

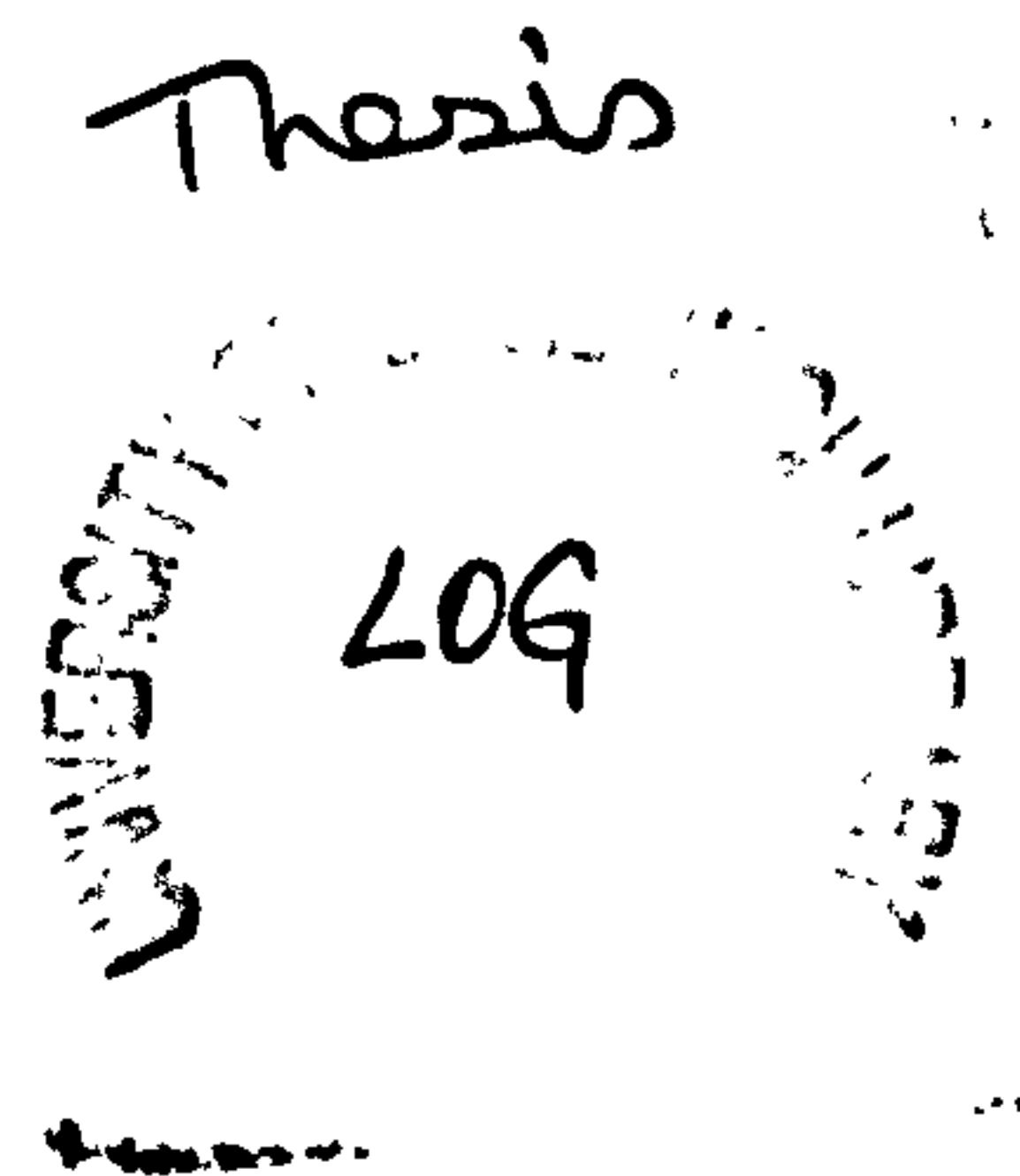
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**MAKING WOMEN MAGISTRATES: FEMINISM,  
CITIZENSHIP AND JUSTICE IN ENGLAND AND  
WALES 1918 –1950**

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## ABSTRACT

This thesis addresses the subject of women magistrates in England and Wales from their introduction in 1919 and the work subsequently performed by the early women JPs until the late 1940s. Surprisingly, despite the great volume of work on women's history during the last few decades, historians have not researched this subject in detail. While only a handful of women have become professional judges in this country, many thousands have sat in judgement on their fellow citizens as lay justices. This duty is both voluntary and unpaid but it is, along with jury service, a vitally important aspect of citizenship. It is argued herein that this exercise of citizenship through the magistracy was an ongoing concern of feminists and of women's organisations in the period. Not only did the magistracy change women by making them equal citizens, but also women changed the magistracy, by pioneering modern ideas in the work of the JP and presaging a new, quasi-professional approach.

Part One examines the process by which women were brought into the lay magistracy. Chapter One locates the origins of the campaign for the appointment of women as JPs in the women's suffrage movement and demonstrates that the necessary legislation was largely uncontroversial. Chapter Two analyses the ongoing campaign by women's organisations and their allies to bring more women to the magisterial bench. Chapter Three explores the relationship between the emergence of a separate system of criminal justice for juveniles and the creation of women magistrates.

Part Two seeks to establish to what extent the 'woman magistrate' was a new category. Chapter Four analyses the social backgrounds of the first women appointed as JPs. Chapter Five is concerned with women's experience of the magistracy, which is examined mostly through their own words. Chapter Six focuses on networks and organisations of women JPs and the campaigns they took part in, and argues that they adopted a distinctly feminist approach to their role.

It is concluded that – up to a point – the early women JPs were a new type of magistrate, providing a template for future developments in the lay magistracy after 1950.

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## **ABBREVIATIONS**

<b>BRCS</b>	<b>British Red Cross Society</b>
<b>BWTA</b>	<b>British Women's Temperance Association</b>
<b>GWMS</b>	<b>Gloucestershire Women Magistrates' Society</b>
<b>HWMA</b>	<b>Hampshire Women Magistrates' Society</b>
<b>JP</b>	<b>Justice of the Peace</b>
<b>MA</b>	<b>Magistrates' Association</b>
<b>NCW</b>	<b>National Council of Women</b>
<b>NFWI</b>	<b>National Federation of Women's Institutes</b>
<b>NFWW</b>	<b>National Federation of Women Workers</b>
<b>NSPCC</b>	<b>National Society for the Prevention of Cruelty to Children</b>
<b>NUSEC</b>	<b>National Union of Societies for Equal Citizenship</b>
<b>NUWSS</b>	<b>National Union of Women's Suffrage Societies</b>
<b>NUWW</b>	<b>National Union of Women Workers</b>
<b>NWCA</b>	<b>National Women Citizens Association</b>
<b>PAC</b>	<b>Public Assistance Committee</b>
<b>PLG</b>	<b>Poor Law Guardian</b>
<b>PSMC</b>	<b>Public Service and Magistrates' Committee (of NCW)</b>
<b>SEC</b>	<b>Society for Equal Citizenship</b>
<b>SJC</b>	<b>Standing Joint Committee</b>
<b>WCA</b>	<b>Women's Citizens Association</b>
<b>WCG</b>	<b>Women's Co-operative Guild</b>
<b>WFL</b>	<b>Women's Freedom League</b>
<b>WI</b>	<b>Women's Institute</b>

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Figure 1: Photograph of Mrs. C. D. Rackham JP, 1937

## INTRODUCTION

In 1918 British women were able to cast a vote in a General Election for the first time. In the following year women began to sit on the magisterial bench to pass judgement on their fellow citizens, another situation which was probably without precedent in Britain.<sup>1</sup> Whereas only a handful of women have become professional judges in England and Wales, many thousands have sat as lay justices in courts that handle over ninety per cent of criminal cases. Whilst the right to vote is just one aspect of the role of a citizen in a modern liberal democratic society, it has received far more attention from both contemporaries and historians than other essential aspects of citizenship, in particular the right and duty to take part in the administration of justice. Yet, as Ruth Lister has pointed out 'much of the political history of the twentieth century has been characterised by battles to extend, defend or give substance to political, civil and social rights of citizenship', battles in which women played 'a central role'.<sup>2</sup> The struggle by women to achieve equal citizenship on the magistrates' benches of England and Wales was one such battle and is a central theme of this thesis.

This Introduction will place the battle in the context of the campaign for women's suffrage and will comment upon the application of feminist principles to citizenship. The definition of 'feminism' will be considered. This thesis will be placed in the context of published work on the women's movement in the period after the First World War and on the role of women in Britain's justice system. The principal sources researched will be considered and the structure of the thesis outlined.

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<sup>1</sup> For details of probable precedents for women being made magistrates, see Chapter One.

<sup>2</sup> Ruth Lister, *Citizenship: Feminist Perspectives*, Basingstoke, Macmillan, 1997, p. 4.



Much has been written on the prolonged campaign by British women for the parliamentary vote between the first organised suffrage petition in 1866 and the outbreak of the First World War in 1914,<sup>3</sup> and there have been thorough examinations of other aspects of the women's movement in this period, especially the campaigns for an equal moral standard between men and women.<sup>4</sup> As Susan Kingsley Kent has argued, these two issues were not unconnected, but sprang from the same late nineteenth century feminist analysis, which rejected the notion that the public and private were distinct spheres. For women like Millicent Garrett Fawcett, who was not only President of the National Union of Women's Suffrage Societies (NUWSS) but also a prominent supporter of the National Vigilance Association (NVA), the vote was not an end in itself but a means to an end, namely 'the achievement of a nobler and truer relationship between the sexes'<sup>5</sup>. Yet she was as aware as other feminists of the time that the vote would not by itself transform the position of women; a complex range of legal reforms were needed to ensure that women had equal employment rights, equal access to divorce and the guardianship of their children, and equal treatment in the courts of law. This in turn would not happen without the attainment of full citizenship: what was required was not merely the chance to help decide which men governed the country, but also the opportunity for women themselves to become the makers and adjudicators of the country's laws. A commitment to the acquisition and exercise of full citizens' rights was thus fundamentally important to suffragists.

Some recent feminist commentators argue that the faith the women's movement of the 1910s and 1920s placed in statutory reform was misplaced, since

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<sup>3</sup> For example, Andrew Rosen, *Rise Up Women!* London, Routledge & Kegan Paul, 1974; Jill Liddington & Jill Norris, *One Hand Tied Behind Us*, London, Virago, 1978; Sandra Stanley Holton, *Feminism and Democracy*, Cambridge University Press, 1986; Martin Pugh, *The March of the Women*, Oxford University Press, 2000.

<sup>4</sup> For example, Sheila Jeffreys, *The Spinster and Her Enemies*, London, Pandora Press, 1985.

<sup>5</sup> Susan Kingsley Kent, *Sex and Suffrage in Britain 1860-1914*, London, Routledge, 1990, p. 14.

'feminists have had the opportunity to observe the limited usefulness of law reform'.<sup>6</sup> Katherine O'Donovan has argued that liberal feminists tried to open up the public sphere to eliminate women's subordination while oppression in the private sphere was untouched.<sup>7</sup> However, such observations are made with the benefit of hindsight. Without legal change there could be no improvement in the status of women, whether in public or private. Ruth Lister has posed the question whether the ideal of citizenship 'originally predicated on the exclusion of women, can be reformulated ... to include (and not simply append) them'.<sup>8</sup> Feminists of the 1920s would have probably answered with a guarded 'yes'. They were optimistic, although not excessively so. They believed that measures such as the Sex Disqualification (Removal) Act (which permitted women to become magistrates, jurors, barristers and solicitors) would hasten the acquisition of the full rights and responsibilities of citizens and lead to more equal treatment under the law. But they were by no means naïve: they understood that to attain this goal would require a prolonged struggle. It was to this battle that many former suffragists turned their attention in the 1920s.

The importance that the former suffrage societies placed upon the active citizenship of women in general, and on their new roles as magistrates and jurors in particular, can be ascertained from the pages of their publications and from their activities, both national and local. For example, *The Vote*, the paper of the Women's Freedom League (WFL), carried regular news items, editorials and features on these subjects throughout the 1920s. Indeed, Claire Eustance has identified 'citizenship' as

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<sup>6</sup> Julia Brophy & Carol Smart (eds.) *Women in Law: Explorations in Law, Family and Sexuality*, London, Routledge, 1985, p.15.

<sup>7</sup> Katherine O'Donovan, *Sexual Divisions in the Law*, London, Weidenfeld & Nicolson, 1985, p. 17.

<sup>8</sup> Lister, *Citizenship: Feminist Perspectives* p.3.

a key component of the WFL's political aspirations.<sup>9</sup> The NUWSS, which after the First World War adopted its significant new name, the National Union of Societies for Equal Citizenship (NUSEC), pursued the chimera of citizenship in both social and legal spheres. Whilst much of the organisation's strategy in the 1920s was aimed controversially at improving the status of motherhood, it nevertheless sponsored a Summer School for women magistrates at Oxford in 1922<sup>10</sup> and carried in its journal the *Women's Leader* a series of articles about the work of magistrates written by Mrs. Rackham, a prominent NUSEC executive member.<sup>11</sup>

An examination of 'grassroots' women's organisations, which hitherto have been largely neglected by historians, confirms the view that active citizenship was of fundamental importance to their members in the interwar years. Whereas the former suffrage societies, such as the WFL and the NUSEC, experienced declining membership in the 1920s and 1930s,<sup>12</sup> other organisations, including Women's Citizens Associations (WCAs), local National Council of Women (NCW) branches, as well as Townswomen's Guilds, Women's Co-operative Guild branches and Women's Institutes, continued to thrive until the middle of the century and, in many cases, beyond. Women's Citizens Associations were set up in 1918-9 with the intention of educating women to make the most of their new civic rights and responsibilities and ensuring that women were better represented on the local council and magisterial bench. As this thesis will show, organisations with extensive branch networks, such as the National Council of Women (NCW) and the National Women's Citizens

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<sup>9</sup> For example, the WFL leader Mrs. Despard is quoted as seeing the vote as a 'symbol of citizenship'. Claire Eustance, 'Dare to be Free! The evolution of political identities in the Women's Freedom League', University of York, D. Phil., 1993.

<sup>10</sup> *The Times*, 22 August 1922, p.5.

<sup>11</sup> See Figure 1. The articles, some under the title 'The Law at Work', appeared between 1923 and 1930.

<sup>12</sup> The NUSEC had 48 affiliated societies for equal citizenship in 1935. Its forerunner, the NUWSS had 478 affiliates in 1914. Martin Pugh, *Women & the Women's Movement in Britain*, 2<sup>nd</sup> ed. London, Macmillan, 2000, p.242.

Association (NWCA) continued to work over the next five decades, both locally and nationally, to secure an increase in the numbers of women justices and jurors.<sup>13</sup>

Their ambitions did not stop at merely achieving the replacement of male faces with female ones. As with parallel campaigns to get more women into parliament (and the suffrage campaign itself) the objective was to change the institutions themselves, in this case the judicial system - both in its civil and criminal aspects. Veterans of the suffrage campaign were aware that justice was not sex-blind. Their journals had reminded them for years how women, whether defendants, witnesses or plaintiffs, were dealt with in courts where all the official personnel – magistrates, judges, clerks, solicitors, barristers and police – were men. They perceived that, in cases where the evidence was deemed likely to be of a sexual nature, the presiding justices often decided to clear the court of all women, leaving vulnerable young girls to give evidence without the support of anyone of their own sex. They argued that courts frequently handed down stiffer sentences for stealing than for wife beating.<sup>14</sup> They thought that, as women, they were particularly well qualified to adjudicate in the new system of juvenile courts (which was developing at this time) and that they would be able to use their experience as wives in matrimonial proceedings. Their understanding as to how they would execute their duties of citizenship was therefore profoundly gendered and influenced by contemporary ideologies of sexual difference. However, the stress was not just placed on the special expertise of women, but on the rights and obligations conferred on them by that

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<sup>13</sup> An undated NWCA leaflet (c.1968) entitled 'What Are We?' states that 'we encourage women ... to become councillors, MPs and magistrates' (The Women's Library, NWCA archive). Not all WCAs were affiliated to the NWCA, some, mainly former NUWSS branches were affiliated to the NUSEC and some were completely independent, notably the Cambridge WCA.

<sup>14</sup> *Votes for Women* made regular comparisons of punishments in its columns in 1917 and *The Vote* ran a feature before the First World War entitled 'The Protected Sex'. For the latter see Joan Lock, *The British Policewoman: Her Story*, London, Robert Hale, 1979, p. 16.



experience. To supporters of women magistrates it was essential that a 'woman's view' should be heard on the bench.

In order to change the system women needed influence in the wider world and so they did not remain within the confines of exclusively female organisations. For example, former suffragists, such as Miss Margery Fry and Mrs. Rackham, played an important part in the establishment of the Magistrates' Association (MA). The meetings and summer schools organised by women's organisations provided the template for later attempts to improve the training of justices. This thesis will contend that women magistrates were catalysts for some of the changes that took place in the administration of summary justice in England and Wales<sup>15</sup> between 1920 and 1950, changes which were effected not only through the agency of women-only organisations, but also through their co-operation with other groups and individuals.

This examination of women magistrates begins shortly before the appointment of the first women JPs in 1919. The admission of women to the magistrates' bench had, in fact, been proposed in evidence to the 1910 Royal Commission on the Selection of Justices, although the necessary legislation was not passed until 1919. This study ends in 1950 when new legislation (the Justices of the Peace Act 1949) came into force following another Royal Commission. At that point many significant changes were made to the composition, work and training of the lay magistracy, for example, a statutory retirement age was introduced. This thesis is therefore concerned with the creation of women magistrates and the work of those who were appointed within the first twenty-five years that women were entitled to sit as JPs. By 1950 most of the earlier appointees were already departing the scene, even before

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<sup>15</sup> For example, changes in juvenile court composition and procedure and in the handling of matrimonial and domestic cases. See Chapters Three and Six.

retirement was made compulsory. The study is restricted to England and Wales because Scotland has a different legal system and JPs play a different role within it.

## FEMINISM AND CITIZENSHIP

This activity to promote the role of women in the administration of justice will be characterised in this thesis as 'feminist' in character and inspiration. The words 'feminist' and 'feminism' have multiple meanings and 'feminist' in particular has had very negative connotations placed upon it. Moreover, feminism can be regarded as a very broad church, capable of taking many different forms. For example, with regard to the 1920s, some historians have detected a distinction between 'old' or equalitarian feminism and 'new' or welfare feminism,<sup>16</sup> although, as Carol Dyhouse has pointed out, 'such divisions...were by no means clearly drawn'.<sup>17</sup> Other analysts have sought to distinguish between 'first wave' and 'second wave' feminism, a distinction which appears to be largely chronological and is unsustainable both in the light of evidence of the continued vitality of the women's movement in the twentieth century and in the nature of that movement.<sup>18</sup> Further distinctions have been made between liberal, Marxist and radical feminism, among many other strands.

I have chosen to adopt very broad and inclusive definitions of 'feminist' and 'feminism' as they can be ascertained during the period under consideration. As Dyhouse remarks 'feminists have seen themselves and can be regarded as those who have identified a problem in the social relationships existing between men and

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<sup>16</sup> See Chapter Two.

<sup>17</sup> Carol Dyhouse, *Feminism and the Family in England 1880-1939*, Oxford, Basil Blackwell, 1989, p.5.

<sup>18</sup> Maggie Humm argues that second wave feminism 'takes as its starting point the politics of reproduction, while sharing first wave feminism's politics of legal, educational and economic equal rights for women'. This may appear to be a very fine distinction, given the admission of so much shared ground. Furthermore, it is clear that 'first wave' feminists in the late nineteenth and early twentieth centuries, either in their 'old' or its 'new' forms, by no means ignored the 'politics of reproduction'. Maggie Humm, *Feminisms: A Reader*, London, Harvester Wheatsheaf, 1992, p. 53.

women, deriving from an imbalance of power operating in favour of the former'.<sup>19</sup>

To that I would add that feminists are people, male as well as female, who decide to do something, however small, to redress that imbalance. 'Feminism' can be interpreted as a collective term for the many strands of ideological belief, however inchoate, regarding the nature and position of women, held by those who can be identified as 'feminist' according to the above criteria.

Thus the definition of 'feminist' can be extended to encompass individuals and groups that have not traditionally been designated as such, and even, post hoc, to some people who may have themselves preferred not to be thus labelled, for example the first woman magistrate in London, Gertrude Tuckwell.<sup>20</sup> Crucially, in the context of the present study I have decided to characterise individuals such as Tuckwell as feminist. As Cheryl Law has pointed out, 'Tuckwell's political work for women ... might be considered by others to identify her with the communitarian socialist mode of feminism', despite her own denial of the label in 'the context of the protective/restrictive legislation debate' of the mid 1920s.<sup>21</sup>

Whilst it would be unrealistic to assert that all the early women magistrates were feminists (even self-denying ones) according to the above definition, it is notable that many saw it as their role to champion in some way the cause of women in the law courts. Moreover, as Chapter Four will demonstrate, a significant minority of women appointed to the Bench in 1920 had been active in the women's suffrage movement, and as mentioned above, the former suffrage societies continued to take an interest in the work of magistrates in the 1920s. However, support for suffrage cannot be taken as the only litmus test for feminism. Suffragism itself contained many

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<sup>19</sup> Dyhouse, *Feminism and the Family*, p.4.

<sup>20</sup> Cheryl Law, *Suffrage and Power: The Women's Movement, 1918-1928*, London, I.B. Taurus, 1997, p.4.

<sup>21</sup> Ibid.

strands and the division between those who supported the call for votes for women on the same terms as men and the adult suffragists has particular significance. Some of the early socialist women magistrates, such as Margaret Bondfield and Mary Macarthur, belonged to the latter group yet they, like Tuckwell, also worked to improve the lot of women in other ways. Equally, too narrow a definition of 'feminist' would also exclude the more conservative-minded women magistrates, some of whom had actually opposed women's suffrage at some stage (although many later recanted).<sup>22</sup> A notable example is Violet Markham, who despite her belief in a 'biologically and culturally based sex difference' was nevertheless 'willing to fight for middle class women's right to serve as magistrates'.<sup>23</sup> Therefore, the key test for individual women magistrates adopted in this thesis is an affiliation to any organisation that can be regarded as belonging to the broadly based 'women's movement'<sup>24</sup> of the period, including bodies such as Women's Institutes,<sup>25</sup> Townswomen's Guilds, the Women's Co-operative Guild, WCAs and the NCW, as well as the more overtly feminist organisations of the day, such as the WFL, the NUSEC, the Open Door Council and the Six Point Group.

In a recent article Caitriona Beaumont has argued that the mainstream women's societies of the 1930s, including the NCW, 'felt compelled to negotiate a clear boundary between women's citizenship rights and feminism'. Nevertheless she concedes that they did so because of the 'negative portrayal of feminism and feminist

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<sup>22</sup> For example Mrs. Louise Creighton, founding president of the National Union of Women Workers (NUWW, later renamed the NCW). A signatory of the 1889 'Appeal' against women's suffrage, Mrs. Creighton had changed her mind by the time of the 1906 NUWW conference in Tunbridge Wells. See Daphne Glick, *The National Council of Women of Great Britain: The First One Hundred Years*, London, NCW, 1995, p.13. Mrs. Creighton became a JP in 1920.

<sup>23</sup> Jane Lewis, *Women and Social Action in Victorian and Edwardian England*, Aldershot, Edward Elgar, 1991, p.262 & p.296.

<sup>24</sup> Both Cheryl Law and Martin Pugh have used this term in their book titles. I understand it to apply to the network of women's organisations that promoted and/or cared for the needs of women as women.

<sup>25</sup> Maggie Andrews has claimed that the Women's Institute movement was 'the acceptable face of feminism' in the interwar period. Maggie Andrews, *The Acceptable Face of Feminism: the Women's Institute as a Social Movement*, London, Lawrence & Wishart, 1997.



societies at the time'.<sup>26</sup> Although such a boundary may be perceivable in theory, it was frequently crossed in practice. In any case, any such boundary was largely rhetorical since citizenship was, and had been for some time, feminism's central project, a concept enshrined in the titles of feminist groups. It was also dear to the heart of the NCW, an organisation that seems to have been largely ignored, undervalued and sometimes even misinterpreted by historians.<sup>27</sup>

The NCW has usually been regarded as a conservative organisation, to which the label 'feminist' appeared inappropriate. The NCW was dominated by 'Establishment' ladies of the middle and upper classes, many of whom held views that to modern eyes may seem socially and even politically conservative, but this did not mean that they lacked commitment to the cause of women. Many were in fact active suffrage supporters in the years before 1918, most notably Lady Selborne (NCW president 1920-21). At the 'grass roots' level too there was much overlap between the membership of local suffrage societies and NCW branches. This thesis will be particularly concerned with the NCW's Public Service and Magistrates' Committee (PSMC) and will demonstrate that the PSMC, led for over a decade from the mid-1920s by Mrs. Keynes, a redoubtable Cambridge feminist, was unambiguous in its commitment to the practicalities of women's citizenship. Their feminism was not confined to the achievement of equality for their own social class on the magistrates' bench but encompassed concern for women who appeared before the courts and was rooted in a clear understanding of the imbalance of power between men and women.<sup>28</sup>

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<sup>26</sup> Caitriona Beaumont 'Citizens not feminists: the boundary negotiated between citizenship and feminism by mainstream women's organisations in England, 1928-39', *Women's History Review* Volume 9, no.3 (2000) p.426.

<sup>27</sup> There are signs that historians are taking more interest in the NCW than hitherto, and in other, more 'conservative' women's organisations of the early twentieth century. See, for example, *ibid.*

<sup>28</sup> See Chapter Six.

So far, activity by women and their organisations in the justice system has received little attention from historians. As Law remarked in her recent study *Suffrage and Power* 'using the militant phase [of the women's suffrage movement] as a yardstick for all subsequent political activity has undermined a sincere portrayal of women's participation'.<sup>29</sup> Additionally, as suggested above, the adoption of too narrow a definition of 'feminist' with regard to the interwar period has created an impression of decline that does not accommodate the flourishing of many women's organisations at that time.<sup>30</sup> In comparison with the suffragettes the pressure group tactics of the interwar women's movement undoubtedly appear staid and dull. Yet the suffragettes were only ever a small part of the feminist movement. Moreover, in addition to their involvement in a range of women's organisations, women also took part in party political activity, both before and after they won the vote. They also stood for election, to local councils and as Poor Law Guardians, an activity that was to lead many on to the magistrates' bench.

The study of British feminism between the First World War and the late 1960s is not neglected nowadays as it was in 1984 when Dale Spender reminded her readers that *There's Always Been a Women's Movement This Century*. Studies such as Brian Harrison's *Prudent Revolutionaries*, Johanna Alberti's *Beyond Suffrage* and Law's work, as well as copious biographical studies of individuals, have amply illustrated its continuing force.<sup>31</sup> However, it is still too readily assumed that feminism went into rapid decline in the interwar period as membership of organisations such as

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<sup>29</sup> Law, *Suffrage and Power* p.2

<sup>30</sup> Joanne Workman has made a similar point in 'Wading Through the Mire: a Historiographical Study of the British Women's Movement Between the Wars', *The University of Sussex Journal of Contemporary History*, Issue 2, April 2001.

<sup>31</sup> Dale Spender, *There's Always Been a Women's Movement This Century*, London, Pandora Press, 1984; Brian Harrison *Prudent Revolutionaries*, Oxford, OUP, 1987; Johanna Alberti, *Beyond Suffrage: Feminists in War and Peace 1914-1928*, London, Macmillan, 1989. Among the many biographies the following stand out: Deborah Gorham, *Vera Brittain: A Feminist Life*, Oxford, Blackwell, 1996; Sheila Fletcher, *Maude Royden*, Oxford, Blackwell, 1989; and Johanna Alberti, *Eleanor Rathbone*, London, Sage, 1996.

the NUSEC fell. Susan Kingsley Kent argues that 'by the end of the 1920s, feminism as a distinct political and social movement had become insignificant'.<sup>32</sup>

However, as Pat Thane has remarked, one should not judge the achievements of interwar feminism by impossible standards. The view that 'the previously active and united movement became splintered, divided, less publicly and dramatically effective'<sup>33</sup> in the decade or two after 1918 has been modified to a great extent by recent research.<sup>34</sup> Not only had women and their organisations have to come to terms with their new citizenship, they had to do so at a time of great political uncertainty and insecurity both within Britain and throughout the world. Research has shown that many women sought their new political role within the established political parties,<sup>35</sup> whilst a few turned to new extreme groupings.<sup>36</sup> Others decided to make the peace movement their top priority at a time of heightened international tension.<sup>37</sup> None of these activities reduced their commitment to active citizenship – or to feminist ideals – rather, they represented new avenues in which to express their commitment.

