

honored by the place assigned us, yet, in fact, our legal position is lower than that of either; for the negro can be raised to the dignity of a voter if he possess himself of \$250; the lunatic can vote in his moments of sanity, and the idiot, too, if he be a male one, and not more than nine-tenths a fool; but we, who have guided great movements of charity, established missions, edited journals, published works on history, economy, and statistics; who have governed nations, led armies, filled the professor's chair, taught philosophy and mathematics to the servants of our age, discovered planets, piloted ships across the sea, and denied the most sacred rights of citizens, because, forsooth, we came not into this republic crowned with the dignity of manhood! Woman is theoretically absolved from all allegiance to the laws of the State. Sec. 1, Bill of Rights, § R. S., 301, says that no authority can, on any pretence whatever, be exercised over the citizens of this State but such as is or shall be derived from, and granted by the people of this State.

Now gentlemen, we would fain know by what authority you have disfranchised one-half the people of this State? You who have so boldly taken possession of the bulwarks of this republic, show us your credentials, and thus prove your exclusive right to govern, not only yourselves, but us. Judge Hunt, who has long occupied a high place at the bar in this State, and who recently retired with honor from the bench of the Supreme Court, in his profound work on Human Rights, has pronounced your present position rank usurpation. Can it be that here, where we acknowledge no royal blood, no apostolic descent, that you who have declared that all men were created equal—that governments derive their just powers from the consent of the governed, would willingly build up an aristocracy that places the ignorant and vulgar above the educated and refined—the alien and the ditch-digger above the authors and poets of the day—an aristocracy that would raise the sons above the mothers that bore them? Would that the men who can sanction a Constitution so opposed to the genius of the government, who can enact and execute laws so degrading to womankind, had sprung, Minerva-like, from the brains of their fathers, that the matrons of this republic need not blush to own their sons!

Woman's position, under our free institutions, is much lower than under the monarchy of England. "In England the idea of woman holding official station is not so strange as in the United States. The Countess of Pembroke, Dorset, and Montgomery held the office of hereditary sheriff of Westmoreland, and exercised it in person. At the assizes at Appleby, she sat with the judges on the bench. In a reported case, it is stated by counsel, and substantially asserted to by the court, that a woman is capable of serving in almost all the offices of the kingdom, such as those of queen, marshal, great chamberlain and constable of England, the champion of England, commissioner of sewers, governor of work-house, sexton, keeper of the prison, of the gate-house of the dean and chapter of Westminster, returning officer for members of Parliament, and constable, the latter of which is in some respects judicial. The office of jailor is frequently exercised by a woman."

"In the United States a woman may administer on the effects of her deceased husband, and she has occasionally held a subordinate place in the post-office department. She has therefore a sort of post mortem, post-mistress notoriety; but with the exception of handing letters of administration and letters mailed, she is the submissive creature of the old common law." True, the unmarried

woman has a right to the property she inherits and the money she earns, but she is taxed without representation. And here again you place the negro, so unjustly degraded by you, in a superior position to your own wives and mothers; for colored males, if possessed of a certain amount of property and certain other qualifications, can vote, but if they do not have these qualifications they are not subject to direct taxation; wherein they have the advantage of woman, she being subject to taxation for whatever amount she may possess. (Constitution of New York, Article 2, Sec. 2). But, say you, are not all women sufficiently represented by their fathers, husbands, and brothers? Let your statute books answer the question.

Again we demand in criminal cases that most sacred of all rights, trial by a jury of our own peers. The establishment of trial by jury is of so early a date that its beginning is lost in antiquity; but the right of trial by a jury of one's own peers is a great progressive step of advanced civilization. No rank of men have ever been satisfied with being tried by jurors higher or lower in the civil or political scale than themselves; for jealousy on the one hand, and contempt on the other, has ever effectually blinded the eyes of justice. Hence, all along the pages of history, we find the king, the noble, the peasant, the cardinal, the priest, the layman, each in turn protesting against the authority of the tribunal before which they were summoned to appear. Charles the First refused to recognize the competency of the tribunal which condemned him: For how, said he, can subjects judge a king? The stern descendants of our Pilgrim Fathers refused to answer for their crimes before an English Parliament. For how, said they, can a king judge rebels? And shall woman here consent to be tried by her liege lord, who has dubbed himself law-maker, judge, juror, and sheriff too?—whose power, though sanctioned by Church and State, has no foundation in justice and equity, and is a bold assumption of our inalienable rights. In England a Parliament-lord could challenge a jury where a knight was not empanneled; an alien could demand a jury composed half of his own countrymen; or, in some special cases, juries were even constituted entirely of women.

Having seen that man fails to do justice to woman in her best estate, to the virtuous, the noble, the true of our sex, should we trust to his tender mercies the weak, the ignorant, the morally insane? It is not to be denied that the interests of man and woman in the present undeveloped state of the race, and under the existing social arrangements, are and must be antagonistic. The nobleman can not make just laws for the peasant; the slaveholder for the slave; neither can man make and execute just laws for woman, because in each case, the one in power fails to apply the immutable principles of right to any grade but his own.

