to the Midi for advice. St. Lazare also contains 200 beds for venereal cases only—making 900 cases treated at special hospitals alone, besides the enormous proportion treated at other hospitals. But I also found at the Hospital Saint Louis, that an immense proportion, both of in and out patients, were also venereal cases; at the other Hospitals also I found the same thing. So that I asked myself, ‘Is it true that the Parisian system, so much talked about, has really the effect in large towns of lessening the spread of venereal contagion?’

and I had no hesitation in replying *in the negative* to this question." Well, then, if it does not lessen venereal contagion, has it no evils of itself? It has. The women may be compared to white slaves. They have no liberty, but are as completely under the espionage of the police as a galley slave is. The Habeas Corpus Act can have no meaning for them. They may be shut up in a gloomy prison at any moment, and for any length of time. If you call that equality of rights, what is inequality?" Indeed, it is a well known fact that wherever this Act is in force, no respectable woman is safe. In fact, in Paris it is not safe for a young lady to walk abroad; if she do so, she is almost certain to be arrested, and accused of prostitution. Those women who do walk abroad have tickets as common prostitutes, which they produce when the police accost them with the insolent query, "*Votre billet, Madame?*" and this is the system that meddling doctrinaires are seeking to force upon Englishmen. There is another point here to which I will briefly allude, and that is, that even where sores and discharges do exist, it is impossible to say, without inoculating the patient, (a procedure utterly unjustifiable,) whether they are of venereal origin or not, so that respectable women may not only be falsely accused of prostitution, but also unjustly condemned as suffering from venereal disease. In illustration of this point see two cases recorded in the *Medical Mirror* of Nov. 1, 1869.

Now as to licensing. I protest that it is rank hypocrisy, and a mere sop to certain of the clergy and religious people, to pretend that harlots are not licensed under this Act. Brothel keepers and others know perfectly well, that the old law will never be pushed against them so long as they obey the new, and send up their girls to be examined. The policeman who informed against a brothel keeper whose girls were regularly examined would be considered a lunatic; in fact, under the new law, the police and the brothel keeper are one, just as they are abroad, and the girls are the victims of both. In illustration of which fact I may mention, that one of the most promising men belonging to the body of spies employed, (as recorded in the evidence before the Lord's Committee,) recently married one of the brothel keepers. In reference to this point Dr. Balfour, is asked by Dr. Brewer whether he did not think putting lavatories in soldiers' brothels would not be legalising prostitution? and he answers *you have legalised it under this Act*. As to licensing the woman herself, I say she is licensed: what does it matter who holds the certificate, so long as it is in existence? You might as well say I was not licensed to practice physic if the college authorities, as a matter of form, took charge of my diploma, instead of entrusting it to myself. Practically, the authorities say to the prostitute, you are at liberty to prostitute (that is, you are licensed) so long as you obey certain regulations, but if you neglect these you will be arrested; that is, your license will be withdrawn. The women themselves know that they are licensed perfectly well; and like certificated hawkers, regard with intense jealousy those whom they may chance to suspect of practising without a certificate. The police take advantage of this feeling, and state (shameful to relate) that they get most valuable information from prostitutes, brothel keepers, and others; so that decent English women are not only at the mercy of police spies, but also at that of any abandoned woman who may choose to denounce them out of spite. It is in evidence that drunken soldiers have stated that they had contracted disease from certain women, who have been arrested and found perfectly healthy. As to soliciting in the streets, during my stay in Bristol, I purposely, in company with a friend, visited the localities where I find it stated that these women assembled, and am prepared to swear that neither of us were once spoken to or solicited, even by a glance. I feel convinced that both in Bristol and elsewhere there has been very great and most unpardonable exaggeration respecting the conduct of these unfortunate women.

As to the disease in Paris. I believe Duchatelet died about 30

years ago. Cui bono? then, to quote him, as to the relaxation of the law from time to time in Paris, and its influence at present? I know that the law has been in full force for 20 years; in fact, the first thing which disgusted me with that city, when a student at the *Ecole de Medicine*, in 1853, was the shameful slavery of the women. Many a time, when I have witnessed the arbitrary interference of the *Agents de Mœurs*, with all classes of females, have I said with honest pride, "such a villanous system would not be tolerated in England one day."

It is true that the Rev. W. Clay, at the Social Science Congress, observed that, "prostitution was a necessity, and that brothels ought to be licensed"; but I should like to ask that gentleman—if sin is a necessity, what right has he to reprove it? and surely he ought to know that if vice is expedient, it is monstrous to visit the whole punishment on a friendless, helpless, class of girls, whose wrongs, whose misery, and whose destitution go far to excuse any offence that they may be guilty of.