Thus former suffragists did not vanish after the vote was won but were working both in women-only bodies and in a variety of mixed organisations -

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<sup>32</sup> Susan Kingsley Kent, *Making Peace: The Reconstruction of Gender in Interwar Britain*, New Jersey, Princeton University Press, 1993.

<sup>33</sup> Pat Thane, 'What Difference Did the Vote Make?' in Amanda Vickery (ed.) *Women, Privilege and Power: British Politics, 1750 to the Present*, California, Stanford University Press, 2001, p.253.

<sup>34</sup> Ibid. See also J. Alberti, 'Keep the Candle Burning: Some British Feminists Between Two Wars' and Martin Pugh 'The Impact of Women's Enfranchisement in Britain' in C. Daley & M. Nolan (eds.) *Suffrage and Beyond*, New York University Press, 1994.

<sup>35</sup> For example, Pamela Graves, *Labour Women: Women in British Working Class Politics 1918-19*, Cambridge University Press, 1994; G. E. Maguire *Conservative Women: A History of Women in the Conservative Party 1874-1997*, London, Macmillan, 1998.

<sup>36</sup> For women's involvement in extreme right wing organisations, see Julie Gottlieb *Feminine Fascism: Women and Britain's Fascist Movement, 1923-1945*, London, I. B. Taurus, 2000; R. M. Douglas, *Feminist Freikorps: The British Voluntary Women Police, 1914-1940*, Westport, Connecticut, Praeger, 1999. Douglas argues that the involvement of former suffragette and leader of the unofficial Women's Police Service (WPS) Mary Allen in fascist movements was entirely consistent with her feminist principles.

<sup>37</sup> Jill Liddington's *The Road to Greenham Common: Feminism and Anti-Militarism in Britain since 1820*, Syracuse University Press, 1989, Part Two examines the involvement of suffragists and other feminists in the peace movements during and after the First World War. See also Alberti, *Beyond Suffrage*.

including political parties and the League of Nations Union - in ways that continued to be informed by their core feminist beliefs. Women's involvement in the magistracy needs to be seen as a further, hitherto neglected, example of active citizenship. This study will demonstrate that the Magistrates' Association and the penal reform groups can be added to the list of organisations in which women practiced their commitment to citizenship in the interwar years. The acquisition of citizens' rights by women in 1918-19 channelled the efforts of politically active women into working out the practical applications of citizenship through a variety of organisations. Feminists coupled this with their continued support for achieving greater equality of the sexes.<sup>38</sup>

This thesis will also argue that the achievement of equal citizenship for women in the magistracy was a crucially important project of the women's movement across England and Wales in the decades following the partial enfranchisement of women in 1918. Yet it has hitherto received scant attention, even from those historians who have argued that the women's movement remained alive and well after the end of the First World War.<sup>39</sup> For example, in concentrating on the period up to the achievement of equal voting rights in 1928, Cheryl Law maps what she regards as the 'fundamental aspects of the movement's work, ... the pursuit of political and economic power'<sup>40</sup> but her study barely touches on the struggle for equality in the legal system. At the same time she identifies considerable continuity in the women's movement through the First World War and into the 1920s and characterises the 'women's movement' as a broad based network of organisations linked together by

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<sup>38</sup> For example, the campaign to extend the franchise to younger women. See Law, *Suffrage and Power*, Chapter 9.

<sup>39</sup> Generally, only passing reference has been made to the appointment of women magistrates, for example Alberti's comment that 'the appointment of the first women magistrates was another symbol of success for the women's movement, and one which gave status and some power to a few women'. Alberti, *Beyond Suffrage*, p.98

<sup>40</sup> Law, *Suffrage and Power*, p.2.

formal affiliations, overlapping memberships and a common pool of speakers.<sup>41</sup>

Both these features, the continuity and the network, are also important themes in this thesis.

The element of continuity stems from both the organisational context and from the activities of individuals. Although the Women's Social and Political Union had departed from the British feminist scene by 1918, other suffrage societies, notably the NUWSS and the WFL, carried on the fight for women's rights with both these organisations taking a great interest in the opportunities presented to women by their inclusion in the Commissions of the Peace from 1920. Together with the NCW, they were among the bodies which made recommendations to the Lord Chancellor's Women's Advisory Committee as to suitable candidates for the magistracy and at a local level NUSEC branches (some of whom had turned into or merged with Women's Citizens Associations)<sup>42</sup> continued to be active in putting forward the names of women to local advisory committees in the 1920s. Despite its change of name the NCW can also be seen as providing an element of continuity: the PSMC, the key NCW committee for magistrates, was founded before the First World War and its key personnel continued to be active for some time afterwards.

However, there was inevitably organisational change as well as continuity, notably the growth after the First World War of Women's Citizens Associations, Women's Institutes and later, the Townswomen's Guilds. WCAs, which were formed from 1918 onwards, were the direct descendants of local suffrage groups. So far they have received comparatively little attention from historians, yet there is evidence of a widespread network of branches, which were active at least until the 1930s. As well

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<sup>41</sup> Ibid., p. 3.

<sup>42</sup> For example the Cardiff NUWSS branch became the Cardiff and District WCA in 1921. See Kay Cook and Neil Evans, ' "The petty antics of the bell ringing boisterous band"? The women's suffrage movement in Wales' in Angela V. John (ed.) *Our Mother's Land*, Cardiff, University of Wales Press, 1991.

as suggesting names for appointment as magistrates, they promoted women as local government candidates, some of whom were elected on the WCA platform. Whilst WCAs were undoubtedly middle class organisations, at least some of them were in contact with branches of the Women's Co-operative Guild (WCG), which together with the Railway Women's Guild also put forward the names of working class women for inclusion in the Commission of the Peace.<sup>43</sup> The WCG had already established itself as a recruiting organisation through which working class women entered local government. In the interwar period it supplied many of the Labour women nominees for the magistracy. Chapter Six will map the work of some of these organisations in relation to the magistracy and the emergence of new groupings, notably the societies of women magistrates and the mixed Magistrates' Association.

The second main source of continuity is the activism of individual women, both in existing roles and in the new spheres that were opening up. The typical woman magistrate of the 1920s was in her forties with at least twenty years of active life on the bench in front of her. Born in the 1870s, she reached adulthood in the era of 'the New Woman'<sup>44</sup> and maturity when the suffrage movement was at its height. Whether or not she was a supporter – active or passive - of that movement she could not fail to have been affected by it. Most probably (although not inevitably) from a middle class background<sup>45</sup>, she would have been imbued with essentially Victorian values of service to the community and a gendered concept of citizenship.<sup>46</sup> She

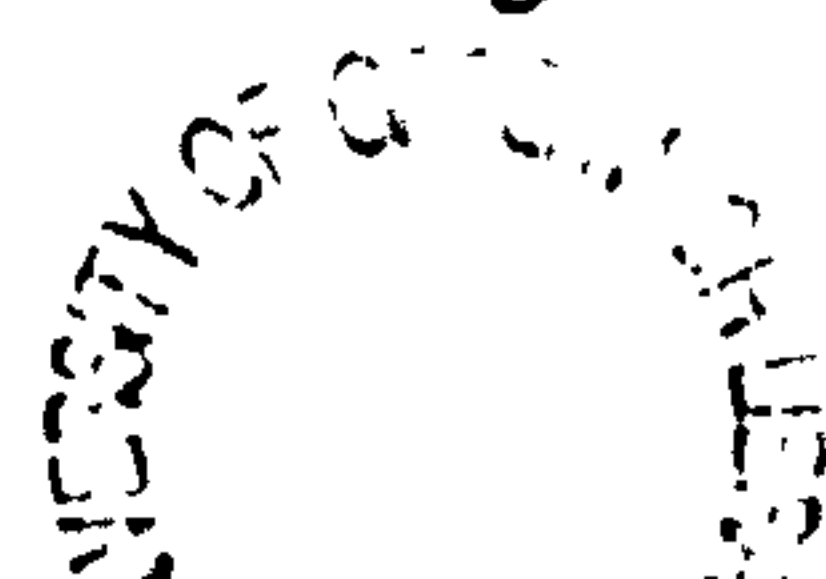
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<sup>43</sup> Names of women recommended to the Lord Chancellor's Advisory Committee for appointment in London which were not successful were forwarded to the Lord Lieutenant for further consideration by the local advisory committee. They include women recommended by WCG, WRG and Labour Party branches, and ones recommended by WCAs. London Metropolitan Archives (LMA) LCC/LCTY/69.

<sup>44</sup> For an examination of the state of feminism in the 1890s and the stereotype of the 'New Woman', see David Rubinstein, *Before the Suffragettes: Women's Emancipation in the 1890s*, Brighton, Harvester, 1986.

<sup>45</sup> A minority of the early women magistrates were from working class backgrounds, see Chapter Four.

<sup>46</sup> The concept of 'gendered citizenship' in this period is examined in relationship to the work of Mary Ward, Violet Markham, Beatrice Webb and others by Jane Lewis in *Women and Social Action*. Ward, Markham and Webb were among the first women to be made magistrates in England and were



might have had access to the new educational opportunities available to middle class girls such as the high schools or even attended one of the women's university colleges. Undoubtedly she would have performed some sort of war service in the years 1914 -18. She was old enough to vote in 1918 and had probably been a member of some sort of women's organisation, perhaps an NCW or NUWSS branch, a local WCA or a Women's Institute, or a religious or welfare organisation such as the Mother's Union, Girls' Friendly Society or Rescue Association. She might be a temperance activist and was highly likely to have served as a Poor Law Guardian or local councillor. This first generation of women magistrates continued to serve their local communities until the Second World War, and in some cases for longer still. Their approach to the work continued to be shaped and informed by their earlier experiences and fundamental attitudes. Although by no means all of them could be described as 'feminist' by historians (and perhaps fewer still would have applied that label to themselves)<sup>47</sup> they nevertheless perceived that women had an important and essential role to play in Britain's justice system (similar to the role many of them had already played in local government) and were aware of their status as pioneers in engaging with the practicalities of citizenship.

Law's second point, the importance of networks, is also evident in a study of the early women magistrates. I have already referred to the myriad organisations with which they frequently connected. Brian Harrison has demonstrated with regard to moral reform pressure groups in the nineteenth century the overlapping membership of different organisations linking causes that at first sight might appear unconnected. Even apparently rival organisations which operated in the same policy area were

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appointed to the Lord Chancellor's Advisory Committee, although Ward took no active part due to her ill-health and death early in 1920.

<sup>47</sup> Law, *Suffrage and Power*, p.4 gives the example of Gertrude Tuckwell who denied that she was a feminist in 1926 although 'her work for women and political allegiance might be considered by others to identify her with the communitarian socialist mode of feminism'.

shown to share members, attitudes and techniques, differing only in minor respects.<sup>48</sup>

With regard to women and the magistracy, there were not only the obvious links between the former suffrage organisations and the NCW, but the connections of the women's movement to penal reform groups, a connection which operated most effectively in securing changes to the juvenile court system in London in 1920-21 in the teeth of well organised opposition from the legal profession.<sup>49</sup> In addition to organisational links, there is evidence of friendship networks among women magistrates. As Liz Stanley commented on her research into the friendship networks of Olive Schreiner 'connections between feminist women' were wide extensive<sup>50</sup> and 'feminist organisation' was much more complex than the formal structures might suggest.<sup>51</sup>

## WOMEN MAGISTRATES AND THE JUSTICE SYSTEM

This thesis will endeavour to show that whilst the connection between feminism and reform of the justice and penal systems may not be immediately apparent, it was very real. My intention is to demonstrate that not only did the magistracy change women, but also that women changed the magistracy, although the changes stopped short of the transformation some feminists may have desired. The early women magistrates contributed directly or indirectly to several developments in the administration of justice from the early 1920s to the late 1940s. I shall argue that although they made up only a small minority of the magistracy, some of them were not content merely to be passive administrators of a man-made system but were

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<sup>48</sup> Brian Harrison 'State Intervention and Moral Reform in Nineteenth Century England' in Patricia Hollis (ed.) *Pressure from Without*, London, Edward Arnold, 1974.

<sup>49</sup> See Chapter Three.

<sup>50</sup> Liz Stanley 'Feminism and Friendship: Two Essays on Olive Schreiner', *Studies in Sexual Politics* 8, University of Manchester, 1986, p.9.

<sup>51</sup> *Ibid.* p.45



actively involved in its reform. This activity was probably confined to a relatively small group of people, but their ideas were widely and efficiently disseminated through meetings, conferences, summer schools and the network of women's organisations to a much larger audience. Of course, by no means all the early women magistrates were 'progressive' penal reformers (there is evidence that at least some of them held very traditional views on issues such as sentencing and corporal punishment) but there was an identifiable group whose interests combined feminism with penology. Additionally, the majority of those women JPs, whose views can be ascertained from fragmentary historical evidence, seem to have taken their new obligations as citizens very seriously, and therefore at least tried to acquaint themselves with relevant policy developments.

So far the impact of women as administrators of justice in Britain has not been examined or commented on in great depth. Feminist writers such as Carol Smart and Katherine O'Donovan have tended to concentrate on women as subjects of the law, exploring for example the ways in which Britain's family law upholds patriarchy. Alison Morris and Helena Kennedy have examined women's role in relation to criminal justice, but with the emphasis on defendants and legal professionals, in Kennedy's case writing from personal experience as a barrister.<sup>52</sup> Although it is over eighty years since women were admitted to the magistracy there has been no thorough historical study of their work. There has been some sociological research,<sup>53</sup> but generally the experience of this large number of women (nowadays about half of the country's JPs are women) has been overlooked. The apparent significance of their work is perhaps reduced by the fact that it is voluntary and without remuneration and

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<sup>52</sup> Alison Morris, *Women, Crime and Criminal Justice*, Oxford, Blackwell, 1987; Helena Kennedy, *Eve Was Framed*, London, Chatto & Windus, 1992.

<sup>53</sup> Notably by Anne Worrall, 'Sisters in Law? Women Defendants and Women Magistrates' in Pat Carlen & Anne Worrall (ed.) *Gender, Crime and Justice*, Milton Keynes, Open University Press, 1987.

lacks the power and glamour associated with a high status profession or a parliamentary career. But even nowadays the letters 'JP' carry some prestige, and in the early twentieth century being placed on the commission of the peace was regarded as an honour comparable to a knighthood.<sup>54</sup>

Histories of the magistracy tend to take a 'Whig' approach to the subject whereby it is viewed – taking into account its imperfections – as a great British institution. The authors of textbooks on this subject are more often than not people who have worked within the system as barristers, officials in the Lord Chancellor's Department or as JPs.<sup>55</sup> Therefore they tend to take a rather benign, insider's view which is reinforced by the longevity of the institution (over six hundred years) and the slow pace of change. In Volume Two of his detailed work on the *History of the Justice of the Peace* Sir Thomas Skyrme describes the transformation of the JP from administrator to judge between 1888 and 1945. The chapter is divided into subsections, for example on 'Women as Magistrates', 'the Magistrates' Association', 'Matrimonial and Affiliation Proceedings', 'Juvenile Courts' and 'Treatment of Offenders', but these developments are treated separately.<sup>56</sup> This thesis will contend that these were not isolated matters, but were connected. Moreover, these changes in the role of magistrates in the 1920-1950 period were in part contingent on and prompted by the introduction of women to the magistrates' bench.

Studies in the development of penal policy also seem to underestimate or ignore the involvement of women. Whilst there is recognition of the role of nineteenth century individuals such as Mary Carpenter in 'child saving' and Elizabeth

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<sup>54</sup> Michael King & Colin May, *Black Magistrates*, London, Cobden Trust, 1985, p.24.

<sup>55</sup> For example Frank Milton, author of *The English Magistracy*, Oxford, OUP, 1967 was a metropolitan magistrate and deputy chairman of Hertfordshire Quarter Sessions. Sir Thomas Skyrme, a barrister, was Secretary of Commissions for England and Wales from 1948 until 1977.

<sup>56</sup> Thomas Skyrme, *History of the Justice of the Peace Volume 2*, Chichester, Barry Rose, 1991, Chapter VI.

Fry in the reform of prison conditions, there has been little analysis of the contribution made by women to the development of policies, for example probation, in the early twentieth century. In his study of the origins of modern penality, David Garland identifies the developing tradition of social work as one of four major influences on penal policy in the late nineteenth and early twentieth centuries,<sup>57</sup> but this tradition is treated by Garland in a gender neutral way, even though it was largely shaped by the voluntary work of women. When the importance of women's voluntary social work has been acknowledged, it is sometimes crudely portrayed either as unwarranted intervention, by underemployed middle class women, in the lives of working class families or as the exercise of bourgeois social control. As Jane Lewis and others have argued, this interpretation is simplistic and a distortion of the motives and methods of the social workers, as well as a misreading of the working class family and its responses to their initiatives.<sup>58</sup> This thesis will demonstrate that, whatever their motives were, some women (not all of whom were middle class) were already involved in social work which brought them into regular contact with the courts of law, for example as voluntary probation officers or in court rotas, before they were permitted to be magistrates or lawyers. A few had already begun to develop ideas relating to the treatment of offenders and other matters.<sup>59</sup> Thus they were better able to become 'active citizens' after 1920, working with like-minded people to achieve the changes they sought. To achieve these objectives they were able to utilise the networks that they already had in place, including women's organisations, mixed pressure groups and friendship networks.

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<sup>57</sup> David Garland, *Punishment and Welfare*, Aldershot, Gower, 1985.

<sup>58</sup> Jane Lewis, 'Women in late nineteenth century social work' in Carol Smart (ed.) *Regulating Womanhood*. Linda Mahood, *Policing Gender, Class and Family*, London, UCL Press, 1995 also offers a nuanced, albeit Foucaultian, interpretation of the work of 'child savers'.

<sup>59</sup> For example Miss Adler, whose pamphlet on juvenile courts and probation was published in 1908, and Mrs. Barrow Cadbury. See Chapter Three.

## SOURCES

As John Tosh has pointed out, what a historian 'can actually achieve is determined in the first instance by the extent and character of the surviving sources'.<sup>60</sup> There are several main types of primary historical source on which this thesis is based: official government sources, private papers, records of women's and magistrates' organisations, newspapers and journals, and auto/biographies.

No archive is a completely unproblematic entity, but its contents are 'the products of the chance survival of some documents... [and] the products of the professional activities of archivists'.<sup>61</sup> The official government sources in the Public Record Office are no exception. However, they mainly came into existence in response to the day-to-day problems and challenges of government rather than with an eye to posterity. Therefore they are a good source of what Arthur Marwick calls 'unwitting testimony'; the evidence 'which historians find very useful, but which the originator of the document is not conscious...for it would be known anyway, or taken for granted, by contemporaries'.<sup>62</sup> Similarly, the large volume of government reports on aspects of the criminal justice system that appeared between the wars were inspired by contemporary problems and offered contemporary solutions. However, they often conformed to the style and solutions that were expected of them by the commissioning department. It is evident, for example, that the Home Office was receptive to moderate, incremental proposals for reform and modernisation, for example in the development of juvenile courts and probation. Inevitably, these sources are a product of the society and the governmental system in which and for which they were produced.

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<sup>60</sup> John Tosh, *The Pursuit of History*, 3<sup>rd</sup> edition, Harlow, Pearson, 2000, p.36

<sup>61</sup> Richard J. Evans, *In Defence of History*, London, Granta, 1997, p.87

<sup>62</sup> Arthur Marwick, *The New Nature of History*, Basingstoke, Palgrave, 2001, p.174

Private papers of individuals proved equally problematic. In some cases their survival is largely accidental; in others, for example where a detailed diary is kept over a number of years, they are more likely to be an intentional record. In either case the evidence they provide is largely self-selected and, in some cases, positively egotistical. This tendency is far greater when the subject is a woman achieving prominence in territory formerly occupied exclusively by men. A large part of the Gertrude Tuckwell Collection in the TUC Library consists of a typescript of Tuckwell's unpublished memoir, written towards the end of her long life. Understandably, it follows autobiographical convention, focusing on her public work and many achievements.<sup>63</sup> Conversely, some private sources tell us little about the subject's public life. The diaries of Hilda Runciman were a fascinating record, but contained almost nothing about her work as a magistrate. In general, I found private papers to be of limited use for this enquiry, as they tended to exist only for the more well known of the early women magistrates who usually had achieved prominence in another field and, like Runciman, appeared to have not rated their work as a JP particularly highly. Nevertheless, private papers did include some material that offered useful insights, not least the news cuttings kept by Tuckwell.

The records of women's and magistrates' organisations are of central importance to this study. Archives studied included those of the National Union of Societies for Equal Citizenship (NUSEC), the National Council of Women, the Gloucestershire Women Magistrates' Society (GWMS), the Hampshire Women Magistrates' Association (HWMA) and the Magistrates' Association (MA). In the case of the MA, I only had access to published sources, the annual reports and their journal, *The Magistrate*. In the case of the records of the two local organisations

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<sup>63</sup> For a more detailed critique of auto/biographical sources, see Chapter Five.

survival was presumably accidental; there is fragmentary evidence of similar bodies elsewhere in the country, but only in Gloucestershire and Hampshire were records presented to the local archives. Therefore it is impossible to assess how representative the women magistrates in these areas were of their colleagues across the country. Moreover, the records consist mostly of minute books, which convey a rather bland impression of the organisation's activities. Only rarely do they provide a glimpse of the controversies and differences of opinion that must have emerged in the meetings. For example, the GWMS minutes only once recorded a formal vote, over the proposal to support the sterilisation of 'the mentally unfit'. Even when 'a lively discussion' took place over corporal punishment no vote actually took place.<sup>64</sup>

However, the greatest danger in utilising the records of interested groups is an over-identification by the researcher with the organisations that produced them. It is therefore essential to consult sources that are external to these organisations and their concerns. In addition to the journals of interested parties, such as the WFL's organ, *The Vote*, the NUSEC's *Women's Leader* and the NCW's *Occasional Papers*,<sup>65</sup> I have made use of national and local newspapers. *The Times* was in the period under study regarded as the 'newspaper of record' and it was undoubtedly the paper that was regularly read by magistrates. Moreover, JPs themselves used its correspondence section to express their views: several important debates about the magistracy and its future took place in the columns of *The Times* during the period studied. The evidence it provides can therefore be regarded as of particular significance.

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<sup>64</sup> GCRO 06156/1 & 2: GWMS minutes, 14 April 1931 & 4 April 1939.

<sup>65</sup> Later *NCW News*.

## **THESIS STRUCTURE**

**'Making Women Magistrates' is divided into two parts, each devoted to the exploration of one of the meanings of the title. The first part, 'Bringing Women to the Bench', critically examines the process by which women were introduced into the lay magistracy. The first chapter analyses the campaign by feminist organisations and their allies for the introduction of women JPs and the passage of the Sex Disqualification (Removal) Act in 1920, which made the appointment of women to the bench possible. The origins of the campaign will be located not only in the demands of feminists for equal citizenship but also in concerns for a single standard of treatment of men and women before the law. It will be contended that the concession of the principle of women magistrates was relatively uncontroversial in 1919 in comparison to other aspects of the legislation, partly because of the party political situation and partly because being a JP was (and is) a voluntary, unremunerated activity.**

**Of course, passage of legislation is one thing, while its implementation is another. There is evidence that even parliamentary backers of the legislation in 1919 (such as the Lord Chancellor) did not envisage the appointment of more than a handful of women magistrates, at least in the short term. Chapter Two, 'Wanted: More Women Magistrates', therefore is devoted to the long term, ongoing campaign of women's organisations, particularly (though not exclusively) the NCW, for the appointment of more women magistrates. In the same way that the number of women MPs can be taken as a litmus test for political equality, so the issue of numbers and proportions of JPs was vital to the exercise of equal citizenship in the courts of justice, especially at a time when there were so few women in the legal profession. The enthusiasm with which women's organisations approached the task of pressing for the**

appointment of more women magistrates until the outbreak of the Second World War belies the impression of feminist quiescence in this period.

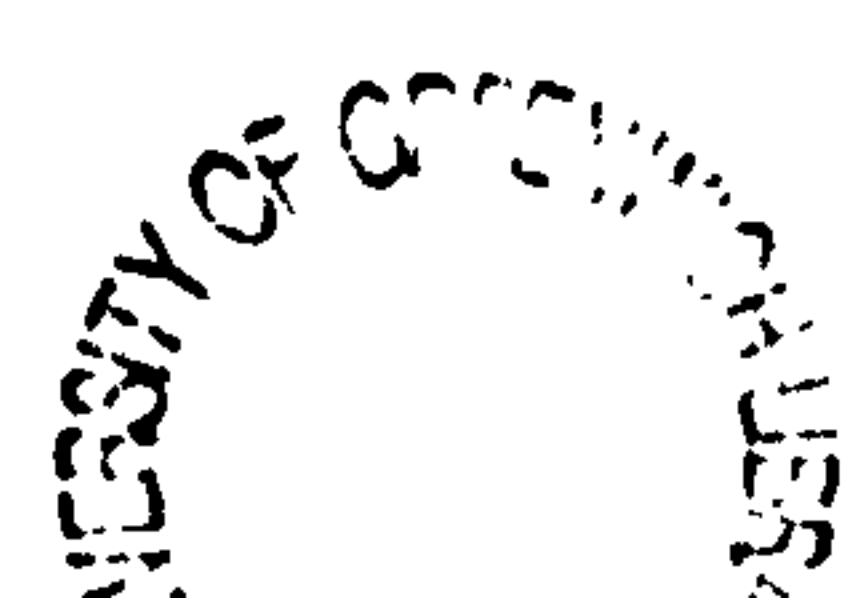
Inevitably, one sphere of court work in which women magistrates were seen as especially useful was in the running of the new juvenile courts. The final chapter in Part One, 'A Suitable Person for Suitable Cases', explores the symbiotic relationship between the introduction of women magistrates and legislative and administrative changes to the handling of court cases involving children and young people.<sup>66</sup> Feminists, often knowingly, used women's supposedly greater understanding of and empathy with children to justify the appointment of women magistrates and their utilisation in juvenile courts, an argument that government found hard to refute. It will be argued therefore that a new, gendered category of magistrate, the 'woman magistrate' was thereby created.

In Part Two, 'A New Kind of Magistrate?' this new creation will be subjected to further critical examination. Chapter Four will address an aspect that has attracted much comment, particularly from critics of Britain's system of lay justice, namely the social composition of the magisterial Bench. Taking the Lord Chancellor's list of women appointed as JPs in 1920<sup>67</sup> as the main (albeit somewhat unrepresentative) sample, the early women magistrates as a group will be analysed according to their class, political beliefs, age, education etc. Chapter Five, 'A Single Success?' explores their experiences as magistrates, mainly through their own comments and observations. It concludes that there was not a single stereotypical type of women magistrate, but rather that women adopted a whole range of approaches to their tasks on the Bench, albeit with some features in common. The final chapter, 'Beyond the

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<sup>66</sup> For instance, the Juvenile Courts (Metropolis) Act of 1920 and the Children and Young Person's Act of 1933. There were also various recommendations to justices in the form of Home Office Circulars.

<sup>67</sup> These appointments were made throughout England and Wales, excluding the Duchy of Lancaster for which the Lord Chancellor was not responsible.





Courts', analyses the work of women magistrates' organisations and networks and the campaigns that they mounted. In contrast to the range of individual approaches, it will be argued in this chapter that women magistrates' organisations adopted a distinctive approach to the issues that concerned them, an approach that can be characterised as 'feminist'. It further argues that the activities of women magistrates and their organisations in the three decades after the First World War pointed a way towards the emergence of a new type of lay magistrate in the second half of the twentieth century, a magistrate who was trained, informed and aware of developments in penal policy.