Shall an erring woman be dragged before a bar of grim-visaged judges, lawyers, and jurors, there to be grossly questioned in public on subjects which women scarce breathe in secret to one another? Shall the most sacred relations of life be called up and rudely scanned by men who, by their own admission, are so coarse that women could not meet them even at the polls without contamination? and yet shall she find there no woman's face or voice to pity and defend? Shall the frenzied mother, who to save herself and child from exposure and disgrace, ended the life that

ELIZABETH CADY STANTON, SUSAN B. ANTHONY, + MATTILDA GARET
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had but just begun, be dragged before such a tribunal to answer for his crime? How can man enter into the feelings of that mother? How can he judge of the agonies of soul that impelled her to such an outrage of maternal instincts? How can he weigh the mountain of sorrow that crushed that mother's heart when she wildly tossed her helpless babe into the cold waters of the midnight sea? Where is he who by false vows thus blasted this trusting woman? Had that helpless child no claims on his protection? Ah, he is freely abroad in the dignity of manhood, in the pulpit, on the bench, in the professor's chair. The imprisonment of his victim and the death of his child, attract not a fifth from his standing and complacency. His peers made the law, and shall law-makers lay nets for those of their own rank? Shall laws which come from the logical brain of man take cognizance of violence done to the moral and affectional nature which predominates, as is said, in women?

Statesmen of New York, whose daughters, guarded by your affection and lapped amidst luxuries which your indulgence spreads, care more for their nodding plumes and velvet trains than for the statute laws by which their persons and properties are held—who, blinded by custom and prejudice to the degraded position which they and their sisters occupy in the civil scale, haughtily claim that they already have all the rights they want, how, think ye, you would feel to see a daughter summoned for such a crime—and remember these daughters are but human—before such a tribunal? Would it not, in that hour, be some consolation to see that she was surrounded by the wise and virtuous of her own sex; by those who had known the depth of a mother's love and the misery of a lover's falsehood; to know that these she could make her confession, and from them receive her sentence? If so, then listen to our just demands and make such a change in your laws as will secure to every woman tried in your courts, an impartial jury. At this moment among the hundreds of women who are shut up in prisons in this State, not one has enjoyed that most sacred of all rights—that right which you would die to defend for yourselves—trial by a jury of one's peers.

2d. Look at the position of woman as wife. Your laws relating to marriage—founded as they are on the old common law of England, a compound of barbarous usages, but partially modified by progressive civilization—are in open violation of our enlightened ideas of justice, and of the holiest feelings of our nature. If you take the highest view of marriage, as a Divine relation, which love alone can constitute and sanctify, then of course human legislation can only recognize it. Men can neither then of course human legislation can only recognize it. Men can neither bind nor loose its ties, for that prerogative belongs to God alone, who makes man and woman, and the laws of attraction by which they are united. But if you regard marriage as a civil contract, then let it be subject to the same laws which control all other contracts. Do not make it a kind of half-human, half-divine institution, which you may build up but can not regulate. Do not, by your special legislation for this one kind of contract, involve yourselves in the grossest absurdities and contradictions.

So long as by your laws no man can make a contract for a horse or piece of land until he is twenty-one years of age, and by which contracts

is not bound if any deception has been practiced, or if the party contracting has not fulfilled his part of the agreement—so long as the parties in all mere civil contracts retain their identity and all the power and independence they had before contracting, with the full right to dissolve all partnerships and contracts for any reason, at the will and option of the parties themselves, upon what principle of civil jurisprudence do you permit the boy of fourteen and the girl of twelve, in violation of every natural law, to make a contract more momentous in importance than any other, and then hold them to it, come what may, the whole of their natural lives, in spite of disappointment, deception, and misery? Then, the signing of this contract is instant civil death to one of the parties. The woman who but yesterday was sued on bearded knee, who stood so high in the scale of being as to make an agreement on equal terms with a proud Saxon man, to-day has no civil existence, no social freedom. The wife who inherits no property holds about the same legal position that does the slave on the Southern plantation. She can own nothing, she has no right even to the wages she earns; her person, at her time, her services are the property of another. She can not testify, in many cases, against her husband. She can get no redress for wrongs in her own name in any court of justice. She can neither sue nor be sued. She is not held morally responsible for any crime committed in the presence of her husband, so completely is her very existence supposed by the law to be merged in that of another. Think of it; your wives may be thieves, robbers, burglars, incendiaries, and for crimes like these they are not held amenable to the laws of the land, if they but commit them in your dread presence. For them, alas! there is no higher law than the will of man. Behold the bloated conceit of these Petruichios of the law, who seem to say:

"Nay, look not big, nor stamp, nor stare, nor fret,
I will be master of what is mine own;
She is my goods, my chattels; she is my house,
My household stuff, my field, my barn,
My horse, my ox, my ass, my anything;
And here she stands, touch her whoever dare;
I'll bring my action on the proudest he,
That stops my way, in Padua."

How could man ever look thus on woman? She, at whose feet Socrates learned wisdom—she, who gave to the world a Saviour, and witnessed alike the adoration of the Magi and the agonies of the cross. How could such a being, so blessed and honored, ever become the ignoble, servile, cringing slave, with whom the fear of man could be paramount to the sacred dictates of conscience and the holy love of Heaven? By the common law of England, the spirit of which has been but too faithfully incorporated into our statute law, a husband has a right to whip his wife with a rod not larger than his thumb, to shut her up in a room, and administer whatever moderate chastisement he may deem necessary to insure obedience to his wishes, and for her healthful moral development! He can deprive her of all social intercourse with her nearest and dearest friends. If by great economy she accumulates a small sum, which for future