The statement that prostitutes are as a rule habitual criminals is utterly without foundation. Besides, women subject to this Act are not prostitutes, no proof is given or required even of incontinence; and I believe there is no class more imposed upon, and none, considering all things more honest than they. Mr. Swain estimates the total number of prostitutes in England and Wales at 30,000. Compare this with the statement that Dr. Leon Lefort made a few weeks ago to Dr. Drysdale, that in Paris alone, a city two-thirds the size of London, 30,000 must be registered before they could expect the least benefit from restrictive measures, and judge of the effect of the Contagious Diseases Act in diminishing prostitution and promoting morality. I deny the statement, plausible though it be, that the inspection of women is of more consequence than that of men. Soldiers and sailors are unquestionably the most active propagators of disease. When at Utrecht, last June, I asked my friend, Dr. Snellen, some questions in reference to inherited syphilis, and he told me that he saw many cases of the disease. I said, "does not the inspection of women check this?" and he answered, "No. A couple of drunken sailors will infect twenty women in a week." No one can read the Parliamentary evidence without seeing the force of this remark. Sailors land from a ship, a regiment arrives, and there is an immediate increase of disease. In fact, there is abundant evidence to show that the men, during long voyages, infect each other without the intervention of women at all. The same thing occurred at Berlin some time ago, when prostitution was partially repressed. And I know for a fact that gentlemen, when partially cured, propagate the disease extensively, in spite of the remonstrances of their medical attendants. Enforced continence for a time, followed by an extra glass of wine, and they lay the flattering unction to their souls that there is but slight risk of contagion, and communicate the disease to the first unfortunate they meet. I am also prepared to prove that if voluntary hospitals were opened, diseased women would not carry on their vocation for the sake of bread; and I have shown that if the disease is so slight as to escape their notice, (and this observation specially applies to the only form of disease of any consequence,) it will also escape that of any periodical examiner who may conduct the inspection.

In concluding his postscript, Mr. Swain observes that the facts adduced in his paper had not been controverted by any of the speakers at Bristol. I think he has forgotten that the Rev. Dr. Hooppell, Principal of the Marine College at South Shields, proved by the tables given in the Parliamentary reports that contagious diseases had increased at every station where this Act had been applied. Ten minutes, however, the time allowed, was far too short for any speaker to adduce arguments or disprove any assertions advanced, and I shall therefore take this opportunity of looking into the matter more closely—merely premising that no one in that assembly more sincerely applauded his excellent address than myself. I entirely agree with Mr. Swain in many of the

facts adduced in his paper, some of which I will enumerate. Mr. Swain remarks most truly that the Bill which has just passed Parliament, extending the Act to several fresh towns, "bears upon it most unmistakeable marks of hasty legislation; and, if carried into effect, will be most detrimental." He then calls attention to the injustice of imprisoning women suffering from their monthly illness for five days, or until fit for examination, observing, "I can conceive no more arbitrary enactment than this. By it a woman is liable to be deprived of her liberty upon simple police information—information which I shall hereafter comment upon as being most unreliable"; remarking that 52 women per week at Devonport alone present themselves for examination in the condition referred to. There are also various other remarks as to the arbitrary nature of the three months extra detention, which the last Bill legalises, in which I concur.

I entirely agree with him, also, as to the iniquitous nature of the power conferred on one man under the new Act, conferring upon him the attributes of judge, jailor, and prosecutor; and agree that it opens the door wide to great abuse of police power. I also concur in the following passage, which I extract entire:—"However good may be the instruments which you employ, there is no more discouraging work than the reclamation of fallen women, and any attempt to claim success from a mere statistical record is in my opinion most unwise. It is better to look the evil fairly in the face and grapple with it manfully, than to gloss it over, or even allow oneself to look at it through too rosy a medium. Thus we have been lately told that the number of prostitutes in our neighbourhood has diminished from 2000 in 1864, to 770 at the present time. We have also been told, as a proof that vice has materially diminished, that clandestine prostitution has much lessened. Now, many people who are well able to judge, assert that there never were so many as 2000 public prostitutes in the three towns, and although there are only 770 names now on the police register, it is believed impossible that that number represents the entire body of women who practice prostitution at the present. As far as Devonport is concerned, I know on the best authority, that the number of women has slightly increased during the last two years. It is thought that the gentleman who made this statement has been wrong at both ends—in *overstating* the number of prostitutes in the towns in 1864, and in *understating* the numbers at present practising this vocation. But to go on to assert that with this enormous decrease in the number of public prostitutes, clandestine prostitution has also diminished, is really to state a fact which runs counter to the experience of every one who has studied the subject, which is, that clandestine prostitution invariably *increases* with the *decrease* of the number of women who gain their livelihood as public prostitutes."