This thesis will demonstrate the enthusiasm and energy with which so many women approached their new role as citizen justices in the years after the introduction of women magistrates in 1920. For contemporary feminists in particular, the promotion of women within the justice system was a project of major importance. Although women could exercise their rights as citizens in the ballot box, only a few stood for or were elected to parliament or a local authority. The property rules prohibited most women from becoming jurors until the 1960s.<sup>68</sup> But by the end of 1934 over three thousand women had been appointed as justices of the peace and were able to undertake the duties of citizenship in a court of law. The magistracy was unique as the only part of the traditionally 'public' and male-dominated legal realm that was quickly opened to significant numbers of women. Women magistrates were in a position to put into practice feminist ideals. They had the potential to make a real difference to the administration of justice. The extent to which they realised that potential will be identified, along with the factors (including contemporary

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<sup>68</sup> The unsatisfactory rules regarding eligibility for jury service were a continuing concern for women's organisations. Mrs. Keynes mounted a campaign on behalf of the PSMC in the early 1930s and discussions were still underway in the 1950s and early 1960s.

constructions of gender and class), which assisted both change and continuity in the magistracy.

**PART ONE**

**BRINGING WOMEN TO THE BENCH**

## CHAPTER ONE

### THE CAMPAIGN FOR WOMEN MAGISTRATES 1910 - 1919

It may seem surprising today that women first took their place on the magisterial bench less than eighty years ago. The Sex Disqualification (Removal) Act which stated that “a person shall not be disqualified by sex or marriage from being appointed to or holding any civil or judicial office or post” became law on Christmas Eve 1919 and its Royal Assent was followed immediately by an announcement from the Lord Chancellor that seven women were to be added to the Commission of the Peace: Lady Crewe, Lady Londonderry, Mrs. Lloyd George, Miss Elizabeth Haldane, Miss Gertrude Tuckwell, Mrs. Sidney Webb and Mrs. Humphry Ward. On New Year’s Eve the first woman to sit on a Bench was Mrs. Ada Summers (Mayor of Acton and thus *ex officio* Justice of the Peace and Chairman of the Bench). By mid - January Miss Tuckwell had taken the oath as the Metropolitan area’s first female Justice and in April Mrs. Lloyd George appeared on the Porthmadoc Bench as the first woman Justice in Wales.<sup>1</sup>

This chapter is in two parts. Following a brief introduction setting out the legal position of women before 1919 in relation to magisterial office, the first part traces the origins of the campaign for the introduction of women magistrates, locating it largely within the feminist movement. It also examines critically the arguments advanced in favour of this innovation in the years between 1910 when the Royal Commission on Justices of the Peace rejected the suggestion that women be appointed and 1919 when Parliament approved the Sex Disqualification (Removal) Act. The second part tracks the legislation that enabled the creation of women magistrates,

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<sup>1</sup> *The Times* 24 December 1919, 1 January 1920, 15 January 1920 and 1 May 1920.

analyses the arguments of both supporters and opponents and accounts for the relatively uncontroversial nature of this step.

## **THE ELIGIBILITY OF WOMEN FOR MAGISTERIAL OFFICE**

The office of Justice of the Peace originated in England in the twelfth or thirteenth century. The duties of incumbents, mainly local gentry and knights who were 'keepers of the Peace', were described in an Act of 1327 (which did not create the office but merely gave it a statutory footing) as 'bones gentz et leux...a la garde de la pees'.<sup>2</sup> A further Act of 1361 charged them – 'in every county of England ... assigned for keeping the peace, one Lord and with him three or four of the most worthy of the county' - with 'power to restrain the offenders, rioters and all other barrators (exciters of quarrels) and to pursue, arrest, take and chastise them according to their trespass and offence'.<sup>3</sup> Not only was the role of these worthy individuals thus extended from 'keepers' to 'justices' of the peace, but also over the years administrative functions were added to judicial ones. Therefore, until the growth of elected local boards and councils in the nineteenth century, their functions were intimately bound up with the governance of the locality. Late medieval and Tudor monarchs must have regarded this as such an effective method of local administration that it was extended to Wales in the sixteenth century following the Act of Union.

Whether the early justices were exclusively male is a moot point. Though the word magistrate is derived from the Latin for 'master' it is inadvisable to put too much emphasis on linguistic gender distinctions when discussing medieval times.<sup>4</sup> It is clear that justices were persons with power and influence in the community (Lords,

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<sup>2</sup> Esther Moir, *The Justice of the Peace*, Harmondsworth, Pelican, 1969, pp. 16-17.

<sup>3</sup> Quoted by Milton, *The English Magistracy*, p. 4.

<sup>4</sup> Sir Thomas Skyrme concurs with this view. 'Some of the Norman expressions which appear in early statutes such as "gentz" or "persones" might be interpreted as including both sexes'. Skyrme, *History of the Justices of the Peace Volume 2*, p.232.

Barons, Knights etc.) who were in possession of such status that a woman was unlikely to acquire. In 1919 civil servants were unsure whether there was a historical precedent for women magistrates and disagreed as to whether it was necessary to legislate before women could be added to the Commission of the Peace.<sup>5</sup> The *Glasgow Herald* also pointed out that ‘some authorities are of the opinion that the Lady of Berkeley and Nikola de la Haye held offices of the Peace and it is quite certain that the latter was Sheriff’.<sup>6</sup>

Writing in 1932 the barrister Helena Normanton outlined several precedents for women JPs including Lady Margaret, Countess of Richmond, mother of Henry VII, the Lady of Berkeley during Mary I’s reign and a woman named Rouse (sic.).<sup>7</sup> It is unclear what Normanton’s historical sources were. According to Sir Thomas Skyrme ‘so far no convincing evidence has been found of any woman having been appointed as a Justice of the Peace before 1919’ although he concedes that ‘such evidence might be obtained from a thorough examination of all relevant documents, especially the Patent Rolls’.<sup>8</sup> The Countess of Richmond appears to have the best claim in this respect. Anyway, it is probable that Normanton’s purpose (as the leading campaigner for women’s entry to the legal profession) was to maximise, though not to exaggerate, the historical precedents. It is anyway important to note that one perspective of campaigners for female magistrates in 1919 may have been to restore to women an ancient right, which they felt had been subsequently removed.

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<sup>5</sup> PRO LCO2/350, memorandum by H. B. Simpson (Home Office) to Sir Claud Schuster, 16 May 1919. At least two women had recently been recommended to Lord Chancellors, one by a Lord Lieutenant in Scotland and one by a Trades Council, despite the fact they legally could not be appointed.

<sup>6</sup> *Glasgow Herald*, 7 June 1919.

<sup>7</sup> Helena Normanton, *Everyday Law for Women*, Ivor Nicholson & Watson, London, 1932, p. 17. The Lady Berkeley may be the same person as Lady Bartlet of Gloucestershire mentioned by Skyrme. He also refers to a Suffolk woman named Rowse. Clearly there is some confusion between these sources! (*History of the Justices of the Peace, Volume 2*, p.233.).

<sup>8</sup> Skyrme, *History of the Justices of the Peace Volume 2*, p.233.

Whilst research has shown that women in medieval and early modern England could hold property and wield the power that went with it, there is a debate as to how widespread this was.<sup>9</sup> An Act of 1439 insisted that justices should have property valued at least at £20 a year, unless they were learned in the law, and the threshold was later raised to £100.<sup>10</sup> The property qualification remained in force until 1906 and effectively barred the overwhelming majority of women (as well as most men) from the magistracy. Further statutory prohibitions were placed on women in the nineteenth century. It is therefore possible to conclude that, while a few women may have held the office of Justice of the Peace in the first five hundred years of its history, the female justice was a fairly rare specimen at any time and completely extinct well before the beginning of the twentieth century.

A further complicating factor was that membership of the magisterial Bench in boroughs was linked to municipal office. Mayors were entitled to take the chair of the local Bench in an *ex officio* capacity. Although the Bench itself, like the Houses of Parliament and the entire legal profession, was an all male preserve, by the beginning of the twentieth century women were making their presence felt in local government. Women were elected to School Boards and as Poor Law Guardians from the 1870s onwards. The latter is particularly significant because the functions of the Boards of Guardians had, before 1834, been carried out by JPs. From 1907 women could stand for election to all local councils.<sup>11</sup> Eventually, in the normal course of events some of the women elected as councillors could expect to become aldermen and mayors, but the statutes expressly forbade them from becoming a JP *ex officio* even though under

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<sup>9</sup> On the question of ownership of property, see Katherine Donovan, *Sexual Division in the Law* (Weidenfeld & Nicolson: London, 1985) pp. 24 - 30; also Christine Churches 'Women and property in early modern England: a case study', *Social History*, Vol. 23 No. 2 (May 1998).

<sup>10</sup> Milton, *The English Magistracy*, p. 7.

<sup>11</sup> For the role of women in local government, see Patricia Hollis, *Ladies Elect*, Oxford University Press, 1987.

the Municipal Corporations Act of 1835 a mayor was automatically entitled to be a member of the borough's Bench and to take the chair when it met.<sup>12</sup> Thus an anomaly was created when, in the early twentieth century, women were elected to the position of mayor.

So it is clear that, in 1919, there were statutory obstacles to the appointment of women as JPs. It is to the removal of those obstacles and the arguments of those who supported it that I now turn.

## **THE SUPPORTERS AND THEIR ARGUMENTS**

The origins of the campaign for women magistrates can be located in three distinct, but overlapping, areas: within the women's movement, the labour movement and among penal reformers. Whilst the women's movement approached the issue largely through a feminist critique of the male courts and legal system, the labour movement and penal reformers were more interested in the contribution that women justices could make in the new juvenile court system. This chapter will deal mainly with the former approach and Chapter Three will analyse the latter.

Obviously campaigners for women's suffrage played a major part, although the demand for women JPs was largely in the background until the parliamentary vote had become a reality in 1918. Pressure to allow women onto the Bench came from most of the women's organisations active in the first two decades of the twentieth century and suffragists first raised the demand in the years before the First World War. Although the vote was their main demand and the principal focus of activity, a full concept of citizenship would naturally involve duties such as those of juror and magistrate as well as the right of suffrage. Moreover, 'the cause' was never an end in

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<sup>12</sup> This Act was brought in to reform the previously oligarchic and self-perpetuating corporations and borough benches. The mayor as *ex officio* justice was a hangover from the old system. See Moir, *The Justice of the Peace*, p. 179.



itself, but a necessary initial step in a wider crusade to improve the lot of women - and their families - through 'better conditions for working women, protection for children and ... an elevated sexual morality replacing the notorious "double standard" which society adopted towards men and women'.<sup>13</sup> The two separate, but related, strands of feminism, the drive for equal citizenship and the crusade for a single moral standard (the latter originating in the campaign of the 1870s and 1880s against the Contagious Diseases Acts), each played a part in stimulating a demand for the appointment of women JPs. Indeed, activists were aware that nowhere was the 'double standard' and women's lack of real equality more publicly evident than in the law courts of Great Britain.

Social purity organisations, notably the National Vigilance Association, appear to have been concerned about the treatment of women in courts from the 1880s onwards. However, their strategy was to obtain the appointment of women police 'matrons' (later, women police officers) to secure 'the right of any woman or girl concerned in a trial to have some friends of her own sex in court when the assumed right to exclude women is exercised'.<sup>14</sup> It was only around 1910, during the phenomenal growth of the Edwardian movement for women's suffrage, that specific demands for the appointment of women JPs were made.

At first, abstract ideals of citizenship do not appear to have had great significance amongst arguments put in support of the appointment of women magistrates. Suffragists laid greater stress on what they saw as the unequal and unfair treatment of women in the courts of law while penal reformers were interested in the role that women might potentially play in the new juvenile courts.<sup>15</sup>

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<sup>13</sup> Fletcher, *Maude Royden*, p. 78.

<sup>14</sup> The Women's Library: NVA minutes, 12 November 1886 (Box 109).

<sup>15</sup> See Chapter Three.

The perception of the threat of male violence against women and children was an important factor in the campaigns of suffrage organisations to rectify the absence of women in the administration of justice. In 1910 the NUWSS paper *Common Cause* carried a letter from Katherine M. Harley, President of the Shropshire branch advocating that women magistrates be present on the Bench 'in all cases brought before the Police Courts in which girls and children are the victims and men the offenders'.<sup>16</sup> This observation was apparently prompted by some information she had received at a meeting of a rescue organisation concerning 'inadequate sentences' handed down by magistrates, presumably, though Miss Harley did not specify, in cases of assault. The Editor, Helena Swanwick, concurred and cited in support examples of sentences of as little as three or four months imprisonment handed down for assaults on girls as young as twelve or thirteen. One reader felt so strongly that she sent a copy of *Common Cause* to the Home Secretary, Winston Churchill, commenting that 'there is a strong feeling amongst women at present that it is high time their sex had some share in the administration of the criminal law where women and young girls are concerned' and claiming that the number of assaults on women and children was growing (a point contradicted by the Home Office).<sup>17</sup> Many women's suffrage activists were also involved in social purity campaigns (a connection hinted at in Katherine Harley's mention of a rescue meeting) as well as in philanthropic work and in the temperance movement.<sup>18</sup>

These overlapping concerns ensured that there was a network of potential supporters for the appointment of women magistrates. For example in 1918 the Keighley Branch of the Women's Temperance Association petitioned the Home

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<sup>16</sup> *Common Cause*, October 1910.

<sup>17</sup> PRO: HO 45/24609.

<sup>18</sup> For links between purity organisations and suffrage movements, see Paula Bartley, 'Seeking and saving; the reform of prostitutes and the prevention of prostitution in Birmingham 1860 - 1914', PhD thesis, University of Wolverhampton 1995.

Secretary to secure the appointment of women JPs.<sup>19</sup> In the view of temperance activists there was a clear, causal link between alcohol and violence. It is significant that the Church of England Temperance Society sent the first 'missionaries' (the forerunners of probation officers) into the Metropolitan Police Courts in the 1870s.<sup>20</sup> Later, in the 1920s, experience in rescue work and/or temperance campaigns was to be one of the main trajectories for women on to the Bench.<sup>21</sup>

The WFL, which had originated in 1907 as a breakaway from the WSPU, also argued strongly that women should have a presence in the police courts. Although 'votes for women' was its *raison d'être*, Claire Eustance has shown that the League by 1910–12 had developed a more varied political culture than that of a single issue pressure group.<sup>22</sup> Among the many issues taken up was the perceived sex inequality in the justice system. Of crucial importance in this development was the influence of Nina Boyle, a veteran of the Contagious Diseases Acts campaign. Together with Edith Watson, Boyle encouraged WFL members from 1912 to monitor court proceedings in their local area and submit them to the League's own paper, *The Vote*. Details of the seemingly derisory sentences handed to men who had abused women or children, contrasted with severer penalties for property crime were published under the title 'The Protected Sex'. 'The conclusion feminist activists drew from such arguments was that exclusive male control of the legal apparatus ... constituted a terrain men were compelled to defend and yet was most indefensible'.<sup>23</sup> According to Claire

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<sup>19</sup> PRO: HO45/24609.

<sup>20</sup> Dorothy Bochel, *Probation and Aftercare: Its Development in England and Wales*, Edinburgh, Scottish Academic Press, 1976, p.6.

<sup>21</sup> See Chapter Four.

<sup>22</sup> Eustance, 'Daring to be Free', pp. 142-144.

<sup>23</sup> Douglas, *Feminist Freikorps*, p. 12.

Eustance, the relationship between the WFL and purity campaigns was ambiguous. However, by 1913 the League was more obviously influenced by Boyle's concerns.<sup>24</sup>

For the WFL it was but a small step from complaining about the lack of justice shown to women in the courts to claiming women's right to sit in judgement as magistrates and jurors. By 1918 the WFL secretary, Florence Underwood, was arguing that there should be at least one woman on every magistrates' bench. Interestingly, although the League's concern initially was more for women as victims of crime than as perpetrators, Miss Underwood mentioned the 'thousands of women and girls ... tried in our police courts every year'.<sup>25</sup> The following year *The Vote* demanded that women should be in Court where cases involving women and girls were heard, 'no matter how unsavoury' the evidence was. Further, it alleged that 'everyday thousands of women and girls are charged in our police courts and convicted on police evidence alone' and that without women solicitors, barristers and magistrates 'it is exceedingly difficult to have any confidence in the administration of British justice'.<sup>26</sup> This quotation further illustrates the deep mistrust many women had in the legal system as well as a perception of gender bias in the law. Through their evident concern about instances where courts were cleared the WFL was consciously asserting women's rights to occupy the public space of the courtroom, not just as volunteer social workers but also as lawyers, jurors, justices, policewomen and even just as members of the public.

The violence sometimes meted out by police to women involved in the militant campaigns of the Women's Social and Political Union (WSPU) and the WFL

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<sup>24</sup> *Ibid.* pp. 235-237.

<sup>25</sup> F. Underwood, 'Portia on the Bench: A plea for women magistrates', *Reynolds Newspaper*, 16 June 1918 (Cutting in Gertrude Tuckwell Collection, TUC library).

<sup>26</sup> *The Vote*, 5 September 1919.

(for example on the infamous 'Black Friday' in 1910)<sup>27</sup> must have heightened awareness of the overwhelmingly male, and potentially threatening character of the forces of law and order among the usually law abiding middle class women who predominated in suffrage organisations. Those who had been before the courts and imprisoned for militant suffrage activities had particular reason for concern about the legal system. As Lady Constance Lytton revealingly confessed with regard to her nervousness upon her first appearance in court 'If I feel like this, what must it be for ordinary prisoners, whether guilty or not, who, day after day, file into this court?'<sup>28</sup>

Evelyn Sharp, the editor of the United Suffragists' newspaper *Votes For Women*, also had personal experience of the courts and prisons through her involvement in the window breaking campaign of the suffragettes and in tax resistance. She had been in Holloway Prison twice. By 1917 *Votes for Women* was running a regular feature in which punishments awarded to men found guilty of assaults on girls were compared with the (frequently heavier) sentences handed down in cases of crimes against property. For example, in May 1917 two cases in Plymouth were cited. In the first an all male jury<sup>29</sup> cleared a man of a charge of indecent assault and found him guilty merely of common assault for which he received the punishment of three months in the second division. In the second case, two offences of housebreaking were punished by ten months imprisonment with hard labour.<sup>30</sup>

The left-leaning *Votes for Women* argued against class as well as gender inequalities in the legal system. Another issue featured the cases of an army officer charged with bigamy whose punishment was one day in prison and a working class

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<sup>27</sup> According to testimony gathered by H.N.Brailsford and D. Jessie Murray women suffered sexual assaults and 'violence with indecency' from the police. Lisa Tickner, *The Spectacle of Women*, London, Chatto & Windus, 1987, p.121.

<sup>28</sup> Constance Lytton, *Prison and Prisoners*, London, Virago, 1988.

<sup>29</sup> Only men could be called for jury service before the Sex Disqualification (Removal) Act 1919.

<sup>30</sup> *Votes for Women*, May 1917.

woman who was sentenced to six months imprisonment for the same offence, in the same court and by the same judge. On another occasion the paper commented approvingly on the appointment of eight working class men as JPs in the county of Monmouth.<sup>31</sup> The opening of the bench to working class men was an essential precursor to the introduction of women magistrates, but in both cases the consequent change in the social composition of the bench would occur only very slowly.

It was not just militant suffrage societies who were concerned about the fate of the women who found themselves in courts of law. Protagonists on both sides of the debate about women justices frequently referred to the unpleasant atmosphere of the court. No doubt, an appearance before magistrates could be an intimidating and traumatic experience for many people, including children, young people and some women and men. Members of the National Union of Women Workers (NUWW, renamed NCW in 1918) shared the concern. Shortly after *The Vote* launched its 'Protected Sex' column the NUWW branch in Cambridge began a rota of women volunteers who attended their local courts to act as 'friends' to the women appearing in them.<sup>32</sup> Other NUWW/NCW branches followed Cambridge's example, including Southport in 1915, Wolverhampton in 1919, and Tunbridge Wells in 1924.<sup>33</sup> At least one woman volunteer was present whenever the Court was sitting.

The involvement of the NUWW in this work is not surprising. The organisation owed its origins in the 1880s to bodies established for the care of 'friendless' girls, precisely the type of young women who might find themselves in a police court. Although the NUWW was philanthropic in its origins, bringing together

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<sup>31</sup> *Votes for Women*, August 1917, January 1917.

<sup>32</sup> Cambridgeshire County Record Office (CCRO): RS84/91, 'A survey of fifteen years' work of the Cambridge NCW' (1928) in Cambridge WCA archive.

<sup>33</sup> *NCW Occasional Papers*, no. 89 (May 1920); Dale Spender, *Time and Tide Wait for No Man*, London, Pandora Press, 1984, p. 168-9; Centre for Kentish Studies, Maidstone (CKS): CH94/6, pamphlet entitled *NCW Tunbridge Wells Branch: the First Seventy Five Years* (anon., 1970). The Tunbridge Wells rota was still in operation in 1970.

middle class women who worked voluntarily in the service of others, by 1910 it was actively recruiting and promoting its members to seek election as Poor Law Guardians and local councillors, thus providing 'the most acceptable route of all [for women] from voluntary service to elected service'.<sup>34</sup> Evidently its members were already moving on the path towards active citizenship. The NUWW has been characterised by historians as a 'conservative' organisation<sup>35</sup> but it played an important part in the campaigns to secure women magistrates and women police. Many active NCW members shared at least some of the feminist critique of the law courts espoused by suffrage and purity campaigners. It was merely a short step from performing voluntary work in the court to campaigning for women magistrates. Supporters argued that a woman on the bench would be a help – perhaps even a role model - to women and girls who found themselves in Court either as victim, witness or the accused.

The campaign to secure the appointment of female magistrates was strengthened by the First World War. Crucially, the principle of women police, which was often linked to the demand for women justices, was at last conceded by officialdom, albeit with a great deal of continued opposition.<sup>36</sup> Furthermore, concerns about juvenile delinquency were heightened, assisting the penal reformers in their demands for new ways of dealing with troublesome youths and for a role for women within that. Wartime conditions may have further exacerbated sexual tensions on the streets whilst concerns about male violence – as well as about female sexual behaviour – grew among feminists. Their critique of society's double standards was certainly reinforced by the imposition of Regulation 40D under the Defence of the

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<sup>34</sup> Hollis, *Ladies Elect*, p. 27.

<sup>35</sup> For example, Alberti, *Beyond Suffrage*, p.123. Beaumont also characterises it as an organisation which distanced itself from feminism in the interwar period in 'Citizens not Feminists'.

<sup>36</sup> For the views of some chief constables, see Douglas, *Feminist Feikorps*, p.31-2.

Realm Act (DORA) which was seen by feminists with long memories as practically reintroducing the notorious Contagious Diseases Acts.

Historians of the women police have often tended to emphasise the repressive aspects of feminist reaction towards matters of sexuality during the First World War.<sup>37</sup> However, their reactions were not monolithic. While some emphasised the need for surveillance of young women, others were far more concerned with protection. The WFL opposed regulations made under DORA on the grounds that the latter infringed the liberties of women and treated them all as potential prostitutes. At times middle aged, middle class women could even be quite supportive of young women accused of immoral behaviour. An editorial in *Votes for Women* commented sarcastically that magistrates were blaming the 'unsatisfactory state of some of our streets in war time' entirely on young girls. The editorial continued:

The police - court proceedings as reported, would lead one to suppose that (1) if there are any men in the streets at all they are a strange, unearthly compound of saint and fool; (2) that 'riotous' girls in their teens are all naturally vicious and always take the initiative in inviting men to go astray and (3) that these girls all have a strange capacity for generating venereal diseases.<sup>38</sup>

Evidently the alienation some women felt from a judicial system in which they had no part to play except as accused or victim was very strong, notwithstanding the co-operation between some feminist policewomen and the authorities during the war.

In 1915 Lord Haldane believed that public opinion was not ready for women on the Bench<sup>39</sup> but by 1918 the campaign for women magistrates was well under way. Obviously the admission of women over thirty to the parliamentary franchise was the major reason for this. However, legislation to admit women to the magistracy and to

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<sup>37</sup> Ibid., pp.24-26, 30-32. See also Philippa Levine, ' "Walking the Streets in a Way No Decent Woman Should": Women Police in World War One', *Journal of Modern History* 66 (March 1994) pp34-78 and Lucy Bland, 'Feminist Vigilantes of Late Victorian England' in Carol Smart (ed.) *Regulating Womanhood*, London, Routledge, 1992.

<sup>38</sup> *Votes for Women*, May 1917.

<sup>39</sup> Quoted in the *Daily Telegraph*, 27 August 1915 (cutting in Tuckwell collection).



enable them to serve as jurors was still necessary before a women could assume these responsibilities of citizenship. Furthermore the refusal of the legal profession to admit women also had to be dealt with. In 1918 the Council of the NUWSS 'decided to work to secure the entry of women into the legal profession, their appointment as JPs, and their right to sit on juries'.<sup>40</sup> The following year the WFL published a list of demands in *The Vote*, including as points three to six the need for women judges, barristers and solicitors, women magistrates 'throughout the country', women commissioners of prisons and women on all juries. Only demands for the vote on equal terms with men (i.e. at twenty-one) and for women MPs were placed higher on the list.<sup>41</sup> By 1919 WCAs, NCW branches and local WFL groups were organising public meetings and lectures in towns and cities across Britain to advocate the appointment of women as JPs and jurors and the NCW conference held in June at Leicester featured a public meeting on this theme.<sup>42</sup>

One final argument, used by feminists as well as by other supporters of women magistrates, deserves attention before we turn to examining the views of opponents and the debates of 1919. It was frequently argued that women magistrates would be of use in cases involving children and particularly in the new juvenile courts which had come into being in the years since the 1908 Children's Act.<sup>43</sup> The suggestion that women JPs be used in 'certain cases' had first been raised by the Labour MP Arthur Henderson during the deliberations of the 1910 Royal Commission on Justices of the Peace but was ruled by the Chairman, Lord Halsbury as being outside the Commission's terms of reference.<sup>44</sup> Though he did not see any objection

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<sup>40</sup> *Daily Chronicle*, 20 March 1918 (cutting in Tuckwell collection).

<sup>41</sup> *The Vote*, 7 February 1919.

<sup>42</sup> *Ibid.*, 4 July 1919.

<sup>43</sup> These demands will be examined further in Chapter Three.

<sup>44</sup> Public Record Office (PRO): LCO2/350. The Liberal government established The Royal Commission because of concern over the overwhelmingly Conservative affiliations of JPs.

to women on the Bench in 'certain cases' (meaning juvenile ones) he pointed out that justices were appointed to undertake the full range of adjudication. Supporters, including penal reformers and sympathetic lawyers such as the Metropolitan Magistrate, Cecil Chapman, obviously saw this as a strong weapon in their armoury as they tried to win over MPs and Lords while the legislation was debated in Parliament in 1919. It was irrelevant whether or not the women concerned were married or had children, they were all assumed to possess innately the required maternal instincts and an intuitive understanding of young people.

Whilst women's organisations were happy to make use of this as a debating point,<sup>45</sup> they did so with full awareness of the pitfalls of associating women too closely with juvenile work. Crucially, feminists did not argue that women should solely be occupied in juvenile courts, although they did stress the peculiar attributes that women could bring to this work. The NCW certainly used this argument in their submissions to the Lord Chancellor. However, even within the NCW there was awareness among campaigners that women justices could and should not be limited to juvenile work. In July 1920, following the announcement of the appointment of over one hundred women magistrates, the *NCW Occasional Paper* carried an article by Miss Amelia Scott, secretary of the Public Service Committee<sup>46</sup> and a Tunbridge Wells councillor and Poor Law Guardian, which demonstrates a keen awareness of the trap that women might fall into through placing too much stress on their suitability for dealing with children's matters. 'The value of women as magistrates in Children's Courts is so obvious', wrote Miss Scott, 'and is so obviously quoted as an unassailable argument in favour of the appointment of women as justices, that, as so often happens, there is a danger of public opinion being narrowed down to one point

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<sup>45</sup> For example, Florence Underwood of the WFL.

<sup>46</sup> Later the Public Service and Magistrates' Committee (PSMC).

only, namely that women should be appointed as magistrates in Children's Courts only.' Miss Scott's fears were obviously prompted by the introduction of the Juvenile Courts (Metropolis) Bill,<sup>47</sup> but she noted that the Lord Chancellor had made it plain that women would possess the same powers and carry out the same functions as JPs as the men. Miss Scott concluded:

It is of importance when women are entering a new sphere of responsibility to see that there should be no specialising in that sphere by which the work of women is side-tracked.<sup>48</sup>

Miss Scott's article demonstrates that in the ten years that had passed since the Royal Commission the ground rules for women had altered. No longer were they to be ruled out of being JPs altogether because they were only suitable for one type of case, now they were to be made justices with - on paper at least - the same powers and functions as the men. It also illustrates that those campaigning for women to be made magistrates employed both the language of equal citizenship and arguments centred on what were perceived as women's special characteristics and abilities. At the same time feminists were both using and challenging the notion that there were separate spheres for men and women in society, a strategy that could backfire, as Miss Scott realised.

The campaign to secure the appointment of women as magistrates was consistent with equal rights feminism; late nineteenth and early twentieth century feminists had consistently emphasised the importance of establishing equal rights for men and women and securing the access of women to occupations previously closed to them. Feminists both insisted that women had a right to a place on the Bench and emphasised the duties of citizenship after at least some women had obtained the vote. By insisting on their right to sit as magistrates, women were contesting the view that

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<sup>47</sup> See Chapter Three.

<sup>48</sup> *NCW Occasional Paper* No. 91 (July 1920). The author was also a founder member of the Tunbridge Wells NCW, treasurer of the town's WCA and active in the NUWSS.

they lacked attributes such as wisdom and a capacity for making unemotional, objective judgements, often regarded as the exclusive qualities of men. They were asserting their rights as citizens to occupy honoured positions in society and to take upon themselves the consequent duties. They were criticising a gender biased legal system and exhibiting deep-rooted concerns about violent crime and the punishment it received. Above all, they were trying to establish a woman's right to occupy the public space of the courtroom, whether as magistrate, juror, lawyer or volunteer social worker. But the challenge was launched from the safe ground of women's sphere: the campaign for female magistrates grew out of women's involvement in philanthropy, the temperance movement and the care of children, activities which conformed to the established gender roles of the time.<sup>49</sup> It was an issue connected to longstanding demands of British feminists - suffrage, citizenship and a single moral standard.

## **THE LEGISLATIVE DEBATE IN 1919**

When the proposal to admit women to the magistracy was discussed in the all male Houses of Parliament in 1919 it received little overt opposition. Both during Commons' debates on Labour's Women's Emancipation Bill (which included a clause to permit women to sit on the magisterial bench alongside proposals to equalise the voting age at twenty-one and to allow women to sit and vote in the House of Lords) and on the government's own bill, which was introduced in order to block the passage of Labour's bill, it was invariably other clauses and aspects which aroused controversy. Likewise, when the House of Lords considered the second reading of the separate Justices of the Peace (Admission of Women) Bill in May 1919, such was the level of agreement that the bill proposed by Lord Beauchamp was passed without

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<sup>49</sup> The ways in which gender roles shaped concepts of citizenship is explored by Lewis in *Women and Social Action*.

a division. One can scour the pages of the official records of Parliament and remain unable to find much dissent from the proposal to create women justices or any breach in the virtual unanimity of politicians from all parties on this issue.

Naturally, one should not take parliamentary speeches at face value and an examination of other evidence suggests that neither MPs nor their Lordships were unanimous in their enthusiasm for women magistrates. It therefore seems necessary to offer some explanation for this lack of overt opposition to the proposal and the seemingly ready acceptance by Britain's political elite of the inclusion of women in the country's Commissions of the Peace, particularly when it is set against earlier resistance to women's suffrage and the divisions which the proposal to equalise the voting age for men and women continued to cause. This section will therefore examine the context of the debates and analyse the views of the political elites, examining some of their hidden agendas and gendered attitudes.

The repercussions of the 1918 Representation of the People Act partly explain why the proposal to allow women magistrates had apparently become so much more acceptable than when it was first made in 1910. During the First World War the nature of citizenship had been discussed by women's organisations, political parties and in the press and there was some agreement by 1919 that the removal of certain civil disabilities was the logical corollary to the franchise. Legislation allowing women to stand for Parliament had already been passed and throughout 1919 feminist groups kept up the pressure for further measures to equalise women's civil rights and duties with those of men. Furthermore, the property qualification for JPs had already been abolished and the inclusion of working class men on the Bench after 1908 provided an important precedent for the inclusion of women of all classes; there were clear parallels between the removal of class and gender barriers.

The connection between the parliamentary franchise and the legislation to allow the appointment of women magistrates and jurors is multi-faceted. On a fairly crude level there was the awareness of politicians in the 'Coupon' Election of 1918 that they faced a completely new electorate, including many newly enfranchised male voters as well as 8.4 million women aged over thirty who were either themselves local government electors or were married to one. The new voters, particularly the women, were an unknown quantity, but one with which candidates would have to deal. The candidates' awareness of this is illustrated by the estimate of Martin Pugh that about two-thirds of them mentioned women specifically in their election addresses in 1918<sup>50</sup>. In the days before opinion polling politicians had less hard evidence as to what voters really cared about. However, the Coalition manifesto signed by the Prime Minister Lloyd George and his deputy, the Conservative leader Bonar Law stated that 'it will be the duty of the new Government to remove all existing inequalities of the law as between men and women'.<sup>51</sup> Evidently, whether they had previously supported or opposed women's suffrage, the coalition candidates regarded such a promise as essential to gain women's support.

The Labour Party, the official opposition for the first time in 1918, also made women - friendly pronouncements in its election literature. The party's manifesto *Labour and the New Social Order* included a section ambitiously entitled 'The Complete Emancipation of Women', based on resolutions from the Standing Joint Committee of Industrial Women's Organisations.<sup>52</sup> Pro-suffragists had long argued that women's suffrage would alter the political agenda while 'antis' had feared its impact. In 1918-19 it seemed that both sides had been right to assume that women voters would affect political priorities.

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<sup>50</sup> Pugh, *Women and the Women's Movement*, p.120. There were 17 women candidates.

<sup>51</sup> Quoted in *The Times*, 4 April 1919.

<sup>52</sup> Graves, *Labour Women*, p. 19.

However, it remained to be seen whether the government would honour its promises once elected and the commitment to 'remove all existing inequalities in the law', while apparently unambiguous, was open to different interpretations. The King's Speech, which opened the new parliament in 1919, contained no mention of women's rights. The government's preoccupations included the Peace Settlement, the civil war in Ireland and the housing programme. The WFL obviously feared the government might renege on its promise since it printed the manifesto words across the front page of *The Vote* with the message 'No Shirking!'<sup>53</sup>

Meanwhile, the Labour Party set about promoting its manifesto policy and introduced the Women's Emancipation Bill based on some of its proposals. The bill had three clauses. The first was to enable women to hold any civil or judicial office including that of magistrate, the second was to give women the vote on the same terms as men and the third was to allow them to sit and vote in the House of Lords.<sup>54</sup> Although these proposals left out significant parts of the *Labour and the New Social Order* programme, most notably the promise of equal pay, the party's MPs seem to have been genuinely committed to them. The personal interest of the party leader, Arthur Henderson, is exemplified by the note he sent Mrs. Fawcett in 1920 on her appointment as JP. 'It is to me a great gratification that I contributed to such a result in the days when it was not so popular as now', he wrote.<sup>55</sup>

Notwithstanding this ideological support for women's rights, grounded in the Labour Party's fundamental belief in equality, the party also hoped to make practical gains from its promotion of the Women's Emancipation Bill. Like the coalition, they were keen to win votes, but they were also interested in securing better representation

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<sup>53</sup> *The Vote*, 28 February 1919.

<sup>54</sup> *The Times*, 4 April 1919.

<sup>55</sup> The Women's Library: Millicent Garrett Fawcett Papers, letter from Arthur Henderson to Mrs. Fawcett, 15 September 1920.

locally on magistrates' benches. The introduction of women JPs, particularly working class women would, they hoped, redress the class bias in the administration of justice as well as attack gender inequality. During the Second Reading debate on the Women's Emancipation Bill a Labour MP from Leeds referred to his own experience as a JP when he advocated the mixing of men and women on the bench especially when 'delicate questions of sex' came before the Court.<sup>56</sup> This was a fairly radical and pro-feminist position to adopt at that time, as it was precisely in those cases that the most strenuous efforts were made to keep women out of court and off the bench.<sup>57</sup>

Of course, as a minority opposition party, Labour could not hope to see their bill pass into law without the support of other MPs. Women's organisations such as the NUSEC had contact with sympathetic parliamentarians such as the Unionists Major Hills and Lord Robert Cecil and the Liberal William Wedgwood Benn. These allies could be counted on to table questions to ministers and use other means to keep up the pressure in Parliament.<sup>58</sup> But even these committed men could not by themselves produce a Commons majority, even in the badly attended debates, such as the Bill's Second Reading, which was held on a Friday. What, then, convinced other coalition MPs to support Labour's Bill against the wishes of their government?

An examination of the speeches might suggest that the impact of the First World War is one possible explanation. Moving the Bill's Second Reading, Adamson reminded the house of the work performed by women during the War. 'They entered into business, into industry and into agriculture, and their entry into these various

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<sup>56</sup> House of Commons Report (*Hansard*) 4 April 1919, col. 1566.

<sup>57</sup> See 'Working With Men' section in Chapter Five.

<sup>58</sup> For example, Hills put a question to the Leader of the House of Commons concerning the government's intentions with regard to the women's Emancipation Bill on 13 April 1919 and Wedgwood Benn on 7 July (see *Hansard*). *The Times* claimed that the Bill's Third Reading success, against the government's wishes, was secured by 'the Young Unionist group' led by Lord Robert Cecil (*The Times*, 5 July 1919). I refer to Conservative MPs as Unionists here, following the contemporary style.



phases of our national life...has revolutionised our ideas', he said.<sup>59</sup> Another Labour contributor to the debate eulogised women's war work and emphasised their interest in national affairs, heaping special praise on his 'lady' opponent in the recent General Election. A Coalition Liberal, Hugh Edwards, MP for Neath, examined the argument that women were 'exclusively and primarily destined for the domestic sphere' and found it wanting. He claimed that this view of women's place had been destroyed by the War and revealingly commented that women were the true 'bulwark against Bolshevism'.<sup>60</sup> Other MPs also referred explicitly to women's work in the War.

Even though these MPs frequently mentioned the impact of the First World War in this context it is questionable whether it was such an important factor in the decision to allow women to enter into a fuller citizenship. It is problematic to attempt a counter-factual analysis and pronounce on what would have happened had the war not taken place, but it is clear that pressure was exerted even before 1914 for the appointment of female JPs and jurors and for the admission of women to the legal profession as well as for the vote. Of course, the suffrage issue was of such supreme importance to both supporters and opponents of the cause that it kept their attention away from these other matters to a large extent. Even on the suffrage issue, there is a debate as to what extent women's war work was a deciding factor in facilitating the adoption of the Speaker's Conference proposals.<sup>61</sup> It is remarkable that the women who largely performed the work (those under thirty) were not enfranchised in 1918. Nevertheless, it would be inadvisable to deny that such a traumatic experience for the country and its leaders as the 'War to end all Wars' was without effect. The debates on the Women's Emancipation Bill took place only six months after the Armistice

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<sup>59</sup> *Hansard*, 4 April 1919, col.1562.

<sup>60</sup> *Ibid.*, col.1599.

<sup>61</sup> For example, Martin Pugh argues that the shift in public and political opinion in favour of women's causes during the war was of 'modest proportions': Pugh, *Women and the Women's Movement*, p.41.

and should be read in that context. Politicians' mental landscapes, and those of the people they represented, had been altered by total war and had not yet reverted to a peacetime mould. If there was a moment of opportunity for women's rights legislation then this was it.

Opposition to the Women's Emancipation Bill in the House of Commons was seldom overt but was more likely to take an indirect form. J.D. Rees MP argued that the Bill was all very well in principle, but that Parliament had more pressing problems to deal with, such as the Peace Settlement.<sup>62</sup> The promotion of the Bill by the Labour Party led to some party political sniping. For example, Unionist MPs detected a whiff of hypocrisy from the Labour Party, which was keen to see women enter the middle class domain of the legal profession while supporting moves to keep them out of the engineering shop.<sup>63</sup> The Unionist MP for Maidstone, Commander Bellairs, employed a significant verb while making this point in the committee stage, claiming that Labour had 'emasculated' its own election pledge to women. He then moved that clause one be deleted from the Bill.<sup>64</sup> On another occasion he commented on the emptiness of the ladies' gallery to infer a lack of interest among women.<sup>65</sup> Commander Bellairs also opposed the suffrage clause, although he did claim to back an equal voting age of twenty-five for men and women and suggested the matter should be dealt with by a suffrage bill. The antipathy of men like Rees and Bellairs to the content of the Women's Emancipation Bill shines through all their obscurantist,

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<sup>62</sup> *Hansard*, 4 April 1919 col.1601. Rees, was the 'Liberal Imperialist', later Unionist, MP for East Nottingham from 1912 until his death upon falling from a train in 1926. A former magistrate and Indian Civil Servant, he was a dogged opponent of women police.

<sup>63</sup> The Pre -War Practices (Restoration) Bill, intended to reverse the wartime 'dilution' of labour in industry, was also before parliament in the summer of 1919 and was supported by the Labour Party.

<sup>64</sup> *The Times*, 15 May 1919.

<sup>65</sup> *Hansard*, 4 April 1919, col.1589.

delaying tactics, yet it is remarkable the extent to which the 'political correctness' of the day prevented them from attacking the women's cause more directly.<sup>66</sup>

In the course of the debates, the issue of women magistrates received little direct attention since most of the controversy concerned the franchise clause. However, when MPs did touch on the subject, their remarks reveal some of their assumptions about gender characteristics. For example, J.D. Rees flippantly remarked that, with women on them, benches 'might not be so anxious to send people to prison at the expense of the rates and the taxpayer'.<sup>67</sup> It is not clear whether he believed women were naturally softer than men on criminals or on taxpayers!

Many of the MPs who spoke regarded the appointment of women magistrates as inevitable or a logical corollary of the parliamentary franchise. Rees conceded 'how can you keep them from being members of the magisterial bench when once you have admitted them to Parliament?'<sup>68</sup> Major O'Neill, who announced his intention to abstain from voting on the second reading, admitted that he could not 'see logically why a woman should not be a magistrate' (my emphasis).<sup>69</sup> MPs more sympathetic to the women's cause included George Thorne, who alleged that 'the nation has, by limiting the power of women deprived itself of some of the keenest brains in the country',<sup>70</sup> and Captain Albert Smith who argued from the position of fundamental rights, claiming that 'women have the right to stand on the same plane as men in our constitution, our home life, our municipal life, our parliamentary life'.<sup>71</sup> His comments suggest the ideal of equal citizenship for women.

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<sup>66</sup> Party political calculation no doubt played a part in the suggestion of twenty-five as the franchise age. It was supported by some individuals and organisations, including the Maidstone Women's Citizens' Association who invited Bellairs to speak on at least one occasion. (The Women's Library: WCA papers).

<sup>67</sup> *Hansard* 4 April 1919, col.1610.

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*, col. 1571.

<sup>70</sup> *Ibid.*, col. 1574.

<sup>71</sup> *Ibid.*, col. 1577.

There was something of an air of inevitability that the principle of women magistrates would be conceded, either by Labour's bill or through government legislation. No doubt, MPs were aware of the anomalies that existed in the current laws, for example the fact that female mayors could not preside over (or even sit on) their borough's magisterial bench. Some MPs were JPs or lawyers themselves or had been councillors, but only Lord Beauchamp in the House of Lords mentioned this aspect in debate.<sup>72</sup>

Much to the Coalition government's surprise and embarrassment, the Women's Emancipation Bill passed not only its second reading but also the committee stage and third reading. The Coalition had, of course, promised to legislate to 'remove the existing inequalities as between men and women' but had failed to produce a bill of their own. It is likely that the success of Labour's bill caught them unawares: there is no record of any government activity concerning it until the Cabinet Home Affairs Committee considered it on 16 May 1919, two days after it successfully completed the committee stage.<sup>73</sup> An editorial in *The Times* claimed that the government had allowed the bill to proceed by default having failed to send anybody with higher rank than Parliamentary Private Secretary to argue its case. Ministers had not realised that enough of the Coalition backbenchers would take their manifesto pledge sufficiently seriously to defy the whip and join the Labour opposition in the aye lobby.<sup>74</sup>

The government was opposed to any change in the parliamentary franchise, because there was concern over the convention that a General Election would

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<sup>72</sup> See below, p.60.

<sup>73</sup> PRO: CAB 26/1. By this time a bill specifically aimed at permitting women to become JPs had been introduced in the House of Lords and was to be debated on 20 May.

<sup>74</sup> This was the stated position of leading Coalition Liberal, Sir Samuel Hoare, in the third Reading debate. *Hansard*. 4 July 1919 col.1307-11.

automatically follow a Reform Act and because the compromise franchise reached by the 1917 Speaker's Conference was barely two years old. As a coalition government, backed by the rather disparate groups of Unionists and Lloyd George Liberals, it feared that the equal franchise issue would tear its parliamentary support apart. However, ministers realised legislation would have to be brought forward on the other aspects, especially the entry of women into the magistracy and the legal profession, and to bring a measure of equality into the Civil Service. There was genuine approval among ministers for these proposals; the support of both the Home Affairs Committee Chairman H.A.L. Fisher, and the Minister of Labour, Mr. Home for the introduction of women JPs was minuted at the 16 May meeting.<sup>75</sup> The Committee then resolved that the government would oppose the Women's Emancipation Bill but that it would bring forward legislation to address all the points except equal suffrage.

Meanwhile, a few days later, the House of Lords discussed the Justices of the Peace (Qualification if Women) Bill. Moving the Second Reading, Lord Beauchamp spoke of the attributes of women that, in his view, especially fitted them for the bench:

Women have high moral character, a fair degree of education, business knowledge and common sense, together with an admixture of the milk of human kindness.

He went on to put many of the familiar arguments of supporters of women magistrates. He argued that women should play a part in hearing cases of indecent assault on girls and hinted that, as many feminists argued, punishments imposed by courts in these cases sometimes failed to fit the crime. As mentioned above, he mentioned the legal anomaly regarding female mayors and district council chairmen.

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<sup>75</sup> PRO: CAB 26/1. Fisher was a close associate of the Prime Minister, Lloyd George, and his wife was well known in feminist circles.

Revealingly, he specified juvenile courts and school attendance cases as areas in which female JPs would be of special use.<sup>76</sup>

Not all Beauchamp's fellow peers agreed with him. In an article published in January 1920, just after the Sex Disqualification (Removal) Act became law, Lord Walsingham, a hereditary peer who was a metropolitan police (stipendiary) magistrate for fifteen years,<sup>77</sup> showed how deep was the opposition to the appointment of women magistrates in some quarters. While he condescendingly conceded that 'as a country magistrate with male colleagues a woman may perform her office with sufficient adequacy' he feared that 'with no advisor ... she will not evince the true instinct of justice' A judge, he claimed, needed to be impartial and have 'no truck with sentiment'. He continued:

Women have not the judicial mind. They cannot approach a matter purely without bias. Their more sensitive souls are always hampered by some sentimental consideration to the doom of justice.<sup>78</sup>

This contrasts with Beauchamp's view that women would be skilled at 'sifting the worth of evidence'.<sup>79</sup> Moreover, Walsingham's equation of women magistrates with 'sentimentality' was highly significant. Their detractors often accused the early women JPs of 'sentimentality', particularly in the juvenile courts. 'Sentimentality' signified weakness and was the enemy of 'reason' and 'sound judgement', characteristics associated with masculinity. Thus the very area of work for which women were seen as most suitable, was also the area in which they were liable to attract the most criticism. The attack on women magistrates came mostly from the

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<sup>76</sup> *House of Lords Report*, 20 May 1919 col. 734-735; *The Vote*, 30 May 1919. 'Common sense' is still the most frequently mentioned qualification for the magistracy. It is rarely defined.

<sup>77</sup> He retired in 1919.

<sup>78</sup> *Pearson's Weekly*, 3 January 1920. The barrister Helena Normanton kept this article in her cuttings collection (the Women's Library).

<sup>79</sup> *House of Lords Report*, 20 May 1919 col. 735.



stipendiary magistrates,<sup>80</sup> particularly the London ones, a body to whom Walsingham belonged. With a few exceptions, such as Cecil Chapman and William Clarke Hall, the London stipendiaries were fairly hostile towards lay magistrates in general, and female ones in particular.

Walsingham also disagreed with Beauchamp about the necessity to allow women to hear cases of indecent assault. He feared that repeated contact with 'indecent matter' would 'coarsen the fibre of a woman' and that 'sooner or later she would discard the attributes of her sex'.<sup>81</sup> These sentiments were often repeated elsewhere, for example when women were asked to leave the court, the jury and even the bench in cases of 'indecentcy'. Few went as far as Walsingham's suggestion that women would be 'unsexed' by the experience, but the fact that this was perceived as a major problem is underlined by Home Office concern. In a letter H.B. Simpson, a Home Office official, pointed out that there would be cases which men and women would be embarrassed to discuss together, but he felt this problem would be easily resolved as 'it may safely be assumed that any women appointed as magistrates would have sufficient sense to recognise when they are not wanted on the Bench.'<sup>82</sup> Perhaps Simpson envisaged some form of vetting of candidates for the bench, since if he had any knowledge of the groups campaigning for the creation of women JPs he would have understood that it was precisely those cases in which they felt feminine input was most required, or perhaps his sanguine attitude was due to a recognition that the introduction of women magistrates was reasonable and inevitable.

Even some peers who supported the bill appear to have had their doubts about the suitability of women for the role of magistrate. Lord Buckmaster, a former

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<sup>80</sup> See Chapter Three and Chapter Five.

<sup>81</sup> *Pearson's Weekly*, 3 January 1920.

<sup>82</sup> PRO: LCO/ 350, Letter from H.B. Simpson (Home Office) to Sir Claud Schuster (Lord Chancellor's Office).

Liberal MP and Lord Chancellor, who had sponsored a bill to permit women to be called to the Bar and could therefore be regarded as something of a friend to the women's movement,<sup>83</sup> would only concede that 'exceptional' women were fitted to serve on the bench or on juries. It would be 'preposterous' he claimed to appoint 'ordinary women' who lacked 'the training' which would have 'stimulated and strengthened their powers of impartial judgement'.<sup>84</sup> In this article for the *Daily Dispatch*, under the headline *Women Judges – But not For Thirty Years!* Buckmaster reassured his readers that there would not 'suddenly be a rustling of women's dresses on magisterial benches'. He argued that women

Until quite recently ... have been occupied in small domestic concerns and in performing social duties mostly of a trivial character. The little circle of events and occupations in which they have hitherto moved has unfitted them mentally and temperamentally for real judicial work in the courts of law.<sup>85</sup>

Buckmaster's views do not appear far removed from Walsingham's except that he does not see women's inadequacy as innate, but as something that can be rectified by training. He went on to outline the qualities essential in a good magistrate, a sound knowledge of local affairs, freedom from political influence (or that of a 'trade organisation'), absence of prejudice, an 'unimpeachable' character, an understanding of human nature and the ability to command respect. He concluded:

I see no reason why women should not possess all these qualities. The contention that they may be influenced by 'instinctive feeling' as against calm judgement is not in itself a sufficient argument against their becoming magistrates.

If the big majority of women are, as I believe, still unfitted for the discharge of judicial affairs, yet I think that things are moving very fast in their favour.<sup>86</sup>

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<sup>83</sup> He also proposed divorce law reform.

<sup>84</sup> Women's Library: Helena Normanton Papers: cutting of article by Lord Buckmaster, *Daily Dispatch*, 9 November 1919.

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.*



One wonders whether Buckmaster really believed that the majority of men displayed all the virtues he enumerated but his comments illustrate the fact that even supporters of the introduction of women magistrates may have had their qualms. Of course, as a known supporter of women's entry in to the legal profession, Buckmaster may well have been simply trying to reassure less committed readers that no sudden or violent change would result from the admission of women to the magistracy.

The Home Office also had reservations about the suitability of women for work on the bench. 'The average woman is probably even less capable of exercising judicial discretion or recognising what the law means than the average man is', wrote Simpson, but 'unquestionably there are some women who are more capable of doing so than most JPs are, and there are many who are at least as well qualified as many of the JPs to act as magistrates. Personally I think it would be wise to utilise their services in this capacity and so long as any appearance of flooding the Bench with women is avoided.' He concluded that 'a gradual infiltration of the feminine element would ... increase rather than diminish public confidence in the administration of justice'.<sup>87</sup>

Concern to avoid 'flooding' the benches with women was also expressed by the Lord Chancellor. Replying for the government to the Lords debate on May 20<sup>th</sup> Lord Birkenhead expressed its approval of the principle of women magistrates and promised that either Beauchamp's bill or one like it would soon become law. But he warned that the magisterial benches were already 'tolerably full' and that he would not make 'unnecessary additions' to them 'merely in order that women might be

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<sup>87</sup> PRO: LCO/ 350 (emphasis in the original).

given Commissions of the Peace'. However, he made it plain that women would be appointed with the same powers as men and not just for certain types of case.<sup>88</sup>

This 'sex blind' approach on Birkenhead's part was welcomed by Lord Crewe, the Liberal peer and Lord Lieutenant of London, but it was not what it seemed. Birkenhead, formerly F.E. Smith MP, was no supporter of equal rights. He had been a prominent opponent of women's suffrage. According to his biographer, John Campbell, he enjoyed the company of women, particularly 'young, pretty and high spirited'<sup>89</sup> ones, but believed that they inhabited a separate sphere 'of suitably feminine interests ranging from fashion to philanthropy'.<sup>90</sup> His world - the law courts and Parliament - was an exclusively male world, and ideally Birkenhead would have liked to see it stay that way. He showed his preference when he opposed Lady Rhondda's attempt to sit in the House of Lords. Referring in 1919 to the proposed abolition of the Upper House he said, 'I would rather perish in the exclusive company of my own sex'.<sup>91</sup> On other occasions he claimed that a woman was biologically incapable of genius and that neither Jane Austen nor George Eliot could be compared with the great male novelists.<sup>92</sup> With such a record of misogyny it is unlikely that Birkenhead was enthusiastic about the appointment of women magistrates but he was a pragmatic politician and followed the agreed government line. However, civil servants were sensitive to his reluctance to appoint many women magistrates and their briefing notes referred to the lack of suitable candidates and reassured the Lord Chancellor that the change in the law would not result in crowding the benches.<sup>93</sup>

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<sup>88</sup> *House of Lords Report*, 20 May 1919 col.737.

<sup>89</sup> John Campbell, *F.E. Smith: First Earl of Birkenhead*, London, Jonathan Cape, 1983, p.273.

<sup>90</sup> *Ibid.*, p.272.

<sup>91</sup> *Ibid.*, p.497.

<sup>92</sup> *Ibid.*, p.280.

<sup>93</sup> PRO: LCO/ 350: briefing note by A.E.A. Napier, 19 May 1919. Napier also explicitly stated that all women benches would not be allowed.

One way to keep the numbers of women down was to introduce an age limit and when Beauchamp's Bill returned to the Lords for its Third Reading a clause was inserted to the effect that women could only be appointed as a JP if they had attained the age of thirty (the age limit for men was, of course, twenty-one)<sup>94</sup>. This amendment, opposed by the bill's sponsor, roused the fury of the Women's Freedom League whose paper, *The Vote*, was keeping a close watch on parliamentary proceedings<sup>95</sup>. However, it was entirely consistent with the apparent suspicion and antipathy of politicians towards younger women, already evidenced in the refusal to allow women to vote until they were thirty.<sup>96</sup> As Cheryl Law points out ' "girls" of twenty-one were not regarded as being responsible enough for the exacting task of citizenship'.<sup>97</sup> The amendment was agreed in the House of Lords despite Birkenhead's assurances that he would be highly unlikely to appoint any women under thirty in any case. However it did not appear in the government bill,<sup>98</sup> which was introduced in the Lords in July.

The Sex Disqualification (Removal) Bill was the government's answer to its difficulties over Labour's Women's Emancipation Bill, which had successfully completed its Commons stages on 4 July. Designed also to replace Lord Beauchamp's proposal, the new bill contained clauses relating to civil and judicial opportunities for women but omitted any franchise measure. Once again, controversy reigned over other aspects (the position of women in the Civil Service and the House of Lords) and not over the claims of women to become magistrates. Nevertheless,

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<sup>94</sup> *House of Lords Report*, 25 June 1919.

<sup>95</sup> *The Vote*, 8 August 1919.

<sup>96</sup> There were also two million women over thirty who failed to qualify for the vote. See Law, *Suffrage and Power*, p.183.