The statistics, however, contained in his pamphlet, are somewhat confusing. In referring to them it is most important to remember that there are three kinds of disease which come under the title of contagious diseases of venereal origin:—first, gonorrhœa, by far the most frequent form, a local non-constitutional affection, and of no ulterior consequence; second, spurious or pseudo syphilis, the next in frequency, i.e., simple chancres or soft sores, also local, and which lead to no specific ulterior consequence; and third, true syphilis, a comparatively rare affection, the only venereal disease of real consequence, since it is the only one which affects the constitution. In attempting to form an estimate as to what would be the benefit likely to be derived by the civil community from the adoption of restrictive measures, secondary or true constitutional syphilis is the only disease that we ought to take into account; and I protest that there is no evidence whatever that this disease has been checked, even where both men and women have been examined. That periodical examinations of women must fail in diminishing this disease, much that I have formerly adduced may be taken as evidence; that it fails even in the case of men, where the disease may be detected with

comparative facility, let the following evidence, given by Dr. Balfour before the Parliamentary Committee, suffice to prove. He observes, A 1162 :—"I am quite prepared to say that it is not successful in reducing the amount of true syphilis, which is the great thing that we have to endeavour to reduce." Mr. Simon, in his evidence before the Parliamentary Committee, observes "that there is no evidence whatever, and that he has vainly looked for evidence to show that the amount of true syphilis had been diminished by the Act." When therefore Mr. Swain describes syphilis as a disease so horrible "not only to the unhappy patient, but also to her children's children," and gives a percentage of cases without any distinction between the true and spurious disease,—in my opinion his statistics are valueless in a scientific point of view, and only calculated to mislead the general reader. The only proof of the existence of true syphilis that can be admitted, is the supervention of constitutional symptoms, and there is no evidence whatever that Mr. Swain's cases were of this nature. Moreover, in making these observations, he is speaking of women, and women only; and in considering the value of such statistics, we must recollect that, when the Hospitals were first opened the beds were few—that they were crowded with voluntary patients; in fact, they were practically free hospitals, and only bad cases selected (as a favor) for treatment. If there had never been any Contagious Diseases Act the result would have been exactly the same, provided a free hospital had been opened for the treatment of such cases. The proportion of true syphilis to cases of venereal disease may be taken as about 1 in 10; and even granting, as I do, that the real malady, the true affection, is a disease that it would be desirable to check (if possible) I cannot ignore the fact that even with this form of disease only 5 per cent. of the cases are serious. Thus, in 1,000 cases of venereal disease, we should have 100 cases of true syphilis, but only 5 of these would prove of a serious nature;—that is, only $\frac{1}{2}$ per cent. of those afflicted with venereal disease suffer to any serious extent; and to call the $99\frac{1}{2}$ slight affections the scourge of the civilized world is, in my opinion, an unwarrantable abuse of terms. If all the young men from Bristol to Clifton suffer from venereal disease, as Mr. Davies stated, to what appreciable extent are they injured thereby? If the health of the army and navy, previous to the passing of this Act, was truly appalling, where was the evidence of it? No finer body of men exist in the world—none stronger, more capable of endurance, or better lives. What insurance office would refuse them as first class? Not one, and the same observation holds good in reference to prostitutes, who, according to the Association for forcing this Act on the civil population, all suffer sooner or later from the disease (and syphilis is more serious in the female than in the male). Why, I find, in referring to an article on diseases of prostitutes, that their health is above the ordinary standard of female health, decidedly above that of the class from which they are drawn, and infinitely better than that of women whose health is injured by sedentary occupations and confinement; which latter source of debility and disease is sure to be increased by the arbitrary action of irresponsible spies, employed by the State to infringe the liberty of women. As to the transmission of the disease to the children's children, it is only under very exceptional circumstances that the children (to say nothing of grand-children) are not perfectly healthy; and if the parents have the benefit of proper medical advice, the children scarcely ever suffer from inherited disease. In fact, there never was a more flimsy pretext for abolishing the free agency of women than the present. We have endured syphilis for centuries in its worst form; with each succeeding decade it has become milder and milder, until in the present day we cannot recognise it as the malady described by our forefathers; it is also far less severe and less frequent in this country than in many where licentiousness has been encouraged, prostitution legalised, and thousands of Eve's daughters treated with no more consideration than mere animals. Would the State feel warranted in interdicting the marriage of consumptive persons,—in snatching the dying child from its mother's arms on the plea of protecting the com-

munity from scarlet fever? and yet scarlet fever causes more devastation in one year than syphilis in ten! and the same observation applies to numberless other diseases, such as cholera, typhus, small pox, and other infectious and contagious diseases a thousand times more injurious and fatal than venereal maladies.