<sup>97</sup> *Ibid.*

<sup>98</sup> The Sex Disqualification (Removal) Bill.

feminist organisations stepped up the pressure on this issue. The WFL, NUSEC and local Women's Citizens' Associations all held meetings throughout England and Wales on the subject and in June the NCW devoted a public meeting during its annual conference in Leicester to the need for 'women as patrols, police and magistrates, to serve on juries and in police court work'. Lady Frances Balfour took the chair and speakers included Miss Peto of the Bristol Women Police Training School, Helena Normanton (on magistrates and juries) and Mr. Holford Knight (a barrister and author of *Advancing Women*).<sup>99</sup> In October a meeting organised by the Women's Local Government Society in support of the appointment of women JPs took place at Kensington Palace Gardens. The main speaker was the prominent Liberal MP Herbert Samuel who claimed that 'the administration of the law would gain, and gain greatly, by the addition of women of proved capacity and judgement to the Bench'.<sup>100</sup>

The government bill passed all its parliamentary stages and became law just before Christmas. Why had the proposal to introduce women magistrates attracted so little serious opposition? Part of the answer seems to lie in the context of party politics. Politicians were nervous of the power of women voters and wary of each other, in case one party or group was able to identify itself with the women's cause more than others. Some, like Samuel, were genuine enthusiasts, others, like Birkenhead, were prepared to concede the principle in the hope that numbers of women JPs could in practice be limited. Many felt the move was inevitable, an idea whose time had come now that women had the vote and could stand for Parliament. As Samuel said, the burden of proof had now shifted on to the opponents of the

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<sup>99</sup> *The Vote*, 4 July 1919; handbill in Helena Normanton Papers. The Normanton papers also contain an undated draft speech, obviously prepared for this occasion, which makes specific reference to the proposal to bar younger women from the Bench. Normanton's view was that they would provide a valuable check on 'the extreme levity of some of our elderly magistrates'. The speech suggests that Normanton's main interest lay in the admission of women to the legal profession.

<sup>100</sup> *The Times*, 14 October 1919.

appointment of women to the bench.<sup>101</sup> Women had, after all, proved themselves capable through many years of work as philanthropists, poor law guardians and local councillors. As we shall see, these were the typical activities in which women were prepared for the magistracy.

Herein lies a further reason why perhaps the political elites accepted the principle. The magistracy was an unpaid, voluntary activity. It was not a career, it offered no remuneration, nor could it in any way be regarded as a profession. There were no large fees to be earned or career ladders to climb. It was often described as the 'poor man's knighthood'.<sup>102</sup> Justices of the Peace no longer had the power and social position in a town or county that they had enjoyed before the abolition of the property qualification and the loss of most of their functions to local authorities. There still was some personal prestige and honour to be gained from appointment, but it was limited to being able to write the initials 'JP' after your name. As Lord Crewe had made a point of remarking in the House of Lords debate, the routine work of a JP was 'humdrum and exceedingly irksome'.<sup>103</sup> Although this point was not made explicitly, it was an obvious advantage to be able to widen the recruitment pool for magistrates if enough men could not be found to take on this 'irksome' task.

Women had, of course, already demonstrated their worth in a range of voluntary activities, in local government and in the management of schools and workhouses. The magistracy could be seen as a natural progression from their accepted sphere of local politics and philanthropic work, particularly where cases involving children and teenage girls were concerned. Therefore, no vital interests would be threatened by allowing women to take their place on the bench, especially if

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<sup>101</sup> Ibid. The same phrase was used by the Marquis of Crewe in the House of Lords on 20 May 1919.

<sup>102</sup> This description is often attributed to H.G. Wells. See King & May, *Black Magistrates* p.24.

<sup>103</sup> *House of Lords Report*, 20 May 1919.

their numbers were limited as the Lord Chancellor clearly hoped they would be.

Gender relations and the patriarchal society would be largely undisturbed.

Despite the historic nature of the admission of women to the magistracy after centuries of exclusion there was no need for a struggle of anything like the proportions of the suffrage campaign. Equal citizenship had been recognised to the extent that a few, exceptionably able and well-qualified women were to be appointed to the bench. Now it would be up to the women appointed to make the most of their opportunity to enter their new sphere of summary jurisdiction and up to their organisations to conduct a campaign for the appointment of more women magistrates.

## CHAPTER TWO

### WANTED: MORE WOMEN MAGISTRATES<sup>1</sup>

One of the defining characteristics of twentieth century British feminism was the continuing effort to raise the number of women in prominent positions and in public life generally, particularly in those areas which had been traditionally regarded as the exclusive province of men and which consequently serve as a litmus test for equality of citizenship. From the late nineteenth century organisations such as the Women's Local Government Society and the Women's Co-operative Guild, which encouraged women to become Poor Law Guardians, to bodies such as Women for Westminster (1942) and the 300 Group (1980) which have attempted to increase the number of women MPs, feminists have consistently argued for the inclusion of larger numbers and a greater proportion of women in positions (paid or unpaid) which they have deemed to be powerful.<sup>2</sup> The attempt, which still continues today, to increase the representation of women in local government and parliament is analogous to the focus of this chapter: the campaign to secure the appointment of a sufficient number of women as Justices of the Peace.

Arguments for the inclusion of more women in public life were advanced both by those feminists for whom equality was the primary issue, some of whom presumably would have believed that there was little difference in practice between a male and female MP, JP or councillor, and by those who have placed greater emphasis upon gender difference and who have argued that public life would be enriched by a greater input of ideas and approaches particularly associated with

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<sup>1</sup> Headline in *The Vote*, 5 January 1923.

<sup>2</sup> An interesting example is Maureen Colquhoun's Balance of Sexes Bill, introduced in 1975, which aimed to ensure equal representation of men and women on all public bodies; Maureen Colquhoun, *A Woman in the House*, Sussex, Scan Books, 1980, pp. 60-67, 181-214.

women. Arguments were also advanced by organisations and individuals not primarily identified as 'feminist', for example penal reform groups and members of pressure groups concerned with children.

In theory there was a contradiction between those who argued for strict equality and those who emphasised women's distinct qualities and 'mission'. The two approaches roughly correspond to the division between the 'old' or 'equalitarian' feminists and the 'new' or 'welfare' feminists of the interwar period.<sup>3</sup> However, as Cheryl Law points out, 'adherence to these philosophies was neither rigidly confined to distinct organisations, nor operated as a consistent policy'.<sup>4</sup> Moreover, some antipathy between them did not prevent a certain amount of co-operation between the two feminist camps when tackling the common enemy of the male establishment during the three decades after 1918. The military metaphor is significant, for in some respects this was a war; in order to increase the proportion of women in any group or activity there necessarily has to be a decrease in the proportion of men, unless the size of the group is increasing. Therefore the vested interests of some men would be under attack. This was as much the case where legal appointments were concerned as it has been in the case of parliamentary candidates.<sup>5</sup> Women were not alone in seeking access to power in the first half of the twentieth century and sometimes the arguments for greater representation of women on the magisterial bench became enmeshed in class and party political disputes, resulting, for example, in calls for the appointment of more working class women or more Liberal women.

At times the aim of an increase in the number of women in public office might appear to be an end in itself, that the principal target of an organisation's activity was

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<sup>3</sup> For the distinction between the two types, see Harold Smith, 'British feminism in the 1920s' in Harold Smith (ed.) *British Feminism in the Twentieth Century*, Aldershot, Edward Elgar, 1990.

<sup>4</sup> Law, *Suffrage and Power*, p.162.

<sup>5</sup> For example, in the case of the legal action taken against the Labour Party's all-women parliamentary shortlists in the 1990s.



simply to increase the presence of one sex at the expense of the other. But this was usually not the case. Women's organisations argued that women should take their place in public life not just because they were women (although that was sufficient reason for some) but also because of the particular qualities they possessed as women. The arguments of 'old' and 'new' feminists often merged in general claims about the capabilities of women, and what special talents and abilities they might bring to a role. Of course, these arguments were often based upon generalisations about gender, which were at best unsustainable at an individual level and at worst played into the hands of the feminists' opponents. The feminists of the interwar period were continuing to react (as they and their predecessors had before 1914) against the elaborate gender divisions of 'Victorian' society while at the same time seemingly demonstrating that they had internalised those divisions. However, they also made use of widely held assumptions about women's special talents not only to enhance women's citizenship and ensure that their value was recognised but also to disarm opponents.

Campaigns to get more women into a particular sphere of public life were qualitatively different from the initial movements that brought about their entry in the first place, although they may appear to apply similar arguments and even tactics. Without the seemingly impenetrable initial barrier to be broken down and overcome the campaigns seemed less interesting to participants and observers alike. Consequently, campaigners suffered from three major handicaps that had not applied previously. Firstly, they struggled to find willing activists, particularly when the campaign, as it usually has been, was a long drawn out affair.<sup>6</sup> The pace of change in this sphere has been so slow that it was usually necessary to recruit several

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<sup>6</sup> Although this is more evident with the benefit of hindsight, many interwar feminists already had experience of the women's suffrage campaign, which had been a very long drawn out affair. Despite their evident optimism, they must have realised further change would take time.

generations of activists. Those who committed a long lifetime to active feminist politics in the twentieth century, such as Margery Corbett Ashby, were relatively rare. This need to spread the campaign over the generations may have incidentally contributed to the appearance of a cyclical pattern in feminist activity.<sup>7</sup>

Secondly, the campaigns suffer from a lack of publicity and coverage in the mass media. Extensive coverage was given to Gertrude Tuckwell as London's first woman magistrate in the 1920s,<sup>8</sup> but the second had no news value whatsoever. Historians have tended to follow this pattern. Campaigns to increase the participation of women were lengthy and unglamorous, but were no less vital to the participants. It was very important to feminists to secure the continuation of women's presence in public life, having achieved a toehold in the first place. Some form of succession had to be established, even though women had no recourse to many of the networks that traditionally recruited people for public roles. Thirdly, the campaigns had to combine such an attacking strategy with more defensive positions. In contrast to the initial campaigns that could go on all-out attack, the consolidating nature of the later ones required them to try to prevent the renewal of the exclusion of women from a particular sphere of action or to stabilise the levels of women's representation at current levels.

This chapter will examine some of the above themes in the context of demands for more women magistrates between c.1920 and c.1950. Throughout this period women's organisations sustained a consistent effort to see that more women were appointed as justices of the peace and more tentatively advanced arguments for the appointment of women as stipendiary magistrates. It is hoped that this examination

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<sup>7</sup> Noted by Pugh, *Women and the Women's Movement*, p.xii.

<sup>8</sup> There are several examples in the Gertrude Tuckwell Collection (TUC library).

will provide a further corrective to the impression, now greatly modified,<sup>9</sup> of feminist quiescence in the period after 1920, as well as illuminating the difficulties faced by the women's movement in sustaining and extending the presence of women in public and political life, difficulties which have not yet been fully overcome. The work of women's organisations and other campaigners and the extent to which they were collectively successful in their efforts to secure the appointment of more women magistrates in this period will be critically examined, as well as some of their arguments and the implications of these for the debate about 'old' versus 'new' feminism, and the extent to which these approaches became intertwined with party politics and concerns about the staffing of juvenile courts and the 'modernisation' of the magistracy.

## THE CAMPAIGN FOR MORE WOMEN MAGISTRATES

After the initial legislation<sup>10</sup> feminist organisations such as the WFL monitored closely the rate at which women were made magistrates and were soon disappointed. In March 1920 *The Vote* complained that all the fourteen new JPs appointed in South Shields were men, including two 'whose only qualification seems to be that they have a house address in the district', while the four women whose names had been put forward were passed over.<sup>11</sup> By April the paper was complaining that the appointment of women to the bench was 'singularly slow'<sup>12</sup>. Four women had been chosen for the Commission of the Peace in Dublin in January and in March the Chancellor of the Duchy of Lancaster announced the addition of twenty four women to the magisterial benches of the County Palatine, but there were

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<sup>9</sup> For example, by Law in *Suffrage and Power*. See also Pat Thane, 'What Difference Did the Vote Make?' In A. Vickery (ed.) *Women, Privilege and Power*, Stanford University Press, 2001.

<sup>10</sup> See Chapter One.

<sup>11</sup> *The Vote*, 5 March 1920.

<sup>12</sup> *Ibid.*, 9 April 1920.

to be no further appointments in the rest of England, or in Wales, or Scotland, until the publication of the Lord Chancellor's list in July.<sup>13</sup> After that, appointments were made through the local advisory committees but the feminist press continued to monitor and report on the extent to which women were or were not being made magistrates, as well as offering advice to readers on how to get names put forward for consideration,<sup>14</sup> further demonstrating their commitment to full citizenship.

The campaign continued throughout the interwar period. Year after year the WFL's annual conference called for women to be appointed in equal numbers with men.<sup>15</sup> *The Vote* expressed its continuing frustration in 1925: 'in no part of the country are women being added to the Commission of the Peace in adequate number. During the past week four men and one woman have been appointed in Bath, and in Southend On Sea nine men and one woman'. On other occasions it reported that three women and twenty-six men had been appointed in the Duchy of Lancaster (1926) and two women and fifty-three men in Derbyshire (1927).<sup>16</sup> In the latter case it was pointed out that the two women were of 'county' families: it would seem that, though the WFL was first and foremost committed to an increase in the presence of women in the magistracy, it was not entirely satisfied when the women in question were so obviously privileged in status.

Dissatisfaction was not confined to the 'equal rights' feminists in the WFL. Despite internal disagreements over 'new' feminism in the mid-1920s the NUSEC remained committed to the promotion of practical citizenship.<sup>17</sup> In 1925 Mrs. Coombe Tennant JP, a leading former suffragist and Liberal parliamentary candidate

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<sup>13</sup> For an analysis of appointments on the Lord Chancellor's list, see Chapter Four.

<sup>14</sup> For example, articles in *The Vote*, 9 January 1920 and *Women's Leader*, 5 March 1920.

<sup>15</sup> For example in 1924. *The Times*, 7 April 1924, p.9.

<sup>16</sup> *The Vote*, 21 August 1925, 25 June 1926, 7 January 1927.

<sup>17</sup> 'The Law at Work' appeared from 1923 until 1931 'under the direction of Mrs. C.D. Rackham JP, Miss S. Margery Fry JP with Mrs. Crofts as Hon. Solicitor' (*Women's Leader*, 9 February 1923). The articles were written mostly by Mrs. Rackham although not all were signed.

from South Wales, wrote to the paper deploring the slow 'rate at which women are being elevated to the Bench'. She cited the example of a list of justices for Merioneth recently issued which contained the names of 'thirteen men (of whom one is stated to be the husband of the "only woman magistrate in the county") and not one woman'. Mrs. Coombe Tennant asked 'is not this question of "More Women on the Bench" one that might rightly find a place in the immediate Programme of the National Union of Societies for Equal Citizenship and be specifically defined therein?'<sup>18</sup> The NUSEC did retain an interest in the promotion of women as JPs and the national organisation continued to lobby government and MPs. For example, in 1927 they promoted a parliamentary question 'on the faulty distribution of women JPs' and a bill - which was withdrawn - for a reform of juvenile courts in Scotland which would have had the effect of ensuring that women were present for cases involving children.<sup>19</sup> These efforts - undertaken with sympathetic back bench MPs - together with letters to the Home Office and the Lord Chancellor's Office, represented standard tactics for 'outsider' pressure groups. As Helen Jones has commented, the women's organisations 'remained the supplicants, albeit well organised, articulate and dynamic ones'.<sup>20</sup>

The importance of the issue to the rank and file of the women's movement is underlined by ample evidence of local activity of Societies for Equal Citizenship and Women's Citizens Associations in making representations for more women magistrates. In Repton the SEC organised a petition for the appointment of a woman JP.<sup>21</sup> Local women's groups regularly held meetings at which addresses were given

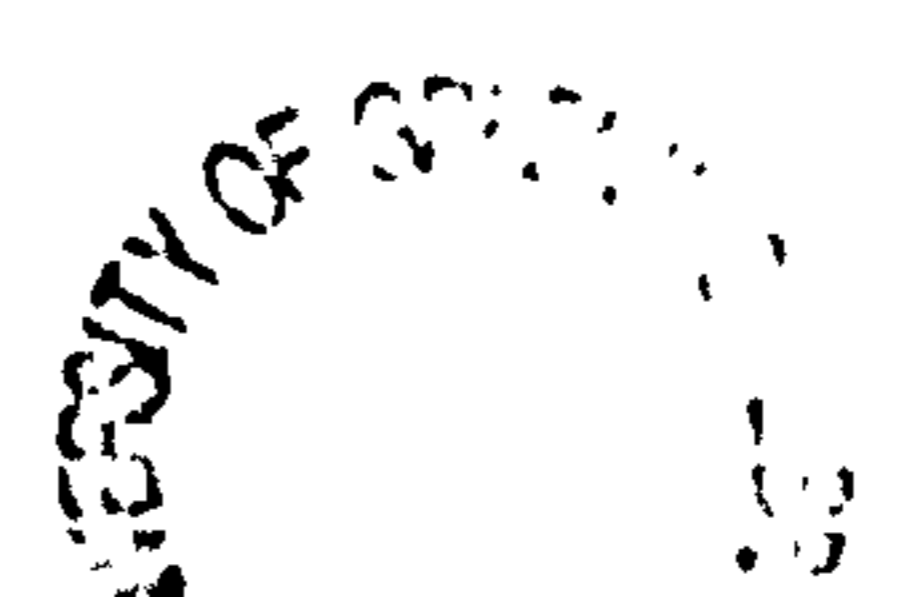
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<sup>18</sup> *Women's Leader*, 10 April 1925.

<sup>19</sup> *Ibid.* 11 February 1927; Women's Library: NUSEC Annual Report 1926-7, p.16.

<sup>20</sup> Helen Jones, *Women in British Public Life 1914-50*, Harlow, Pearson, 2000, p. 133-4.

<sup>21</sup> These include Canterbury WCA (PRO: H045/24609, letter from Hon. Secretary of the NCWA), the Hampshire WCA and Ilkley SEC (*The Vote*, 19 December 1926 and 24 June 1927). The Repton petition is mentioned in the NUSEC Annual Report 1924-5, p.24.



on the subject of the 'work of women magistrates' and resolutions passed calling for more women JPs. Members' names were submitted for consideration by local advisory committees. Although only fragmentary records survive of local WCAs (and their activities have been correspondingly neglected by historians) it is probable that these activities may have had some effect in raising the numbers of women magistrates in some localities, most notably in Cambridge where the WCA had about seven hundred members in the 1930s. Four women were made JPs for the borough in the Lord Chancellor's list of 1920, more than for any comparable town, and by 1934 eight women were entitled to sit on the local bench. In Chester, seven women had been made magistrates by 1928, all of them members of the WCA.<sup>22</sup> Together with other factors, such as the attitudes of local advisory committees and Lord Lieutenants, the extent of local organisation by women's societies (including, in some areas, the National Council of Women, which also formed branches in towns and cities, and local women magistrates' societies) undoubtedly contributed to the rather uneven geographical distribution of women magistrates by the 1930s, some areas being well supplied while others were not.

At a national level the most sustained campaign to secure more women magistrates was waged by the Public Service and Magistrates, Committee of the NCW (PSMC). Beaumont has recently argued that the NCW were among the women's groups who 'refused to be identified as feminist and publicly distanced themselves from feminism' and that they drew a line between that and their pursuit of equal citizenship.<sup>23</sup> This distinction seems hard to sustain in the case of the PSMC, which was the NCW's largest committee in the 1920s with over four hundred members. Its leading activists had strong feminist credentials and a sense of solidarity;

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<sup>22</sup> CCRO: 455/Q/40 Cambridge & District WCA minute book; NUSEC Annual Report, 1927-8, p.28.

<sup>23</sup> Beaumont, 'Citizens not feminists' p. 426.

they were committed to an increase women's share in the administration of justice not merely out of principle, but because of what they believed women could achieve on behalf of other women.<sup>24</sup> The efforts of the PSMC to highlight the need for more women magistrates are worth examining in detail since they demonstrate the strengths and weaknesses of the NCW as the country's largest women's organisation and further illuminate its character.

The size of the PSMC and the NCW's place at the heart of a network of women's organisations facilitated efforts to gather and disseminate information in support of their demands. Repeated investigations were held to establish the facts about women magistrates.<sup>25</sup> In 1926 the chairman, Mrs Keynes, with the help of the Magistrates' Association, began to compile a list of women JPs.<sup>26</sup> The main object of this exercise was to identify which petty sessional divisions had no woman magistrate, although a useful by-product was the recruitment of additional PSMC members. Mrs. Keynes found that the 736 divisions in England and Wales had between them 749 women magistrates but that these were not evenly distributed. Instead, 'in making new appointments there appears to be a tendency to increase the numbers of women magistrates where they are already in considerable strength, rather than to appoint women where there are few or altogether lacking'.<sup>27</sup>

London was particularly well-supplied: one hundred of the women JPs were in the county of London but in most parts of the city<sup>28</sup> their powers, other than in juvenile cases, were limited to licensing, weights and measures, committal orders and rates and Education Act summonses. London benefited from the residence of many

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<sup>24</sup> Some leading NCW activists were also members of 'equalitarian' feminist bodies such as the WFL and the Open Door Council.

<sup>25</sup> See Chapter Six for other aspects of the PSMC's activities.

<sup>26</sup> Before 1948 the Lord Chancellor's Office kept no list of the names of justices of the peace. The NUSEC had compiled a list of women magistrates in 1922, a copy of which was passed to the PSMC.

<sup>27</sup> London Metropolitan Archives (LMA): ACC/3613/1/77, PSMC minute book, 18 November 1926.

<sup>28</sup> Hampstead was an exception.

women experienced in local government and voluntary organisations. On the other hand, of the 168 non-county boroughs that had separate commissions of the peace, about seventy had no woman on the bench at the time of Mrs. Keynes' survey.<sup>29</sup> Having gathered the data the PSMC sent a letter to the Lord Chancellor in 1927 and put a resolution to the NCW's Annual Conference (which was subsequently sent to the Home Office).

In 1929 Mrs. Keynes repeated her survey and found that the number of women magistrates appointed had increased from 1,440 in England and Wales to 1,775, though not all were necessarily active (or even alive), making the effective total around 1,590. Again, distribution was uneven; one county borough and forty-eight non-county boroughs still had no woman JP and fifteen English counties had fewer women magistrates than petty sessional divisions. At the existing rate of growth, Mrs. Keynes claimed, it would be another eight years before all the boroughs had at least one woman on the bench. This time she sent her findings to *The Times*, which published them in July 1930.

The PSMC also requested that the Lord Chancellor receive a deputation calling for more woman magistrates. Although the request was refused, Lord Sankey replied that he was sympathetic to their demands and he was said to be 'fully aware that the presence of more women on magisterial benches was an asset to the country'. Mrs Keynes continued to monitor and report on the pace at which women were being appointed until she stepped down as PSMC chairman in 1935. By then over three thousand women had been made magistrates but Mrs. Keynes claimed that there were still ten borough and fifty county divisions without a female JP.<sup>30</sup>

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<sup>29</sup> F.A. Keynes, *Women Magistrates*, London, NCW, 1927.

<sup>30</sup> CCRO: 789/Q6, .F. A. Keynes, rough notes of an address given to Ladies' Association connected with St Bartholomew's Hospital entitled 'Women on the Bench', 18 March 1937. She claimed that the increase of 400 in 1934 was achieved 'under pressure from the Home Office'. In 1933 a Home



Like the former suffrage societies (WFL and NUSEC) the PSMC was an 'outsider' pressure group, but one that had impressive connections. Members carefully researched the problem and made assiduous use of deputations, parliamentary questions by sympathetic MPs and publicity to further their objective. They kept a close watch upon the activities of government and persistently presented evidence to relevant enquiries.<sup>31</sup> Leading members of the NCW were also called upon to sit on government appointed committees examining questions relevant to the work of magistrates. Lady Emmott, Mrs. Barrow (Geraldine) Cadbury, Miss Kelly (Mrs. Keynes' successor as PSMC chairman) and Mrs. Rackham all served on several occasions. Not only were they therefore able to exercise some influence over official policy, they could also use these opportunities to exert pressure for greater use to be made of women magistrates. For example, while serving on a Home Office Enquiry in 1928-9 into the operation of London's courts, both Geraldine Cadbury and Elizabeth Haldane repeatedly questioned witnesses as to whether women JPs should be used in domestic cases and raised the possibility of a woman stipendiary.<sup>32</sup>

As Law has demonstrated, the women's movement in the 1920s was made up of an extensive network of organisations. The nature of the NCW, an umbrella group composed of many different bodies, placed it at the centre of this network. Campaigning was not restricted to the national stage, to organisations that are recognised primarily as 'feminist', or even to women's societies. Among the bodies that took up the call for more women magistrates were the British Federation of University Women, the National Union of Women Teachers (who sent a resolution to

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Office circular had decreed in 1933 that all juvenile courts 'should include one man, and so far as practicable, one woman'.

<sup>31</sup> Examples include the Committee on Sexual Offences against young Persons (1925), the Committee on the Social Services in Courts of Summary Jurisdiction (1936) and the Committee on Corporal Punishment (1938).

<sup>32</sup> PRO: HO45/13777, Minutes of evidence of Home Office Committee on Metropolitan Police Courts & Juvenile Courts 1929.

the Home Office in 1949)<sup>33</sup> and the Women's Institutes. The network linked the national groups with local ones (such as WIs, WCAs and Townswomen's Guilds as well as WCG and NCW branches) whose activism was vital to the procurement of more women magistrates and whose members were most likely to provide suitable candidates. This women's network was further connected to other pressure groups and support for more women magistrates from the Howard League for Penal Reform and the Magistrates' Association underlines their close co-operation.<sup>34</sup>

Male allies were not in short supply. Several MPs asked parliamentary questions on the subject including William Wedgwood Benn, Frank Briant and James Alexander Lovat Fraser. A few metropolitan stipendiary magistrates supported the cause, notably Cecil Chapman<sup>35</sup> and William Clarke Hall, although they were apparently in a minority. In 1935 the Oxfordshire JP and journalist, Mr. J. W. Robertson Scott, made 'a minimum of two women on every bench' the fourth out of eighteen proposals for the reform of the lay magistracy,<sup>36</sup> a demand which went beyond the NCW position that there should be at least one woman for every petty sessional division.

The effectiveness of all these efforts is hard to gauge despite the slow but steady increase in the number of women magistrates in the 1930s. It probably seemed to campaigners that they were going with the grain of government opinion. The pace of appointment quickened after the Home Office circular requiring the presence of 'one man, and so far as is practicable, one woman' on all juvenile court benches

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<sup>33</sup> PRO: HO45/24609.

<sup>34</sup> See Appendix C.

<sup>35</sup> Chapman had been a member of the executive of the Men's League for Women's Suffrage and was also a supporter of divorce reform. See Angela V. John, 'Between the Cause and the Courts: The Curious Case of Cecil Chapman' in Claire Eustance, Joan Ryan & Laura Ugolini (eds.) *A Suffrage Reader*, London, Leicester University Press, 2000.

<sup>36</sup> *The Times*, 18 October 1935, p.11.

outside London was issued in 1933.<sup>37</sup> On a number of occasions Lord Chancellors expressed their wish to see more women JPs, although no doubt this was often little more than lip service. The most vociferous was Lord Sankey who was elevated to the woolsack in 1929 by the Labour Prime Minister Ramsay MacDonald and remained there until 1935. In 1931 he told the House of Lords 'a sufficient number of women justices should be appointed. It is not only in the children's courts that the state needs their presence and advice.'<sup>38</sup> By 1932 he claimed to have appointed 403 women magistrates but regretted the fact that there were still some petty sessional divisions without a single one.<sup>39</sup> In 1934, his last full year as Lord Chancellor, Sankey appointed a further 360 women to the Commissions of the Peace for which he was responsible.<sup>40</sup>

However, feminists were well aware that the Lord Chancellor was not in a position to make new magistrates unaided. After the initial lists of 1920 new women magistrates were appointed on the advice of local committees that had been set up after the Royal Commission of 1910. It was soon apparent that some advisory committees, Lords Lieutenant and local benches were reluctant to countenance the appointment of women JPs. Given the secrecy that surrounded the activities of advisory committees, public admission of this attitude was generally rare, but there were exceptions, such as the Kingston borough bench in Surrey, which sent a resolution to the Lord Chancellor hoping that no woman would be joining them. Their petition was obviously unsuccessful; by August a woman had been appointed to

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<sup>37</sup> London's juvenile court rules had required two lay magistrates – one male and one female – to sit alongside the stipendiary since 1921. The advice followed the findings of the departmental committee on the Treatment of Young Offenders (1927) and the 1933 Children and Young Person's Act. See Chapter Three.

<sup>38</sup> Speech by Lord Sankey in the House of Lords, 15 July 1931 (copy in TUC library).

<sup>39</sup> *The Times*, 25 February 1932, p.11.

<sup>40</sup> *Ibid.*, 18 October 1934, p.9.

Kingston's Commission.<sup>41</sup> No doubt opponents of women magistrates were much more vocal in private than in public.

## **THE ROLE OF ADVISORY COMMITTEES AND PARTY POLITICS**

Campaigners realised that only if women were appointed to the advisory committees would there be any certainty that the number of women JPs would increase. The women's conference of the Magistrates' Association called for this in 1925 and the WFL added it to their annual resolution in 1927. In fact, it seems that the Lord Chancellor requested in 1921 that one woman be added to each advisory committee<sup>42</sup> yet by 1927 only about half of them had a female member. Again, the distribution was uneven. In London, Lord Crewe had ensured that there were three women on the advisory committee, one for each main political party.<sup>43</sup> The largest obstacle for campaigners was finding out precisely the composition of each committee, given the thick mist of secrecy that attended their deliberations. The well connected activists of the PSMC were better placed than many groups to obtain information and in 1934 they considered a report, drawn up by a sub-committee, containing a detailed description of the system and the recommendation that at least one woman should be put on every advisory committee.

Even in places where there was a woman on the advisory committee there was no guarantee of success. Miss Ker in Gloucestershire gathered suitable names from her fellow members of the Gloucester Women Magistrates Society (GWMS) yet there were still six benches with no woman magistrate in the county in 1925 and three in 1934. Miss Ker also had to try to fill vacancies caused by death and in 1934 was

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<sup>41</sup> *The Vote*, 16 January 1925 p. 20 & 21 August p. 268.

<sup>42</sup> According to Sir Hugh Bell, Lord Lieutenant of the North Riding of Yorkshire in *The Times*, 16 September 1925, p. 8.

<sup>43</sup> See below, p.84.

forced to 'beg' her fellow GWMS members for suitable names to put forward, perhaps a suggestion that they were not easy to come by. Yet Gloucestershire was relatively well supplied with women JPs, not only because of this well organised society but also because of the support of the Lord Lieutenant, who had apparently expressed a desire for there to be two women on each bench.<sup>44</sup>

As Barbara Wootton pointed out, appointment by Advisory Committee was effectively a system of co-option in which existing magistrates appointed in their own image: overwhelmingly male and upper or upper middle class.<sup>45</sup> Their tendency to operate as an 'old boy' network may be one of the reasons why women found it hard to break in. Above all, selection for service on advisory committees in this period seems to have been overwhelmingly on the grounds of political allegiance, although evidence is scarce because of the secrecy of the system. Three women, one from each political party, were appointed to the London Advisory Committee as early as 1920.<sup>46</sup> Margaret Wynne Nevinson was chosen specifically to represent Liberal women while Marion Phillips represented Labour and Lady Middleton the Conservatives. Although the PSMC might urge the appointment of women on 'non-party lines' this was a fundamentally unrealistic hope. The advisory committee system was established after the 1910 Royal Commission with party politics in mind; as the 1948 Royal Commission commented 'the attempt to carry out the 1910 recommendations has resulted in advisory committees being overwhelmingly political'.<sup>47</sup>

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<sup>44</sup> GCRO: 6156/1 & 2, GWMS minute books 8 April 1924, 30 June 1925 & 9 October 1934. According to Robertson Scott Gloucestershire had 52 women magistrates in 1935 while a neighbouring county had 12 (*The Times*, 23 October 1935, p.15).

<sup>45</sup> Barbara Wootton, *Crime and Penal Policy: Reflections on Fifty Years' Experience*, London, George Allen & Unwin, 1978, p.71.

<sup>46</sup> LMA: LCC/LCTY/36, letter from Lord Crewe to the Lord Chancellor dated 23 November 1920. Selection was mainly political, with geographic considerations of secondary importance.

<sup>47</sup> The 1910 commission had proclaimed that 'appointments influenced by considerations of political opinion are highly detrimental to public interests' yet had recommended that 'that the bench may

In a period which witnessed an unprecedented realignment in the party politics of England and Wales it is perhaps therefore unsurprising that the claims of women did not take first place in the deliberations of advisory committee members. It is clear that there was dissatisfaction also from political groups who felt themselves under-represented, most obviously the Labour Party.<sup>48</sup> However the political dimension in appointments may have particularly discriminated against women who had no party allegiance, including many women who served as independent councillors or Poor Law Guardians and who might otherwise have been considered well qualified for the bench.

Even party women could be disadvantaged. Although female membership of political parties was at a very high level in the interwar period it appears that women were organised in separate sections lacking the power of the main (male) party machine. According to G. E. Maguire there were perhaps nearly a million Conservative women in 1928 in over four thousand women's branches, but their role was limited in crucial activities such as candidate selection, despite their extensive work in raising funds and in other routine duties.<sup>49</sup> Estimates of the membership of Labour Party Women's Sections vary from nearly 100,000 in 1922 to 300,000 in 1927 but according to Pugh there was greater potential for friction between Labour women and men than Conservatives because of the policy demands of the Labour Women's Conference on issues such as family planning. He concludes that 'by the end of the 1930s the Labour women's movement had settled firmly into domesticity'.<sup>50</sup> Pat Thane argues that 'Labour women could, however, make effective use of their

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include men of all social classes and of all shades of creed and political opinion (1948 Royal Commission Report Cmd. 7463, pp.4-5).

<sup>48</sup> For example, a report in *The Times*, 2 June 1924, p.11.

<sup>49</sup> G. E. Maguire, *Conservative Women*, Basingstoke, Macmillan, 1998, p. 78-80. For the role of women in the Conservative Party, see also David Jarvis, 'Behind Every Great Party', in Vickery (ed.) *Women, Privilege and Power*, pp.289-314.

<sup>50</sup> Pugh, *Women and the Women's Movement*, p. 131 & 139.

numerical force in local politics, especially perhaps in areas with a strong tradition of women's public activity'.<sup>51</sup> Whether or not this view is accurate it is clear that women party members were plentiful but that they were far less likely than men to hold positions of power and responsibility such as that of councillor. They would therefore not be the first to spring to the minds of advisory committee members or to the party officials who lobbied them. It was often said that the letters 'JP' were (wrongly) treated as a reward for political service,<sup>52</sup> and it appears that women just did not have experience of the right kind. Too often they had been confined to the routine backroom tasks in the party organisations that failed to attract attention and honours.

The pervasiveness of politics also placed demands on women members of advisory committees, facing them with the dilemma of whether to support all women candidates or only those of their party. Many of them clearly put party first, few would have been as swift to condemn the appointment of 'party hacks' as Lady Astor was in a speech to probation officers in 1933: 'children had to go before magistrates' she claimed 'who might be qualified in one way but thoroughly unqualified in another'.<sup>53</sup> Lady Astor was unusually outspoken and not all her fellow Conservatives would have dismissed political considerations so readily; the Eastern Area Women's Unionist Committee expressed concern in 1921 that too many Labour women had been appointed.<sup>54</sup> Margaret Lloyd George was also concerned that too many Labour magistrates had been appointed in her area and not enough Liberals, although some of the names she suggested in 1937 may have not been viewed favourably as the Lord

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<sup>51</sup> Thane, 'What Difference Did the Vote Make?' p.264.

<sup>52</sup> For example, by 'A Barrister' in *Justice in England*, London, Gollancz (Left Book Club) 1938, p.12. The anonymous author alleged that 'as many as nine-tenths of the magistrates appointed have generally been persons active in local politics'.

<sup>53</sup> *The Times*, 17 May 1933, p.9.

<sup>54</sup> Pamela Horn, *Women in the 1920s*, Stroud, Allen Sutton, 1995, p.140.

Chancellor was by this time urging that committees select younger people under the age of sixty.<sup>55</sup>

Often party women seemed to have resolved their difficulties by emphasising the need for more women magistrates of their own persuasion to be appointed. In 1928 *Labour Woman* featured two examples of juvenile 'crimes', the accidental burning of some hay ricks in Somerset for which two boys were birched and the theft of coal by a motherless boy in Wales. The journal commented that:

It is in cases like these that we must have the advice and guidance of Labour women magistrates, people with an understanding of the home circumstances of the little ones, and a desire to treat the citizens of tomorrow with sympathetic understanding and not vicious punishment.<sup>56</sup>

This quotation illustrates how easily political affiliation was conflated with social class. For the intensely partisan *Labour Woman* only a socialist had the required sympathy for juvenile court work even though a real 'understanding of the home circumstances' may have been limited among the largely middle class Labour nominees to the Bench. The acceptance of political affiliation as shorthand for social class in the deliberations of advisory committees was explicable in terms of contemporary understanding of voting behaviour but (as the Howard League and its allies repeatedly pointed out) it was not such a true indicator of suitability for magisterial duties. However, *Labour Woman* might have been correct in assuming a correlation between attitudes to youthful misdemeanours and political philosophy.

Occasionally there were claims that there was a lack of suitable women to be made magistrates, especially in rural areas<sup>57</sup> but this is hard to believe in an era when political activism was relatively popular and large numbers of women were involved in voluntary work. It is possible that the demands of childcare, and the perception that

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<sup>55</sup> National Library of Wales (NLW): MS 20470C/2905.

<sup>56</sup> *Labour Woman*, 1 January 1928, p.16.

<sup>57</sup> LMA: PSMC minutes, 15 March 1934.



women with small children should devote themselves entirely to their off-spring, prevented some younger women from coming forward. The Chairman of the Royal Commission in 1947 cited the case of a lady who 'felt compelled to give up because of the competing claims of her family, her children and her home' but the Howard League representative Mrs. Calvert replied that 'the courts are convenient, meeting at 10.30 am. I have three children myself. One gets them off to school and then goes off to court'.<sup>58</sup> This would have been less of an impediment in the interwar period to middle class women who had access to domestic help than it was from the 1940s onwards when servants were harder to come by. However, such practical difficulties may well have prevented more working class and younger women from coming forward, both groups being in particularly short supply. As Hannah Mitchell, who became a magistrate in later life, remarked on the question of suffrage activism, 'no cause can be won between dinner and tea and most of us who were married had to work with one hand tied behind us'.<sup>59</sup>

Apart from party politics, the main obstacle for those who wished to influence advisory committee decisions was the secrecy of the system. The identity of committee members was sometimes kept even from members of their own family: 'nobody likes to be the person known to have turned down some local worthy'.<sup>60</sup> This does not seem to have prevented energetic organisations and individuals from submitting names as the Lord Lieutenant of London's files indicate. In one case a lady submitted a full curriculum vitae on her own account and was accepted. More commonly political parties put forward candidates, for example the Home Counties Liberal Federation proposed a Mrs. Bigham recommending her to Lord Crewe as:

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<sup>58</sup> Minutes of evidence to the Royal Commission on JPs, 24 January 1947, London, HMSO, 1947.

<sup>59</sup> Hannah Mitchell, *The Hard Way Up*, London, Virago, 1977, p.130.

<sup>60</sup> Elizabeth Burney, *Magistrate, Court and Community*, London, Hutchinson, 1979, p.82.

A very advanced Liberal, most sympathetic with the poor, she runs a crèche etc., and is an able and sensible woman, just the sort who would be invaluable in a children's court, as she is the mother of a considerable family.

Other recommendations came from co-operative bodies such as the Women's Co-operative Guild and the Railway Women's Guild, from WCAs and from influential individuals such as members of parliament and existing JPs.<sup>61</sup> In Yorkshire Sir Hugh Bell complained that his committee had 257 names from various sources to consider in one annual meeting while his benches were already overstuffed.<sup>62</sup> Perhaps the wish for anonymity was understandable, given that all those promoting the candidates felt they had a good claim. Yet there was considerable ignorance among the wider public about the workings of the system (in some cases would be magistrates applied to the Home Office) and even some Labour party activists regarded it as inaccessible.<sup>63</sup>

Ultimately it is likely that committees fell back on the practice of appointing candidates of whom they had some personal knowledge as in this example cited by Elizabeth Burney in the 1970s:

A great friend of mine became a magistrate in 1970 and about a year later at a party she was talking about it and I said 'Ooh that must be interesting, I'm envious'. Jim F- (the deputy clerk of the court) was standing by and he must have heard me. He's got a very good memory. Quite a time after he rang me and said 'I hear you're interested in the bench' ... At about the same time Judy (my friend) was on the phone about Girl Guide business and she said 'Oh, by the way, I'm putting your name forward for the bench' ...<sup>64</sup>

Although this form of co-option would have worked to the advantage of well connected, middle class women by the 1970s, when women made up one third of advisory committee members, it would not have done so in the 1920s or even the

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<sup>61</sup> LMA: LCC/LCTY/86.

<sup>62</sup> *The Times*, 16 September 1925, p.8.

<sup>63</sup> *The Times*, 2 June 1924, p. 11.

<sup>64</sup> Burney, *Magistrate, Court and Community*, p. 79.

1930s when women magistrates were still a rare breed. In 1946 there were still eleven county committees, including four out of seven in London, and an unknown number of borough committees that had no women members at all.<sup>65</sup> There was dissatisfaction in some quarters that too many of the women appointed were from 'county' families who would have been better known to advisory committees members than other women. It appears that some committees did not look far to find women magistrates; the early appointments included some wives of Lords Lieutenant (although the Marchioness of Bute apparently refused nomination because she did not agree with women JPs).<sup>66</sup> In a system where only political or social connections could ensure appointment, the possession of neither was a significant disadvantage and one that was more likely to affect women than men.

## **WOMEN MAGISTRATES FOR CHILDREN'S COURTS**

As already mentioned, by 1934 there was pressure from the Home Office to find more women magistrates to take part in the new juvenile court rotas of justices. Women's organisations had long claimed that women were most suitable for work in children's cases and, as in the case of Mrs. Bigham cited above, the possession of a family was sometimes in itself regarded as sufficient qualification. Feminists, including those in the PSMC, were wary of any suggestion that women should be confined to juvenile work and they undoubtedly envisaged a far wider role for women in the administration of justice. However the 1932 Children and Young Persons Act could be used as Trojan horse to get women onto the Commission of the Peace and

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<sup>65</sup> PRO: HO45/21980, memorandum of evidence from the Lord Chancellor's Department to the Royal Commission on Justices of the Peace, 1946.

<sup>66</sup> *The Vote*, 14 January 1921.

women's organisations strongly backed the policy.<sup>67</sup> As Mrs. Keynes wrote in some notes for a speech: 'now altho' there is little to be said for allocating to wm. spec duties as magis. it is obvious that a case can be made out for their presence in Juv. Cts.' [sic].<sup>68</sup> Although this view, with its emphasis on maternal attributes and supposedly innate gendered abilities, can be characterised by historians in the context of the interwar period as 'new' or 'welfare' feminism, its expression was not confined to that faction nor did it represent a retreat from pre war equalitarian positions, as an examination of the essentially similar arguments put in favour of women magistrates before 1918 demonstrates.<sup>69</sup>

However, the emphasis of equalitarian feminists was placed less on women's suitability for juvenile work than on the common humanity of men and women as the comments of Florence Underwood, secretary of the WFL, in a letter to *The Times* indicate:

Men are apparently considered useful in children's courts; why should women not be considered equally useful in other courts? Both men and women are included among offenders; why should not men and women – who are now equally their fellow citizens – sit in judgement on them?<sup>70</sup>

Although there was clearly a difference in tone and rhetoric between Mrs. Keynes and Miss Underwood, there was less difference in practice. Both had the same end in mind although they would use different strategies to achieve it. For many women at the time, and not just mothers, the view that they were specially qualified for juvenile court work represented common sense. Many mothers did feel that their experience in bringing up children gave them a special insight and often women who had not

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<sup>67</sup> For an examination of the gendered arguments in favour of women's involvement in juvenile justice, see Chapter Three.

<sup>68</sup> F. A. Keynes, rough notes of an address given to Ladies' Association connected with St Bartholomew's Hospital entitled 'Women on the Bench', 18 March 1937 (Cambridgeshire County Record Office 789/Q6).

<sup>69</sup> See Chapter One.

<sup>70</sup> *The Times*, 7 January 1935 p.6.

married had had contact with young people through volunteer work in girls' clubs and youth organisations or in a professional capacity, for example as a teacher. It was self evident that they would feel an affinity with this work given that few other avenues had been open to them, but that did not mean that women magistrates restricted themselves only to work regarded as 'appropriate' or that they were prepared to accept exclusion from other duties. Supporters of women's citizenship used arguments about the suitability of women for juvenile work as a means to an end, a way of ensuring that at least some women were appointed to every bench. As Mrs. Keynes said they were making a 'case'. Their aspirations were by no means limited, but they were realistic about the prospects for women at a time when opportunities for professional involvement in the legal system were still circumscribed. The suggestion, which gained increasing currency in the 1930s, that there should always be a woman on the bench in domestic and marital cases can be viewed in a similar way, although there is evidence that it was also inspired by feminine solidarity.<sup>71</sup>

Although the policy of insisting that women were present in children's cases ensured that there would be a steady flow of appointments of women as JPs, it may have been counterproductive and actually hindered the achievement of the feminist aim of equal numbers of men and women magistrates. In most areas, particularly rural ones away from the large cities, the volume of juvenile cases in the 1930s was relatively low and the appointment of one or two women would be sufficient to cover the Home Office's requirements. Those who were less than enthusiastic about women magistrates, such as 'a borough magistrate of twenty years' standing' who opined that 'women are most helpful in the children's courts; their attendance is not necessary in

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<sup>71</sup> See Chapter Six.

other courts'<sup>72</sup> no doubt would have resisted more than a token number of appointments. Evidence from Kent indicates that in 1934 each petty sessional division had between one and three women magistrates regardless of the overall size of the bench and that women comprised 10% of all JPs across the county. By 1950 the proportion of magistrates who were women had risen to 20% over the county although the actual number in each division ranged from two to seven (see Figures 3 and 4, pp.100-101).

It seems likely, therefore, that there was an unofficial quota of women magistrates in operation that ensured that Home Office requirements were met but which stopped short of the feminist goal of equal citizenship. Mrs. Calvert, the Howard League's representative who gave evidence to the Royal Commission in 1947, clearly held the view that advisory committees had limited the number of women appointed:

I think they feel they have done their part if there is a certain proportion and the numerical proportion has been traditionally low ... I do not think that they think it is necessary to have enough women to be serving all the Benches. I think they would say ... that they had to take the best person, regardless of sex, and that means that normally they take the best man ... we are only just emerging from the stage at which one put on a woman. You find they mention 'the' woman councillor and not 'a' woman councillor.

Mrs. Calvert's colleague, Miss Craven, added:

That has been the tendency since 1920 when it first began. Having got a woman, who was generally rather good and outstanding, they did not think of getting any more. I think in some places, especially in rural districts, you are still at that stage.<sup>73</sup>

These points, which suggest that women magistrates were treated as the 'token' or 'statutory'<sup>74</sup> woman, would be familiar to anyone who has argued in favour of

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<sup>72</sup> *The Times*, 3 January, p.8.

<sup>73</sup> Minutes of Evidence to Royal Commission on JPs, 8<sup>th</sup> day (24 January 1947), London, HMSO 1947.

<sup>74</sup> This term is used by Mary Stocks in her memoir *My Commonplace Book*, London, Peter Davies, 1970, Chapter 12.

increasing the participation of women in public life. An exchange between the Howard League representatives and the commission member Lord Cadogan points to the internal tensions in their arguments and the problem in advocating what is now known as 'positive discrimination'. Cadogan asked if they wished to reserve places for women on the Commission of the Peace. He argued:

Any suggestion of that kind would cut across two principles (1) that the best person should be appointed ... irrespective of religion, sex, age or anything else ... and (2) the equality of the sexes because you are granting women a privilege which men have not got?<sup>75</sup>

Women's organisations and their allies in the penal reform groups and the Magistrates' Association argued consistently and energetically throughout the interwar period and the 1940s that more women should be made magistrates. I have contended that they did so both because service as a JP was a symbolic duty of citizenship to which they believed women were entitled to equal access, and because they felt that women had a special contribution to make in the administration of justice. Although these viewpoints may seem distinct, in practice they combined and there was little evidence in this particular campaign of the boundary between citizenship and feminism detected by Beaumont.<sup>76</sup>

The NCW's magistrates' committee was a case in point. They realised that women could take their part in the 'modernisation' of the magistracy and were prepared to work with government officials and present evidence to enquiries that both supported new initiatives (such as juvenile and matrimonial courts) and ensure that women would be secured a role within them. If this meant stressing women's 'innate' qualities or suggesting that they were particularly well qualified to handle particular work then these points would be put, after all they were patently obvious to

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<sup>75</sup> Minutes of Evidence to Royal Commission on JPs, 8<sup>th</sup> day (24 January 1947), London, HMSO 1947.

<sup>76</sup> Beaumont, 'Citizens not Feminists'.

women at the time. But this stance did not entail an abandonment of feminist principle or even an accommodation to a hostile, anti-feminist environment as has been suggested.<sup>77</sup> It was a strategy in a long-term campaign; gender roles were not going to be radically altered over night and activists had to be prepared for the long haul. Recorded pronouncements of leading PSMC members such as Florence Keynes and Amelia Scott (the committee's first secretary) make clear their commitment to women's role in all aspects of a magistrate's work and there is no evidence to suggest other members of the organisation felt very differently, although the NCW was undoubtedly a broad church in the women's movement and contained many shades of opinion due to its federal structure. However, an emphasis on the assumed 'special talents' of women was useful ammunition against anti-feminists and could be used to obtain a vital foothold in the justice system, although these arguments could be counter-productive. This did not make the PSMC 'new feminists' so much as pragmatists, but their ability to work as an 'insider' group probably made them more effective in the long run than the WFL with its ritual annual resolutions.

The extent of success in the national campaign for more women magistrates can be gauged from Figure 2 and the data for one County Commission, Kent, is set out in Figures 3 and 4.<sup>78</sup> The data in Figures 3 and 4 indicate that in Kent the proportion of magistrates who were women doubled between 1934 and 1950, while the county's register of JPs indicates that there were two separate periods of growth, one in the mid 1930s after the passage of the Children and Young Person's Act and another in the 1940s. Nationally the rise over that period was apparently more modest, from just over three thousand to more than 3,700. Growth in the numbers of

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<sup>77</sup> For example Kingsley Kent argues that organised feminism was constrained in the post war era by a 'backlash' against equality for women. *Making Peace*, p115.

<sup>78</sup> See pages 99–101. The figures are for the County Commission of the Peace only and represent largely rural communities.



women magistrates was patchy because decisions were taken locally, the Lord Chancellor only appointed those who had been recommended to him. As we have seen some petty sessional divisions were still without even a single woman magistrate in the late 1930s. Success depended partly on local activism, partly on whether women had been placed on the advisory committees, and partly on factors largely outside the control of women's organisations, such as party political considerations. Magistrates had a tendency to appoint in their own image and the advisory committee system was saturated with politics at a time when women played a rather detached and gendered role in the political parties and still shouldered the bulk of domestic responsibilities.

However, it is not credible to assume that the problem lay with the supply of suitable candidates, except perhaps where younger and working class women were concerned. There were evidently large numbers of suitable women who could have played a useful role in the administration of justice but did not have the opportunity, within a decade of the Royal Commission the proportion of magistrates who were women had risen to about one third. The problem lay more with the demand from local committees and the over supply of what they regarded as suitable male candidates. I have argued that, while the strategy of pressing the government to insist on women's involvement in certain branches of a magistrate's work may have ensured the appointment of at least some women in most parts of the country by 1939, it was probably counterproductive in encouraging a 'statutory woman' attitude.

Nevertheless, there was gradual growth in the number of women JPs, which stands in contrast to the extremely slow progress made by women in the legal profession, parliament and the judiciary in the same period. It is notoriously difficult to prove beyond doubt the effectiveness of a particular pressure group campaign, but

feminists in the 1940s must have had some satisfaction that the proportion of JPs who were women was approaching one quarter.<sup>79</sup> The fact that it still fell short of the target of 50% would have been a cause for concern, but this result had been achieved 'within the profoundly inhospitable political culture to which they [women] had been reluctantly admitted'.<sup>80</sup> In such a context, the resort of feminist campaigners to arguments based upon women's supposed special abilities was not evidence of a retreat to conventional femininity and domesticity, or even of the salience of 'new feminism'. It was merely a useful strategy that produced – up to a point – results.

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<sup>79</sup> Report of the Royal Commission on Justices of the Peace, 1948, Cmd. 7463, p.6. 3 700 women replied to the Commission's survey and 13 100 men, representing 87% of justices. If women responded more readily than men, the proportion of women will be lower than that stated.

<sup>80</sup>Thane, 'What Difference Did the Vote Make?' p.288.

Figure 2

WOMEN MAGISTRATES APPOINTED

YEAR	ENGLAND & WALES	SCOTLAND	TOTAL
1923	886		
1925			1293
1926	1440	237	1677
1928			1892
1929	1775	288	2063
1932	1966		
1935	3066*		
1947	3700		
1962	4100		
1983	10328		

Sources: Parliamentary Questions (1923, 1928, 1935); NCW Survey (1926, 1929); *The Magistrate* (1925, 1932); Skyrme (1947, 1983); Eddy (1962).

\*Reported number of appointments to date, not all were still alive!

Figure 3

COUNTY MAGISTRATES IN KENT 1934-5 (EXCLUDING PENGE)				
BENCH	WOMEN	MEN	TOTAL	%WOMEN
ASHFORD	3	23	26	11.5
BEARSTED	3	19	22	13.6
BROMLEY	3	26	29	10.3
CRANBROOK	1	14	15	6.6
DARTFORD	3	26	29	10.3
ELHAM	3	14	17	17.6
FAVERSHAM	3	17	20	15
MALLING	1	29	30	3.3
N. AYLESFORD	3	30	33	9
RAMSGATE	1	11	12	8.3
ST. AUGUSTINE	3	29	32	9.3
SEVENOAKS	2	20	22	9
SITTINGBOURNE	3	24	27	11.1
TONBRIDGE	2	29	31	6.4
T. WELLS	2	13	15	13.3
WINGHAM	2	29	31	6.4
TOTAL	38	353	391	9.7

Source: *Kent Year Book 1934-5*, Maidstone, Kent Messenger, 1934.

Figure 4

COUNTY MAGISTRATES IN KENT 1950 (EXCLUDING PENGE)				
BENCH	WOMEN	MEN	TOTAL	%WOMEN
ASHFORD	3	14	17	17.6
BEARSTED	3	13	16	18.75
BROMLEY	5	20	25	20
CRANBROOK	2	12	14	14.2
DARTFORD	7	34	41	17
ELHAM	2	5	7	28.5
FAVERSHAM	2	8	10	20
MALLING	2	13	15	13.3
N. AYLESFORD	6	18	24	25
RAMSGATE	2	5	7	28.5
ST. AUGUSTINE	5	14	19	26.3
SEVENOAKS	3	15	18	16.6
SITTINGBOURNE	7	21	28	25
TONBRIDGE	2	14	16	12.5
T. WELLS	2	8	10	20
WINGHAM	4	14	18	22.2
<b>TOTAL</b>	<b>57</b>	<b>228</b>	<b>285</b>	<b>20</b>

Source: *Kent County Yearbook 1950*, Maidstone, Kent Messenger, 1950.

## CHAPTER THREE

### 'A SUITABLE PERSON FOR SUITABLE CASES':<sup>1</sup> WOMEN MAGISTRATES AND THE INTRODUCTION OF JUVENILE COURTS

Whenever interested parties discussed the need for women to be appointed as magistrates it was almost invariably assumed that women would be particularly adept at dealing with children who were brought before the courts. Supporters of the appointment of women to the magistracy frequently argued that they were particularly well suited to appearing on the Bench in cases involving young people. Arthur Henderson, a member of the 1910 Royal Commission of Justices of the Peace, first raised the need for women magistrates at an official level when he asked witnesses whether a woman could be 'a suitable person to sit on suitable cases'. Neither Henderson nor his witnesses defined what they regarded as a 'suitable' case, but it is highly likely that they had in mind those matters dealt with by the special juvenile courts recently established under the 1908 Children Act.<sup>2</sup> Lord Halsbury's reply that JPs were not appointed merely to adjudicate in 'certain cases' but across the board, appeared to close the matter despite Henderson's insistence that specialisation did happen in practice.

The apparently rising tide of juvenile crime during the First World War provided further impetus to the argument. By 1919 participants at an NCW conference who discussed the position of women in the law at a public meeting, were, according to the *Times Educational Supplement*, mindful of the need to 'consider the

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<sup>1</sup> See note below.