There is no necessity to refer to eminent physicians and surgeons for the decision of this question. I appeal to the male population of this country—to men and gentlemen of all ranks—some have suffered, many have escaped, but where are those who have never incurred the risk? Let their common sense and individual experience speak; those who have escaped may readily understand that the disease is not so common as represented; while the numbers who sometime or other have suffered from such affections, whose health is vigorous, whose children healthy, whose lives insured (first-class) without a question referring to such delicate matters, I trust will exercise their own common sense ere they permit themselves to be frightened from their propriety by a phantom that has no real existence, or before giving in their adhesion to a scheme which barter away the birthright of Englishmen for a mess of very dirty pottage.

Mr. Swain observes that previous to the passing of the Act of 1864, the health of the army and navy, with regard to contagious diseases, was truly appalling. In support of this statement he quotes a word or two of Lord Clarence Paget's, which cannot be taken as evidence at all; and a word or two of Sir Morton Peto's, in which the honourable baronet said that, according to the evidence of another gentleman, the proportion of men in the British service "suffering from these causes was 44 per cent. annually." The looseness of this statement as a basis upon which to ground comparison is evident to all. Mr. Swain admits that it refers to the navy; still, even with regard to the navy, we are not told whether it applied to the whole service, at home and abroad, to all the stations, or to a few, or to only one. Moreover, the contagious diseases are all lumped together: true syphilis, spurious syphilis, and gonorrhœa are mixed up without distinction, so that in a scientific point of view the statement is of no value whatever. Besides, no such figures in such connection are to be found in the reports of the Parliamentary Committees of this year and last; on the contrary, a very instructive table, supplied by the head of the statistical branch of the Medical Board, declares that at *Devonport* and *Plymouth* the cases of disease in 1868 were 28 per cent.; the same return also indicates that the amount of disease at *those stations* among the men was 44 per cent. in 1860, not immediately before the passing of the Contagious Diseases Act, 1864, as from Mr. Swain's words might naturally be inferred, but *four years before*; and that before any special legislation at all took place upon the subject contagious disease had of itself diminished to 35 per cent. The next year, 1864, before any appreciable result could have been produced by the Act of that year, which was passed at the end of the session, it had still further diminished to 28·9 per cent., figures almost identical with those given for last year. Since that time, however, it has been higher. The year after the Act of 1864 it leaped up to 36 per cent.; the next year it was 31·7; the next, 31·2; and it has only now fallen to what it stood at before any special legislation at all took place on the subject, so that it appears the disease actually increased under the operation of the Act, and has only last year fallen to the point *where it stood before* its enactment at the very stations where Mr. Swain boasts of such brilliant success. The foundation for Mr. Swain's statistics appear to be a police return not yet, so far as I am aware, given to the public. In the Parliamentary report the return is only brought down to the 2nd April, 1869. The police reports are somewhat hard to reconcile with the other reports given in the blue book, and Mr. Thomas Woolcombe, the chairman of the Royal Albert Hospital at Devonport, and one of the most ardent supporters of the Act, in his evidence before the House of Lords, threw great doubt upon their accuracy (page 60,

questions 530, 532). However, they are easy to compare with each other. Those in last year's blue book commence at each station at the time of first bringing the Act of 1866 into operation at that station, and end with the 31st of March, 1868. Those in this year's blue book commence where the others left off, and end (as just said) on the 2nd day of April of the present year. They show a perceptible increase at every station in the per centage of men per mean strength per year suffering from contagious diseases admitted into the Hospitals. The following are the figures, which any person can readily verify for himself:—

ANNUAL RATIO PER CENT. OF MEAN STRENGTH OF MEN ADMITTED
INTO HOSPITAL SUFFERING FROM CONTAGIOUS DISEASES :