<sup>2</sup> Royal Commission on Justices of the Peace, 1910; Minutes of Evidence (9 March 1910) paragraphs 1013-1015, 1196-1200.



delinquent boy and girl' who needed 'something more of *maternal* influence in penalty and protection' (my emphasis).<sup>3</sup>

Throughout the period covered by this study, and beyond, the special contribution that women could make to juvenile courts (and generally to matters concerning children) continued to be the principal justification for their appointment as magistrates. Many women magistrates made juvenile work the main focus of their activity as justices and derived great satisfaction from it. They assiduously attended lectures on methods for dealing with young offenders, visited institutions and read books on child psychology. This chapter will concentrate on the legislative and administrative process by which women were brought into the recently established juvenile courts in London and the rest of England and Wales and guaranteed a role in their administration. Contemporary views on gender characteristics, which were employed to support and oppose the involvement of women in this work, will be critically examined, and it will be argued that women made a significant contribution to the development of the juvenile courts both before and after they were entitled to vote in parliamentary elections or sit as magistrates.

## **WOMEN'S SUITABILITY FOR JUVENILE WORK**

Women's organisations, campaigning for the appointment of women magistrates, were naturally tempted to argue that women were especially needed for the juvenile courts. They seized upon official advice and circulars (which they had themselves often prompted) that recommended the presence of a woman in juvenile courts wherever practicable.<sup>4</sup> However, they were equally concerned that women should play a role on the bench and in the jury in cases where women and children

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<sup>3</sup> *Times Educational Supplement* n.d. (1919). Cutting in Gertrude Tuckwell papers, TUC library.

<sup>4</sup> For example, the report of the Departmental Committee on the Treatment of Young Offenders (1927) Cmd. 2831.

were the victims of male violence and in indecency cases. They also took the view that equal citizenship implied that there should be no practical difference between the role of a woman and a man on the bench. They were fully aware that the argument that women were most suited to dealing with children was a double-edged sword, one that could be used to restrict them to juvenile work. In the view of Miss Bertha Mason of the NCW, the PSMC should 'carefully watch that (women) were not only appointed to children's courts'.<sup>5</sup> The PSMC Secretary Miss Amelia Scott was aware that the argument for the use of women magistrates in children's courts was 'unassailable' but that it could backfire.<sup>6</sup>

Nevertheless, no doubt attracted by its 'unassailable' nature, feminists continued to make full use of the argument in the campaign for women JPs, particularly when making their case outside the feminist press.<sup>7</sup> Interestingly, both feminists and their opponents resorted to stereotypical generalisations about gender. Writing in *Reynold's News* under the predictable heading of 'Portia on the Bench: A Plea for Women Magistrates' Miss Underwood of the WFL stated that 'women are much more used to dealing with children's delinquencies than men ... why, then should not a woman have equal power with a man ... in deciding what is to be done with the young people who are brought into children's courts?'<sup>8</sup> Miss Underwood's characteristic emphasis on equality underlines the fact that she was not a 'new' feminist, yet her words suggest that even unmarried, childless women had accepted and internalised conventional gendered views about the suitability of women for juvenile work. However, it is entirely possible that she was merely utilizing a debating point that she knew would resonate with readers.

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<sup>5</sup> LMA: PSMC minute book, 12 May 1920.

<sup>6</sup> *NCW Occasional Paper*, no. 91, July 1920. See also NCW PSMC minute book, 12 May 1920.

<sup>7</sup> See Chapter Two.

<sup>8</sup> 'Portia on the Bench: A Plea for Women Magistrates' *Reynold's News*, 16 June 1919.



The sentiments of another spinster (one more associated with the so-called 'new' or 'welfare' feminism)<sup>9</sup> reiterate the point. Interviewed in 1926, after some years on the bench, Miss Gertrude Tuckwell spoke of women's role on the children's courts, 'if any work can justly be called women's work that surely is'. However, Miss Tuckwell too did not favour the restriction of women to juvenile work alone. Her next words further demonstrate the unanimity among women on this matter: 'I am glad to say that the suggestion to limit us to cases where only women and children are involved has been dropped almost everywhere.'<sup>10</sup>

Male supporters of women magistrates predictably made similar points, although perhaps with greater stress on a woman's innate, 'natural' ability to understand and empathise with a child, rather than merely the greater experience that women had with young people. In the Commons Lieutenant Colonel Freemantle claimed that 'women, married or unmarried, have instinctively a feeling with the child'<sup>11</sup> and the pro-feminist Metropolitan magistrate Cecil Chapman used similar words when he said that by nature women had a 'fuller, more instinctive understanding of childhood misdemeanours ... than men'.<sup>12</sup> The linkage of women and children was assumed to be natural and the role of the woman magistrate in the juvenile court was perceived as a specifically maternal, caring one. Carol Smart has argued that in the late nineteenth century motherhood was the subject of a

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<sup>9</sup> According to Law, Tuckwell's denial in an interview in 1926 that she was a feminist indicated that she 'was refusing to place herself within the equalitarian feminist camp. However, her work for women and political allegiance might be considered by others to identify her with the communitarian socialist mode of feminism'. *Suffrage and Power*, p.4.

<sup>10</sup> 'Women JPs: Miss Gertrude Tuckwell talks of women's influence on the Magistrates' Bench' *Daily Chronicle*, 14 April 1926.

<sup>11</sup> *House of Commons Debates*, 1 November 1920, column 153.

<sup>12</sup> 'Women on the Bench; Views of London Magistrate' *Daily Express*, 21 December 1918.

redefinition, increasingly confined to a caring model, enshrined in statutes concerning abortion and infanticide.<sup>13</sup>

Yet a woman magistrate did not actually have to be a mother to be an expert on children, simply to be a woman was enough. Both feminists and anti-feminists subscribed to this view; Lord Birkenhead, who was no lover of the women's movement, yet was charged with introducing legislation to bring women into the work of London's juvenile courts, spoke fulsomely of ladies' 'sympathy, experience ... maternal instincts' and general suitability for juvenile work.<sup>14</sup> As Jane Lewis has pointed out 'Darwinistic Victorian science proposed that psychological and cultural differences between men and women – such as women's stereotypically greater tenderness, generosity and intuition – derived from female biology'.<sup>15</sup> These and similar qualities, which it was hoped women would bring to the children's court as a corrective to masculine harshness and logic, were supposedly innate in all women, regardless of whether they were actually mothers. It was nature (or 'instinct') that counted, rather than the practical experience of raising a family.<sup>16</sup>

Discussion of the role of women in juvenile justice throughout the first half of the twentieth century illustrates the power and pervasiveness of gender stereotypes. Both supporters and opponents of women magistrates had recourse to arguments based on gendered concepts that associated biology with psychology. People opposed to the general drift of policy on juvenile justice in the interwar period feared that women would display 'sloppy sentimentality' where children were concerned instead of applying justice in an impartial and disinterested manner. Supporters denied this.

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<sup>13</sup> Carol Smart, 'Disruptive bodies and unruly sex: the regulation of reproduction and sexuality in the nineteenth century' in Smart (ed.) *Regulating Womanhood*.

<sup>14</sup> *House of Lords Debates*, 15 June 1920, column 594.

<sup>15</sup> Jane Lewis (ed.) *Labour and Love: Women's Experience of Home and Family 1850-1940*, Oxford, Blackwell, 1986, p.6.

<sup>16</sup> However, single women could also demonstrate relevant experience, for example through social work or teaching, careers which were themselves determined by assumptions about biology.

With the experience of over two decades of women on the bench the former permanent secretary to the Lord Chancellor, Sir Claud Schuster, argued in 1947 that women were 'less sentimental ... whereas I think a male bench dealing with a woman is almost always "sloppy" '. The Royal Commission chairman, Lord du Parq, replied that a 'motherly looking' woman was required in cases involving small children and Schuster agreed.<sup>17</sup> By the 1930s anti-feminists were adding pseudo-Freudian theories to their armoury as demonstrated by the following objection to the possibility of women chairmen presiding in juvenile courts:

Juvenile courts shouldn't violate the idea of man as the head of the household ... a boy, for instance, with the bewildering experiences of adolescence pressing on him; fretting against maternal control or compulsion, is not going to be handled as he should by a court composed entirely of women, or of a court presided over by a woman. That is all too reminiscent of what he terms 'mother's nagging'. He is already feeling that swaggering superiority of sex which indicates any adolescent boy, and which is particularly marked in the working class boy from the day he leaves school at 14. He feels himself of importance; he feels he is entitled to be talked to 'man to man' ... What of the girl? Her case is as pronounced as that of the boy. Her thoughts are becoming more and more centred on the other sex; she shows exaggerated confidence in any male in authority over her and an equally exaggerated resentment of the woman in authority ... In domestic service 'Master's' word carries far more weight than that of the mistress.<sup>18</sup>

This anonymous opponent of women magistrates managed to mix a heady brew of gender and class stereotypes and psychological platitudes, all in a patriarchal context. However these strictures failed to prevent the advent of women chairmen in juvenile courts, although official policy continued to favour mixed benches.

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<sup>17</sup> Minutes of Evidence to Royal Commission on Justices of the Peace, 7 March 1947, paragraphs 3567-8.

<sup>18</sup> PRO: LCO2/1955, 'A comment on the resolution sent from the Council of Magistrates' by 'FML' n.d. (c.1935).



GERALDINE S. CADBURY, 1919

*Photo H. J. Whitlock and Sons, Ltd, Birmingham*

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Figure 5: Photograph of Mrs. Geraldine Cadbury, 1919

## **WOMEN AND THE DEVELOPMENT OF JUVENILE COURTS**

This section will outline the background to the development of separate juvenile courts in England and Wales. It will argue that certain women were influential in their creation even at a time when women lacked the formal political clout of the parliamentary vote or a place on the magistrates' bench, indeed, at a time when women were still largely excluded from the legal system as a whole.

The gradual development of specialist treatment of child offenders and increasing attention to the welfare of young people were projects in which individual women, their organisations, and later women magistrates, played an important role. The involvement of individual women in matters of penal reform and juvenile delinquency can be traced back at least to Elizabeth Fry and Mary Carpenter but concern over crime committed by juveniles appears to have been increasing towards the end of the nineteenth century. John Gillis suggests that moral panics about juvenile delinquency were a recurring phenomenon since at least the sixteenth century, but that between the 1880s and the 1900s youthful transgressions which previously might have been dealt with informally were becoming the subject of prosecutions, making the anticipated rise in juvenile crime a self-fulfilling prophecy. Writing about Oxford, he specifically points the finger at the 'upper middle class ladies from North Oxford ... conspicuous in the ranks of the NSPCC and Vigilance Association' who 'considered it their duty to act in the name of children'.<sup>19</sup>

The issue was the cause of much deeper concern than Gillis suggests. New concepts of childhood and adolescence were emerging in response to the pressures of industrialisation and urban living in general. In particular, the growth of compulsory schooling towards the end of the nineteenth century and the concomitant diminution

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<sup>19</sup> John Gillis 'The evolution of juvenile delinquency in England, 1890-1914', *Past and Present*, no. 67 (May 1975).

of child labour meant that young people were increasingly separated from older generations for significant periods of time and were thus perceived as a distinct group with their own needs and problems. In the early twentieth century a growing interest in psychology contributed further to the definition of adolescence as a potentially problematic life stage.<sup>20</sup> Like women, adolescents were assumed to be ruled by biology, in their case the repercussions of puberty. The notion gained ground that juvenile misdemeanours required specialist treatment from experienced individuals - such as youth leaders, probation officers, teachers or magistrates - many of whom were women.

The demand for separate treatment of juveniles in the judicial system became increasingly insistent towards the end of the nineteenth century. As adolescence became constructed as a distinct and problematic life stage, a time of 'storm and stress' as well as one in which impressions were made and the habits of a lifetime formed, so it became regarded as inappropriate for children and young people to be tried in the same courts as adults or incarcerated in adult prisons where they might become susceptible to contaminating influences. While the wholesome influence of the adults who led the burgeoning youth movements of the time was to be encouraged,<sup>21</sup> steps were taken to remove children from association with unacceptable, criminal role models.

Although past centuries offered isolated examples of the separate treatment of children in the criminal justice system,<sup>22</sup> suggesting that the concept was

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<sup>20</sup> According to John Springhall, the modern concept of adolescence was 'created almost single-handedly' by the American psychologist, Stanley Hall (1844-1924). Springhall claims he put popular ideas about adolescence into a 'framework of post Darwinian biology'. *Coming of Age: Adolescence in Britain, 1860-1960*, Dublin, Gill & Macmillan, 1986, pp 28-9.

<sup>21</sup> Youth movements were established partly in order to divert youthful energies away from harmful activities; see John Springhall, *Youth Empire And Society 1883-1940*, London, Croom Helm, 1977.

<sup>22</sup> 'Even the Middle Ages showed a desire to discriminate between the adult criminal and the young delinquent', according to the report of the Departmental Committee on the Treatment of Young

not entirely new, in 1844 over eleven thousand young people between the ages of ten and twenty were in prison, amounting to one person out of 304 in that age group.<sup>23</sup>

Children as young as eight or nine were sentenced to transportation in the early nineteenth century and as late as 1831 boys no older than fifteen were hanged in Essex and Kent for arson, theft and murder. The age of criminal responsibility was seven and there was no special provision for the treatment of children in court.<sup>24</sup>

The work of nineteenth century philanthropists and reformers was to change this, work in which women such as Elizabeth Fry and Mary Carpenter played an important part, even though women had no formal role in the judicial or penal systems. Firstly, reformers aimed to remove children from possible contamination by adult criminals in prisons or even in their own homes. For example, Mary Carpenter was a pioneer in the establishment of reformatories in England in the 1840s establishing one at Kingswood near Bristol. She worked hard to gain support for her methods along with allies such as Matthew Davenport Hill<sup>25</sup> and in 1854 the Reformatory Schools Act gave the courts power to send young offenders to these institutions. Mary Carpenter's work was well known to middle class women in early twentieth century Britain and was described in some detail by Geraldine Cadbury in her book, *Young Offenders Yesterday and Today*.

In the United States the 'child savers' such as Jane Addams and Louise Dekoven Bowen also intervened to remove endangered children from what they regarded as degrading home surroundings and pressed for the introduction of separate

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Offenders (1927), p.7. See also Geraldine Cadbury, *Young Offenders Yesterday and Today*, London, Allen & Unwin, 1938.

<sup>23</sup> Report of the Departmental Committee on the Treatment of Young Offenders, Cmd.2831, 1927, pp. 7-8.

<sup>24</sup> Skyrme, *History of the Justices of the Peace, Volume 2*, pp.197-180: *Kent Messenger* 23 April 1999, p.44.

<sup>25</sup> Hill was also an early proponent of probation and a supporter of married women's property law reform.

juvenile courts. British penal reformers were generally well informed about developments in the USA and some even visited Chicago to see Addams' work at first hand. In the 1960s Anthony M. Platt characterised the 'child savers' as 'bored at home and unhappy with their participation in the "real world" ' who turned to this form of work in order to fill a void in their own lives.<sup>26</sup>

The participation of the child savers in public affairs was justified as an extension of their housekeeping functions, so that they did not view themselves - nor were they regarded by others - as competitors for jobs usually performed by men.<sup>27</sup>

Platt was right to draw attention to the way this work conformed to conventional expectations of women's role but he appears to have underestimated its potential for eventually widening what was regarded as women's proper sphere and for drawing individual women into the realms of public policy hitherto dominated by men. It is not credible to ascribe their motivation simply to boredom. Philanthropic women on both sides of the Atlantic were inspired by the knowledge that their work was needed at a time when the state played little part in social matters. Boredom alone would not have sustained them through the often exacting and time-consuming duties to which they were devoted. Moreover, however dominant they were in class terms, these women belonged to the subordinate sex. In her study of lady 'child savers' in Scotland Linda Mahood argues that they had to fight for professional recognition, equal pay and the right to sit on decision-making bodies.<sup>28</sup> Their own experiences may, therefore, have raised their consciousness as women and as feminists in a similar way to their observation of problems such as the sexual abuse of girls.

Having removed many young offenders from the contamination of adult prisons, reformers then proceeded to isolate them from associating with older

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<sup>26</sup> Anthony M. Platt *The Child Savers*, University of Chicago Press, 1969, pp.77-8.

<sup>27</sup> *Ibid.* p. 79.

<sup>28</sup> Mahood, *Policing Gender, Class and Family*, pp.72-5.



criminals while in court. Once again, many of the new methods of dealing with young offenders were pioneered in the United States where the problems of industrialisation and urbanisation were compounded by mass immigration, resulting in a 700% increase in the urban population in the second half of the nineteenth century. In 1870 Boston introduced separate hearings for juveniles and in 1877 New York prevented children under sixteen from being held in any prison or courtroom where adults were held or tried, unless accompanied by a responsible person at all times.<sup>29</sup> Of greatest significance was the establishment of separate juvenile courts in Chicago, Illinois, at the end of the nineteenth century. Jane Addams' Hull House (itself apparently inspired by the example of Britain's university settlements) supplied a volunteer probation officer to the court, which became a showpiece for visitors from other countries. By 1917 all but three states in America had separate juvenile courts, which operated on the principle of guardianship rather than criminality. In some cases these courts were presided over by women judges or referees, for example Dr. Miriam Van Waters of Los Angeles, whose work became very well known to British feminists in the 1920s.<sup>30</sup> Several British penal reformers, feminists, social workers and some of the early women magistrates visited the United States to examine their systems of juvenile justice, including Geraldine Cadbury and Margaret Wynne Nevinson in the 1920s. Louisa Martindale visited the Chicago Juvenile Court in 1900, twenty years before she was made a JP.<sup>31</sup>

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<sup>29</sup> P.C. & L.D. Kratcoski *Juvenile Delinquency*, 4<sup>th</sup> edition, New Jersey, Prentice Hall, 1996, p. 76.

<sup>30</sup> Grace Roe, formerly of the WSPU, immigrated to California and ran a girls' club for Dr. Waters in the 1920s. She recalled her experience in an interview with Brian Harrison recorded in the 1970s (tape held in the Women's Library). Geraldine Cadbury was among several British visitors to the court after the First World War. She gave a report to the PSMC on her return. (LMA: PSMC minute book 18 January 1924.)

<sup>31</sup> Louisa Martindale visited the Chicago Juvenile Court with her mother and sister. They also met Jane Addams and visited a Roman Catholic reformatory for two thousand children in New York. Louisa Martindale *A Woman Surgeon*, London, Gollancz, 1951, p. 95; Mary Drake McFeely *Lady Inspectors: the Campaign for a Better Workplace 1893-1921*, Oxford, Blackwell, 1988, p.93. Margaret Wynne Nevinson told her experiences in *Life's Fitful Fever*, London, A.C. Black, 1926, Chapter XIX.

Back in Britain there was increasing concern about the fate of school leavers – especially boys – who, as the apprenticeship system weakened, had no alternative but to hang around the streets searching for so-called ‘blind alley’ jobs,<sup>32</sup> thus becoming vulnerable to the attractions of petty crime. Concerns reached a crescendo at the time of the South African War (1899-1902) when revelations about the poor health of army recruits drawn from the cities led to the establishment of the Interdepartmental Committee on Physical Deterioration.

Among the committee’s recommendations was the special selection of magistrates to handle cases involving young people. This proposal was supported by the Wage Earning Children’s Committee, a philanthropic and lobbying organisation that came into being around 1900, at a time when worries about national efficiency and the organisation of the labour market were coming to the fore. The committee, whose secretary was Miss Henrietta (Nettie) Adler, daughter of a former Chief Rabbi, organised a conference of philanthropic societies and lobbied central and local government for the establishment of juvenile courts.<sup>33</sup> In 1908 the Women’s Industrial Council published Miss Adler’s pamphlet arguing for juvenile courts and greater use of probation<sup>34</sup> and when new probation rules were introduced in the same year she was consulted by the Home Office on the identity of suitable candidates for children’s officer in London.<sup>35</sup> It is clear that not only was a well-connected woman able to exert strong influence over official policy but also that women’s organisations, in this case one allied to the labour movement, were already taking a strong interest in penal matters, particularly in relation to children.

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<sup>32</sup> Springhall, *Coming of Age*, p 84.

<sup>33</sup> Bochel, *Probation and Aftercare*, p. 20.

<sup>34</sup> Miss Adler, *Separate Courts of Justice for Children & Probation and Probation Officers*, London, Women’s Industrial Council, 1908. Miss Adler later served on the LCC and on London’s Juvenile Court Panel. After her nomination on the Lord Chancellor’s List (see Chapter Four).

<sup>35</sup> Bochel *Probation and Aftercare*, p.40-1 Mrs. Humphrey Ward was also consulted.

By the time Miss Adler's pamphlet was published England's first juvenile court had opened in Birmingham and the 1908 Children Act, which provided for their introduction nationally, was on the point of becoming law. Again, some future women magistrates played a vital role in this new development. Geraldine Cadbury and fellow Quaker Mrs Priestman sat as observers in the new children's court and followed up the case of every girl brought before the court. According to her biographer, Mrs. Cadbury did not approach this work as an 'amateur' but set herself high standards of personal care of her 'clients' and she and Mrs. Priestman were apparently meticulous in their record keeping. They prepared reports to advise magistrates and worked alongside the court's probation officers.<sup>36</sup>

In many ways Geraldine Cadbury was a typical 'child saver'.<sup>37</sup> As wife of one of the directors of Cadbury's, she was a wealthy woman with the time and resources to devote to voluntary social work, but her motivation sprang from her deep religious faith and Quaker roots rather than from a mere need to relieve boredom. She could have dabbled in a great many causes yet she chose to devote herself to the 'delinquent' children of Birmingham, work which she was to continue in the 1920s and 1930s as a Birmingham magistrate and chairman of the juvenile court. Her feminist consciousness was evident both in her promotion of women magistrates<sup>38</sup> and in the particular interest she took in girls who came before her in court.

For many years in Birmingham as a woman magistrate and a member of the Aftercare Committee, I have written at regular intervals to every girl who has been sent to an Approved School. When the girl leaves, she feels she has a friend and gladly visits me.<sup>39</sup>

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<sup>36</sup> Janet Whitney, *Geraldine S. Cadbury 1865-1941*, London, Harrap, 1948, pp. 72-86.

<sup>37</sup> See Figure 5, p.107.

<sup>38</sup> See Chapter Six. Mrs. Cadbury had feminist antecedents. According to her biographer her mother was 'an open advocate of votes for women' and dress reform and one of the first women poor law guardians in Birmingham. Whitney, *Geraldine S. Cadbury*, pp. 28, 30-31.

<sup>39</sup> Geraldine S. Cadbury, *Young Offenders Yesterday and Today*, p.97.

Of course, Mrs. Cadbury could afford to take this interest and had secretarial assistance with her work. She adopted a professional approach, yet was so self-effacing that the above is the only passage in her book concerning her own work.

The 1908 Children Act extended the Birmingham experiment throughout England and Wales. Children under the age of sixteen were to be tried by magistrates sitting at different times or in different places from the ordinary courts, children under fourteen could not be sent to prison (nor those under sixteen except in certain circumstances) and offenders brought before juvenile courts were further protected by the exclusion of the public from proceedings.<sup>40</sup> In addition to sentencing them to industrial schools, reformatories or corporal punishment, magistrates dealing with young people now had the option of placing offenders on probation or, in the case of older adolescents, sending them for Borstal treatment. However, thus far there had been no attempt to specially select magistrates for work in juvenile courts. As the exchange quoted at the beginning of this chapter from the 1910 Royal Commission suggests, a magistrate was still regarded as a generalist, capable of performing all types of work, not as a specialist. This view was to change quite radically in the 1920s after the introduction of women to the magisterial bench, although it remained the case officially in the period covered by this study.<sup>41</sup>

While the role of the magistrate was usually seen as a judicial one, dispensing verdicts and punishment, the ethos of the new juvenile courts was centred on the need to get away from the overbearing formality of the police court and replace it with a domestic, homely atmosphere. Miss Adler wrote:

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<sup>40</sup> Skyrme, *History of the Justices of the Peace Volume 2*, p. 255.

<sup>41</sup> The system had changed by the mid-1970s, when JPs were appointed specifically for the Juvenile Panel in London (interview with Mrs. J. Pepper, Canterbury, March 2001).

The entire surroundings of Police Courts render them unfit places for children. The more nervous boys and girls face the ordeal with sobs of terror; the more hardened offenders consider themselves young heroes.<sup>42</sup>

Separate children's courts, she argued, would reassure the former group and disappoint the latter. Miss Adler also correctly pointed out that not all children brought to court and threatened by its contamination were accused of an offence; magistrates also dealt with school attendance cases and applications for theatrical licences.<sup>43</sup> Within the more homely, domestic court promoted by reformers the magistrate's role was perceived as quasi-parental, so what could be more appropriate than having a 'motherly' woman on the bench?

Thus, by the time women were first appointed as JPs in 1920, juvenile delinquency had been defined and identified as a modern social problem and special, distinctive methods and processes had been established to deal with it. Increasingly, delinquency and youth crime were perceived as social diseases, symptoms of squalid living conditions and psychological ill health rather than innate wickedness or inherited weakness<sup>44</sup>. While women (mainly working class ones) were, as Jane Lewis has shown, regarded as culpable when their assumed neglect of their offspring was seen as the cause of the problem of delinquency,<sup>45</sup> women (this time, middle class ones) were also part of the solution. Their apparently natural talents as carers, nurturers and nurses could be used to good effect in providing the 'treatment' that juvenile offenders required. Therefore, as probation became more common in the first decades of the twentieth century, women were employed as probation officers,

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<sup>42</sup> Adler, *Separate Courts of Justice*, p. 5.

<sup>43</sup> *Ibid.* p.6.

<sup>44</sup> There was still significant dissent from this liberal view, as suggested by the widespread recommendation of the birch as punishment in juvenile courts until 1920. After 1920 there was a sudden and substantial drop in the number of birchings ordered. See figures in the Report of the Departmental Committee on Corporal Punishment, Cmd. 5684, 1938, p.19.

<sup>45</sup> Jane Lewis 'Anxieties about the family and the relationships between parents, children and the state in 20<sup>th</sup> Century England' in Martin Richards and Paul Light (eds.), *Children of the Social World*, Oxford, Blackwell, 1986, p.38.

both voluntary and professional. They handled cases involving women and children and worked for lower salaries than their male colleagues. Other women worked as volunteer visitors, educators and youth leaders, attempting to prevent delinquency and the conditions it flourished in, rather than producing a cure. Many of the early women magistrates had experience in these fields and, in a few cases, notably Miss Adler and Mrs. Cadbury, had already exerted some influence over developments nationally or locally.

### **LEGISLATION FOR LONDON**

The relative ease with which the legislation to permit women magistrates was passed in 1919 is in contrast with the much more contentious passage of the Juvenile Courts (Metropolis) Act in the following year. This legislation, necessary in order for women to play a part in the juvenile justice system in London, specified that the capital's children's courts should consist of one stipendiary (police) magistrate and two justices of the peace chosen from a panel nominated by the Home Secretary, one of whom would be a woman. The police magistrate would preside, having himself been specially selected by the Home Secretary, with regard to his 'previous experience and ... special qualifications for dealing with the cases of juvenile offenders'. Therefore it introduced a new principle: that juvenile court magistrates (both lay justices and stipendiaries) should be specially selected. The Act also provided that juvenile courts would in future be held in buildings other than those currently in use as police courts.<sup>46</sup>

London women were not able to take part in the work of juvenile courts since under the Metropolitan Police Court Act 1839 stipendiary magistrates handled almost

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<sup>46</sup> Juvenile Courts (Metropolis) Act, 1920 (10 & 11 Geo. 5.) p.1-2.

all criminal cases in the capital, leaving only administrative work to the lay justices.<sup>47</sup> When separate juvenile hearings began after the 1908 Children's Act the police magistrates naturally presided. No woman was likely to become a stipendiary magistrate in the short term, as the qualification was to be a barrister of at least seven years standing, and no woman was called to the Bar until 1921. In fact, the first woman stipendiary magistrate, Sybil Campbell, was only appointed in 1945 and in the late 1960s only two out of the forty-five stipendiaries were women.<sup>48</sup> Therefore special legislation was required in 1920 to permit women in London to take up the work for which they were seen as best qualified, but in order for this to be accomplished the interests of the metropolitan magistrates would be affected, making some opposition inevitable.