STATIONS.	From Adoption of Act of 1866 to March, 1868.	From April 1, 1868, to April 2, 1869.
Woolwich	17·989	18 45
Aldershot	18·773	20·35
Chatham	22·580	24·00
Sheerness	12·345	13·57
Portsmouth	20·657	21·67
Devonport	10·544	15·67
Average of all	17·522*	19·59*

What foundation is there here for the reports that have been circulated as to the brilliant success of the Act, and the necessity or advisability of its extension? None whatever. Any good that has been effected at all, has been simply by the establishment of hospitals. The police regulations, continental abominations, and extraordinary expense, were as unnecessary as they are unjust and cruel. That Devonport should be selected as a sample of the success of the Act is at least singular, considering that the Admiralty, backed by Mr. Woolcombe, have expressed dissatisfaction with the results obtained at that station. In fact, so far as I can learn, disease has been on the increase at those stations, hence the following statement in a leader in the *Lancet* of the 28th of October:—"We have it upon high and perfectly independent authority that cases of disease at Devonport are upon the increase." Again, in the same, "There is no doubt great difficulty in arriving at just conclusions respecting the contagiousness or otherwise of a vaginal discharge, and the medical officers of the Albert Hospital, Devonport, appear to have made up their minds that these discharges are both incurable and innocuous; but with the fact we have mentioned it is not perhaps surprising that others should draw a different conclusion." What better illustration could be adduced of my former statement that it is often impossible to state from examination of a woman whether she is in a condition to communicate disease or not.

It is a singular fact noticed by Dr. Balfour, and proved by his tables, that diseases at all the stations had declined steadily for some years prior to the adoption of the Act. That the Act has been attended with an increase instead of a diminution of disease at other military stations, although both men and women have been examined, there is abundant evidence to prove. Thus, after two years operation at Shorncliffe, I find from Dr. Balfour's evidence that the amount of syphilitic sore among the men was 42 in 1867; but that, under the operation of the Act, it had actually increased to 79; nearly double, in 1868:—the Doctor remarking that the disease had gone on increasing instead of diminishing, and that he was unable to explain why! With regard to gonorrhœa at the stations where the Act was in operation, there was an increase at Portsmouth, Shorncliffe, and Aldershot; an increase at Devonport and

* These figures are given in the Parliamentary Reports as the means of the whole.

Woolwich, in 1867; and an increase in 1868 at Chatham; in fact, Dr. Balfour states that there has been an increase at two-thirds of the stations in the first group, and rather more than two-thirds in the second. On turning to the report annually issued by the medical department of the army, I find it stated that venereal diseases are not only unabating but increasing—the increase has been 33 per 1000 of force; the report closing with the observation that it is surely time that the inefficiency of the Contagious Diseases Act should be recognised.

If these are the results when both men and women have been examined and secluded, what may we expect when only women are examined, as must be the case in civil life? Not only a vast increase of debauchery, but also, and in consequence, a vast increase of disease. I know that civilians and married men, who otherwise would on no account have incurred the risk of infection, have availed themselves largely of the supposed immunity afforded by this Act to practise fornication at the districts in question, and that disease has been contracted in consequence, and there is no doubt that this false security has been, and will be, the indirect means of infecting numerous innocent wives and children whom it is one of the vain pretexts of the promoters of this Act to protect. That these evils will be greatly increased by its recent ill-considered extension, there can be no manner of doubt. The Lay Press lend themselves to the circulation of reports favourable to the Act, which have no foundation in fact, but refuse to hear a word from the opposite side when these errors are pointed out. Parliament declines to discuss the matter, and passes the Bill at the fag end of the Session with empty benches; while the Parliamentary Committee appointed to enquire into the question NUMBERS AMONGST ITS MEMBERS THE MOST ACTIVE AND URGENT MEMBERS OF THE ASSOCIATION FOR FORCING THIS ACT ON THE CIVIL POPULATION. All this is wrong and bad from beginning to end. That the Acts are in themselves an evil, no one can doubt; and as the Editor of the *Medical Mirror* remarks, "The public at large is wholly ignorant of the subject, and a due regard for the public welfare urgently demands that the question shall be generally and exhaustively discussed. If the lay Press of this country has any real claim to be entitled the promoter of its welfare, and the guardian of its liberties, it will yet summon up courage to put aside those feelings of false delicacy which, in respect to this unspeakably important subject, have hitherto paralysed it; and before it is too late, will so arouse and instruct the people concerning the nature and effects of this law, that it will be their own fault consciously committed if, instead of insisting on its abrogation, they suffer it to spread its degrading and demoralizing influence over the whole country."