During the First World War concern about juvenile delinquency, already apparent in Edwardian England, was heightened by statistics showing a rise in the number of offences committed by young people. In 1913 37,520 juveniles had been charged with an offence, rising to 51,323 in 1917. Although the figure had fallen back to just over thirty thousand by 1923<sup>49</sup> and may be attributable to a greater willingness on the part of police to charge offenders in war time, the rise was nevertheless a cause of official and unofficial concern. The U.S. Department of Labor in 1918 reported an increase in juvenile crime throughout the combatant countries in Europe, attributing the rise in Britain's case to the absence of fathers at the front and mothers in the factory, the overcrowding of schools as some buildings were made into hospitals and 'a deterioration in behavior and morality among young people'. These comments were based upon the views of Cecil Leeson, a Birmingham probation

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<sup>47</sup> Skyrme, *History of the Justices of the Peace Volume 2*, p149.

<sup>48</sup> PRO: LCO2/897066; Women's Library: Women's Citizens' Association recruitment leaflet n.d (c. 1968).

<sup>49</sup> *The Times*, 27 April 1923, p.9.

officer who was secretary of the Howard Association. In *The Child and the War* he had claimed that the official statistics actually understated the gravity of the situation. Leeson's solutions to the problem of delinquency included preventive measures, such as organised recreational activities for children, and the more extensive use of probation for those who did offend.<sup>50</sup>

Concern about the apparent rise in juvenile crime during the war was clearly one of the main inspirations behind the Juvenile Courts (Metropolis) Bill. The proposals were backed by women's organisations, particularly the NCW, the NUSEC and the Women's Local Government Society, some of whose members were appointed as JPs in 1920. The lone woman MP at this time, Lady Astor, spoke in its favour in the House of Commons, claiming that 'all organised women's associations' backed the measure.<sup>51</sup> The other main source of support was the penal reform groups, the Howard Association and the Penal Reform League led by Cecil Leeson and Margery Fry respectively. In addition, groups interested in the welfare of children, particularly the State Children's Association,<sup>52</sup> the NSPCC and the Wage Earning Children's Committee, also played a part in lobbying for the bill.<sup>53</sup> This overlapping network of organisations was to prove crucial in securing the changes to London's juvenile courts and provided one of the earliest examples of the close co-operation between feminists and penal reformers, which was to have an important influence on the work of the early women magistrates. Key figures included

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<sup>50</sup> *Juvenile Delinquency in Certain Countries at War*, Washington, U.S. Department of Labor, 1918, p.8-11.

<sup>51</sup> *Hansard*, 1 November 1920, columns 148-9. Sir Frederick Banbury retorted 'that is a very good reason for voting against it'.

<sup>52</sup> Like the Wage Earning Children's Committee, this organisation had lobbied for juvenile courts and the use of probation before the First World War.

<sup>53</sup> PRO LC02/463. According to its letterhead, the State Children's Association was opposed to rearing children in workhouses, barrack schools and grouped cottage homes. It favoured boarding out, scattered homes and 'FOR CERTAIN CHILDREN EMIGRATION, TRAINING SHIPS, TRADE TRAINING SCHOOLS'. It also promoted separate courts of justice for children and the use of probation. Members included Henrietta Barnett, Lord Lytton, Lord Crewe, Mrs. George Cadbury and Lady Frances Balfour.



Cecil Leeson, Margery Fry, Sir William Clarke Hall, Miss Adler and Gertrude Tuckwell.

Leeson's book, *The Child and the War*, had established him as an authority on the treatment of young offenders. In a subsequent pamphlet, *The Magistrate and Child Offenders* he again argued strongly against the use of birching and in favour of probation, comparing the high rates of recidivism where the former punishment was applied to the low rates recorded where the latter was used.<sup>54</sup> He also advocated that women be placed on the bench in juvenile courts where the work required 'a knowledge, not of law, but of children and family and social conditions' and that a rota of suitable magistrates be established for juvenile courts. Leeson supported the view that juvenile hearings should be removed entirely from the police courts. In fact, he claimed that 'the need is not for a "court" at all, in the accepted sense of the word, but for a small room - in a local school or institute, for instance - where the magistrate may see the child'.<sup>55</sup> Leeson's ideas were to have a significant effect on policy towards young offenders as it evolved over the next decade and their influence can be detected in the provisions of the 1920 Act.

Margery Fry, a Quaker from a legal background (her father had been a judge), met Cecil Leeson in Birmingham before the war and was further prompted to concern about penal matters by her aunt, Susan Pease, and by accounts of prison conditions from Quaker acquaintances imprisoned as conscientious objectors during the war.<sup>56</sup> In 1920 she was secretary of the Penal Reform League, the larger but poorer of the two penal reform groups. In the following year she arranged its amalgamation with the Howard Association, working closely with Leeson. A 'powerful speaker and

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<sup>54</sup> Anon. (Cecil Leeson) *The Magistrate and Child Offenders*, London, Howard Association, n.d. 1920? p.4-6.

<sup>55</sup> *Ibid.*, p. 10-11.

<sup>56</sup> Enid Huws Jones, *Margery Fry: The Essential Amateur*, Oxford University Press, 1966, p.112.

proved administrator'<sup>57</sup>, Miss Fry was to become one of the first women JPs in London, sworn in with an affirmation in the Quaker style on 28 September 1920. She was placed on the rota of justices for juvenile courts in 1922<sup>58</sup> and was a founder and leading figure in the Magistrates' Association.

Sir William Clarke Hall was metropolitan magistrate at Old Street and an executive committee member of the Howard Association. The son of a clergyman, Clarke Hall had married the daughter of the NSPCC's founder the Reverend Benjamin Waugh. After standing unsuccessfully as a Liberal in the 1910 General Election he was appointed by the Home Secretary as a metropolitan magistrate. According to his obituary he had 'a strong sense of the social side of his duties' but his approach clearly did not go down well with his more conservative colleagues. As *The Times* commented 'his views on the merits of the law tended perhaps unduly to obtrude themselves in the form of observations from the Bench, speeches and articles rather more than is desirable in one holding magisterial office'.<sup>59</sup> Despite (or probably because of) this Clarke Hall seems to have been very popular with women magistrates and their organisations evidenced by their presence at his memorial service in 1932.

Like Leeson, Clarke Hall was an advocate of probation, which he applied extensively in his own court, especially to young offenders. In a memorandum to the Lord Chancellor's department (in which he also advocated the appointment of women to juvenile courts) Clarke Hall claimed that, in twelve months since October 1918, 139 juveniles had been placed on probation at Old Street police court, only eleven of whom had re-offended. The court employed two salaried Probation Officers assisted by no less than seventy volunteers. In contrast, Clarke Hall criticised courts in the

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<sup>57</sup> Ibid., p. 113.

<sup>58</sup> LMA: LCTY 69; Huws Jones, *The Essential Amateur*, p.118, 122.

<sup>59</sup> *The Times*, 29 October 1932, p. 12.

provinces for what he judged as over-reliance upon the birch, given that the recidivist rate there was up to 80%. However, it is likely some of his targets were closer to home; it is clear that by no means all of his metropolitan magistrate colleagues agreed with his methods. Significantly, the Chief Magistrate was moved to describe Clarke Hall as 'the favourite of all the wild men and women'.<sup>60</sup>

The fifth key supporter of reform of London's juvenile courts was Gertrude Tuckwell.<sup>61</sup> She had followed her aunt, Lady Dilke, in leadership of the Women's Trade Union League, and evidently took a deep interest in the position of women in the law and in juvenile justice and probation.<sup>62</sup> She was also an expert lobbyist, adept at working behind the scenes and applying pressure to government at just the right points. She was London's first woman magistrate, taking the oath on 14 January 1920, and had been invited by Sir Robert Morant to be on the Lord Chancellor's Women's Advisory Committee, which was compiling a list of women suitable for appointment as JPs in the early months of 1920.<sup>63</sup> Subsequently she was involved in the Magistrates' Association and was chairman of the National Association of Probation Officers. In July 1920 she organised a deputation of interested parties to the Home Office to support the Juvenile Courts (Metropolis) Bill.<sup>64</sup>

Preparation of the bill to reform London's juvenile courts began almost as soon as the Sex Disqualification (Removal) Act became law and the Lord Chancellor's Women's Advisory Committee had been set up to advise on suitable candidates to become justices. The permanent secretary in the Lord Chancellor's

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<sup>60</sup> PRO: LCO2/463: memorandum from Clarke Hall, 20/2/20; letter from Biron (Bow Street) 31 July 1920. This description is reminiscent of similar terms used for women's suffrage supporters.

<sup>61</sup> For details of Miss Adler, see above, p.113.

<sup>62</sup> Her papers contain a selection of newspaper cuttings about the admission of women to the magistracy and legal profession.

<sup>63</sup> LMA: LCTY 69; unpublished memoir by Gertrude Tuckwell, (TUC Library) Her interest in the campaign to allow women into the legal profession and magistracy is evident from the newspaper cuttings she kept.

<sup>64</sup> PRO: LCO2/463.

Department, Sir Claud Schuster, who had been personally chosen for the job by Lord Haldane in 1915 and 'gave continuity to the reforming efforts of ten successive Lord Chancellors',<sup>65</sup> was to remain in post until 1944. According to Birkenhead's biographer, John Campbell, Schuster was 'already ... a formidable civil servant, agile and diplomatic, an invaluable counsellor and guide'.<sup>66</sup> Schuster appears to have had personal commitment to reform: in July 1920 he wrote to Gertrude Tuckwell, 'I believe that they (women) really will improve the administration of the Children's Acts'.<sup>67</sup> On 16 February he wrote to the Home Office in the more formal manner of the civil servant; 'the Lord Chancellor is of the opinion that there is no class of case for which the new women justices ... will be more suitable than cases arising under the Children's Act' but that in London 'where the supply of qualified women is likely to be most abundant'<sup>68</sup> this would not happen without a change in the law. The primary reason for the bill was clearly the need to make use of the perceived talents of women JPs in London. The suggestions from Leeson, Adler, Clarke Hall and others that magistrates should be specially selected for this work and that the juvenile hearings should be held in places other than police courts were then appended. Once the government's proposals were known, opposition started to mount. It is to the opposition and the passage of the bill that I now turn.

The Home Office reply to Schuster's proposal was less than enthusiastic, suggesting that to take children's cases out of the hands of the professional, legally qualified, metropolitan magistrates might be seen as a retrograde step. Instead, the Home Office suggested that women magistrates could sit as assessors, advising the

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<sup>65</sup>Campbell, *F.E. Smith: First Earl Birkenhead*, p. 417.

<sup>66</sup>Ibid.

<sup>67</sup>PRO: LCO2/463, letter to Gertrude Tuckwell from Claud Schuster 26 July 1920.

<sup>68</sup>Ibid., letter to the Home Office from Claud Schuster, 16 February 1920.

police magistrate.<sup>69</sup> This proposal, together with the suggestion that juvenile cases be transferred entirely to lay justices, was put to a meeting of the metropolitan magistrates on February 25<sup>th</sup> where opposition was evidently intense. While the metropolitan magistrates were apparently in agreement concerning the 'suitability' of women for children's cases, they were extremely reluctant to relinquish, or even share, this work with untrained amateurs. Although a woman's point of view would be welcome, there should be no suggestion of them having equal power with the police magistrates. The 'assessor' proposal received little more enthusiasm, as it was unclear what role the woman JP would have in that case.<sup>70</sup> It was already clear that this highly trained body of men would resist any incursion into their professional territory to their utmost ability.

Meanwhile, Schuster rejected the assessor plan. Writing to the Home Office, he expressed the view that women would not be satisfied with such a proposal and that it would make London an anomaly (which, of course, it already was). The Lord Chancellor, he wrote, 'fails to see why the competent stipendiary could not have sufficient influence over those who sit with him to control them in effect'.<sup>71</sup> Throughout the debate on the Bill the government remained opposed to the assessor plan<sup>72</sup> despite the fact that there was clearly some support for it in the Home Office.

Further difficulties arose when the draft bill was published. Although the wording was vague, there was a suggestion that there might be as little as one central juvenile court, perhaps supported by three or four others in the outlying parts of the metropolitan area. Penal reformers, impressed by the model of Chicago, advanced this plan, envisaging the central court as a specialist facility, attuned to the needs of

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<sup>69</sup> Ibid., reply to Schuster from Home Office, n.d.

<sup>70</sup> Ibid., report from Chief Metropolitan Magistrate, 25 February 1920.

<sup>71</sup> Ibid., letter from Schuster to the Home Office, 19 March 1920.

<sup>72</sup> For example, Lord Birkenhead specifically rejected the plan when proposing the Bill's second reading. *House of Lords Report*, 15 June 1920, col.. 596-7.

the young offender, staffed by probation officers, doctors and psychologists, all of whom would be experts in their field. The magistrates too would be specially selected and the stipendiary would be able to concentrate solely on juvenile cases. The reformers knew the man they wanted for the job: Sir William Clarke Hall.<sup>73</sup>

The hint that the other metropolitan magistrates would thereby lose their juvenile cases provoked even greater opposition from them and as rumours of the government's plans circulated, they became more determined in their criticism. For example, the suggestion that one of the existing police courts would be discontinued and transformed into the central juvenile court alarmed the stipendiaries who were fearful that it might be their court. The *Westminster and Pimlico News* reported as fact the rumour that 'the historic court of summary jurisdiction at Westminster' was to be converted 'into a sort of central bureau or headquarters for this latest feminist movement', a view that conflated the position of penal reformers and women's organisations had become in the minds of their critics. The newspaper quoted the Westminster magistrate, Cecil Chapman - 'a known and trusted friend of the cause of women' - as saying 'it is fallacious to suppose that women are specially fitted ... to deal with children's cases',<sup>74</sup> a somewhat different view from the one he had apparently expressed in 1918. The article then claimed that 'lady probation officers' who were holding 'very comfortable and lucrative appointments from the Home Office, attend, watch and make suggestions ... in children's cases' implying that the whole plan to introduce women justices was quite unnecessary.

In May 1920 the debate erupted into the columns of *The Times*. A leading article criticised the suggestion of a single juvenile court, claiming that 'Americans

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<sup>73</sup> PRO: LCO2/463, letter to Lord Chancellor from Robert Parr, NSPCC Director, 20 March 1920. Parr described Clarke Hall as 'the one man who stands out' given his experience and his writings on 'children's law'.

<sup>74</sup> Ibid., cutting from *Westminster and Pimlico News*, n.d. C.f. 'Women on the Bench: Views of London Magistrate', *Daily Express*, 21 December 1918.

who have seen the experiment tried in their own country point out that its actual effect is emotional and sensational'. As far as *The Times* was concerned the existing system in London already made adequate concessions to the special needs of young people. The article criticised the suggestion that two untrained, lay justices should sit on equal terms with stipendiaries, and feared that, if both the lay justices were women, 'the possibility of their combining to overrule the decision of the stipendiary would be derogatory to the authority and dignity of his official position'.<sup>75</sup> However *The Times* did back the assessor plan, which would make use of the women's 'motherly instincts'.<sup>76</sup> There followed an intense debate in the letter columns. Miss Adler wrote to repeat her arguments for special children's courts and support the use of women JPs. Her views were in turn contradicted by a London solicitor who insisted that 'the suggestion that the present courts stimulate a love of adventure does credit to Miss Adler's imagination, but has not the smallest foundation in fact' and by a barrister who described allegations of the court atmosphere 'contaminating' children as 'simply rubbish'.<sup>77</sup> It seems that the legal profession had been roused by the government's proposals to defend its status with all its might.

The next professional group to oppose the bill were the probation officers. On May 21<sup>st</sup> a letter addressed to the Home Secretary from ten London women probation officers argued against any change in the present system.<sup>78</sup> Not only were the signatories of the letter (who were not named) opposed to the central court and the use of lay magistrates, they also rejected the assessor plan. Gertrude Tuckwell was of the opinion that the probation officers had been encouraged to write anonymously by the

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<sup>75</sup> *The Times*, 10 May 1920. The bill actually stated that of the two JPs in the juvenile courts 'one shall be a woman'. Officials in fact tended to assume that the other would be a man, so the scenario proposed by *The Times* leader writer was unlikely, but it seems to have been particularly alarmed at the idea of women overruling a man, rather than lay people overruling a professional.

<sup>76</sup> *Ibid.*

<sup>77</sup> *Ibid.* 12<sup>th</sup> 13<sup>th</sup> & 15<sup>th</sup> May 1920.

<sup>78</sup> *Ibid.* 21 May 1920.

metropolitan magistrates, 'though opposed [they] would not dare to do this'<sup>79</sup> she told Schuster. The reaction of the Home Office was sympathetic. '[The women probation officers] are genuinely afraid of interference in their work by inexperienced and faddy women magistrates', commented a Home Office official. It seems that the high opinion of the calibre of London women JPs apparently held by the Lord Chancellor's Office was not shared by its sister department.<sup>80</sup>

Meanwhile, the 'London Beaks' continued to stir up trouble<sup>81</sup>, ensuring that the bill would receive a rough ride when debated in the House of Lords. J.G. Hay Halkett, one of the stipendiaries, wrote to *the Times*, claiming that, with the exception of Clarke Hall, the metropolitan magistrates opposed the proposals. He also repudiated Clarke Hall's views on corporal punishment and its efficacy as a deterrent.<sup>82</sup> In the Second reading debate, Lord Salisbury expressed concern about the opposition from stipendiaries and said 'we must not think too much of the interests of women'. He claimed, that in any case, women could now ultimately become stipendiary magistrates themselves and so change was unnecessary, conveniently overlooking the fact that it would be many years before a woman barrister would accumulate the requisite experience and even then might be overlooked for some other reason. Another participant in the debate, Lord Sheffield, criticised 'sentimental' talk about bringing a child into a police court. Meanwhile some Lords favoured the assessor plan. Others complained about the lack of consultation or alleged that the changes were being made simply in order to give women JPs something to do.<sup>83</sup> The Lord Chancellor tried to belittle the opposition, claiming that the bill's opponents could be 'counted on the fingers of one hand', that the magistrates

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<sup>79</sup> PRO: LCO2/463, letter to Claud Schuster from Gertrude Tuckwell, 16 June 1920.

<sup>80</sup> PRO: HO45/10970/404139.

<sup>81</sup> PRO: LCO2/463, memorandum from 'B.S.', 27 May 1920.

<sup>82</sup> *The Times*, 21 May 1920.

<sup>83</sup> *House of Lords Report*, 15 June 1920, columns 601-612, passim.



had been consulted at every stage and that the Chief Metropolitan magistrate supported it. Rejecting the assessor plan, Lord Birkenhead said that such a subordinate role would not attract 'the voluntary services of the best type of woman'. He contended that adjudicating in juvenile cases did not require specialist legal knowledge and that, being analogous to 'semi-administrative problems' it was work well suited to women.<sup>84</sup>

Behind the scenes lobbying had ensured that Lord Birkenhead's position was supported in this debate by Lord Haldane, whose sister, Elizabeth, was on the Lord Chancellor's Women's Advisory Committee, and later on by Lord Crewe, London's Lord Lieutenant and the husband of Lady Crewe, who was the committee's chairman. The former attorney general and Lord Chief Justice, the Earl of Reading (a close associate of the Prime Minister, Lloyd George) also backed the government.<sup>85</sup> The Archbishop of Canterbury, who agreed to support the bill when it was made clear that the suggestion of a central court would be dropped, was a useful convert.<sup>86</sup> Therefore, despite some difficulty, the bill was able to complete its stages in the Upper House, but only after a well organised and publicised deputation in its support had been received at the Home Office and the wording of the clause concerning the number of juvenile courts had been amended. As Lord Birkenhead suggested, the appointment of women JPs to the children's courts was the government's 'bottom line', other parts of the bill were open to amendment but they would not give in to pressure on that point.<sup>87</sup>

Schuster and Tuckwell continued to work to counter the metropolitan magistrates' opposition. Miss Tuckwell promised to get 'the Labour people' on side

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<sup>84</sup> *Ibid.*, columns 593-599, 624.

<sup>85</sup> Both Lord Reading's second wife and his daughter in law were later to become JPs; the latter served in London's juvenile courts.

<sup>86</sup> *House of Lords Report*, 21 June 1920, columns 809-811; 6/8/20 column 921.

<sup>87</sup> *Ibid.*, 6 August 1920, column 918.

and to get a resolution in support of the bill at the Trades Union Congress; her influence may well have been responsible for the fact that the Labour Party was represented alongside the penal reform groups, the children's societies and women's organisations at the deputation to the Home Office on the 27<sup>th</sup> July.<sup>88</sup> Tuckwell's position was a conciliatory one. She did not want to rule out the male JP 'who if he is the father of a family - & a sensible man - will supply a useful corrective to female enthusiasm'. Schuster offered her 'ten thousand thanks ... for all that you have done' but he was afraid that 'if we do not do what we now have in prospect your enthusiastic sisters will hereafter storm the whole bench'<sup>89</sup>

It is clear that the coalition of interests present on July 27<sup>th</sup> was an uneasy alliance; writing to Sir Edward Troup at the Home Office, Schuster confided that the Earl of Lytton (of the State Children's Association) was 'far more interested in the Children's Court idea than the women idea'<sup>90</sup> whereas the opposite was probably true of the feminist organisations. Likewise the Howard Association and Penal Reform League had their own agenda while, according to Tuckwell, Labour was concerned because 'the workers feel that it is the fate of their children, not that of other classes which is being provided for'.<sup>91</sup> Schuster was very concerned that no cleavage should open up between the interested parties for the opposition to exploit, but his fears do not seem to have been realised. The carefully planned and publicised deputation, timed to take place just before the tricky committee stage in the Lords, appears to have had the desired effect and represents an important example of the networking of

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<sup>88</sup> The deputation was reported in *The Times* on 28 July 1920. The PRO file, LCO2/463, contains a copy of the government's press release, dated 27<sup>th</sup> July and correspondence between Schuster and some of the organisations represented.

<sup>89</sup> PRO: LCO2/463, letters from Schuster to Tuckwell 17 June 1920 & 26 July 1920; Tuckwell to Schuster 25 July 1920.

<sup>90</sup> *Ibid.*, undated memorandum. However, Lytton, the brother of Lady Constance Lytton, had been a prominent supporter of women's suffrage as president of the Men's League for Women's Suffrage.

<sup>91</sup> *Ibid.*, letter from Gertrude Tuckwell to Sir Claud Schuster, 25 July 1920.

feminists with other interest groups, a pattern which was to be repeated over the next decade. By the time the deputation took place the names of three of the women present - Miss Adler, Miss Fry, and Mrs. Ogilvie Gordon - had appeared on the list of about thirty new women JPs for the County of London produced by Tuckwell and her colleagues on the Lord Chancellor's Advisory Committee. The announcement of so many new women magistrates in London was a further signal that the government would persist with the Juvenile Courts (Metropolis) Bill despite the opposition. As Schuster wrote, women in London would not want to come on to the bench 'unless there is really something for them to do'.<sup>92</sup>

The deputation seems to be something of a turning point in the controversy over London's juvenile courts. The stipendiary magistrates and their allies continued to grumble, but the bill passed through the Commons unchanged. The Chief Metropolitan Magistrate, Biron objected to the clause which stated that magistrates would be 'selected' for the work; 'to suggest that any metropolitan justices cannot try these cases satisfactorily is quite absurd' he complained.<sup>93</sup> In the Commons, familiar arguments about the inaccessibility of a central court (even though that idea had been dropped) the good job presently being done by the stipendiaries and the probation workers, and the possibility of women JPs being used as assessors were put. It was also suggested that the new courts would incur unnecessary expense and that the plan was unpopular with the working class. The attitude of some MPs is revealed by their insistence that the bill was introduced 'for the convenience of women magistrates' or for 'ladies in high position in the West End, who are very anxious to come and sit on these magisterial benches'. Another view was that the bill was retrogressive in that it

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<sup>92</sup> Ibid., letter from Schuster to Tuckwell, 26 July 1920.

<sup>93</sup> Ibid., letter from Biron 31 July 1920.

reversed the trend towards professionally qualified magistrates taking more of the work.<sup>94</sup>

The government - now in the form of Shortt, the Home Secretary - continued to minimise the opposition. He claimed that the stipendiaries, whom he had consulted through the Chief Magistrate, approved of the bill.<sup>95</sup> This was contradicted in *The Times* by two metropolitan magistrates who announced that disapproval of it was unanimous amongst the stipendiaries. Despite the passage of the bill into law at the end of 1920, the magistrates continued to make public statements critical of its provisions. In January 1921 the Old Street magistrate, Mr. Wilberforce, said that it was 'no secret that the metropolitan magistrates as a body would have liked the continuance of the present system'.<sup>96</sup> Mr. Banks of the South Western Police Court was reported as saying that 'he thought ... that the women magistrates would find most of the methods ... which they had been so earnestly advocating had already been tried and discussed by the old gang and that the problem of how to treat the children was by no means an easy one'. He suggested that a magistrate needed to be 'kind and sympathetic, but not sloppy and sentimental'.<sup>97</sup> The latter adjective, meaning 'to be swayed by feeling rather than reason' was not infrequently harnessed by opponents of women magistrates and employed to convey a negative image of a feminine approach to judicial decisions. As Joan Scott has pointed out, the language of gender is 'a primary way of signifying relationships of power'.<sup>98</sup> The characterisation of women as 'sentimental' rather than 'reasonable' underlined their subordination.

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<sup>94</sup> *Hansard*, 1 November 1920, columns 134-152.

<sup>95</sup> *Ibid.* Column 146.

<sup>96</sup> *The Times*, 11 January 1921.

<sup>97</sup> *Ibid.*, 17 January 1921.

<sup>98</sup> Joan Scott, *Gender and the Politics of History*, New York, Columbia University Press, 1988, p.42. The definition quoted is from the *Concise Oxford Dictionary*.

Professions, especially the legal one, are notoriously resistant to any change that affects them directly. The opposition of the stipendiary magistrates in London to the Juvenile Courts (Metropolis) Act may be characterised as the resistance of a threatened professional group. The introduction of women magistrates was all very well in theory, as long as they were not seen to be displacing men. The stipendiaries objected to what they perceived as a reversal of the trend towards professionalism, an affront to their dignity as qualified personnel offered by the introduction of lay people with equal power, and the suggestion that juvenile work was a specialist field for which they would have to be selected. The possibility of a central juvenile court may have been attractive to penal reformers, impressed by the Chicago model, but to some of the metropolitan magistrates, who had enjoyed considerable freedom within their own jurisdiction, it was an anathema. Not all of them shared this view, but the glimpse of the internal politics of the London magistrates we get from the sources suggest some antagonism towards Clarke Hall, whose writings on juvenile justice had made him something of a self-proclaimed expert in the field. In addition, some of the magistrates were worried about their own positions and fearful that their own court might be closed to make way for the children's one. Moreover, proposals to introduce women magistrates had become conflated with reformed approaches to juvenile justice which were not to the taste of all the stipendiaries.

The probation officers who objected to the bill worked with the stipendiary magistrates on a daily basis. They also appear to have been worried about the possible impact of the introduction of women magistrates upon their status but they were less vocal in their opposition. Having comparatively recently emerged as a salaried occupation (MPs persisted in referring to them as 'missionaries', a reference to the origins of the probation service in the voluntary court missions established by

the Church of England Temperance Society and other sectarian bodies) the probation officers were still in the process of establishing themselves as a profession. It would seem that they had not yet reached the stage where they could mount a sustained campaign of pressure on government. In any case, it is not clear how representative of the probation service were the ten anonymous authors of the protest published by *The Times* on May 21<sup>st</sup>.

On the other hand, supporters of the changes to London's juvenile courts were well organised. The ideas of penal reform campaigners, such as Miss Adler, Clarke Hall, Margery Fry and Cecil Leeson had been gestating for a number of years. They were successful in securing the presence of women magistrates on the bench in all children's cases in London, the special selection of appropriate stipendiary magistrates and the physical separation of juvenile proceedings from police court premises (as the Order in Council which followed the Act in 1921 provided that the hearings take place in town halls).<sup>99</sup> However, they failed to obtain a central, specialist court facility for London; in the 1920s the capital had nine juvenile courts, reduced to eight in 1929.<sup>100</sup> The bill's advocates had benefited from official support of ministers and civil servants (particularly Schuster) and could see themselves as working with the grain of public opinion: children were now seen as requiring special handling in the criminal justice system and women magistrates were regarded as naturally suited to this work. The London stipendiaries ultimately failed to defend the tradition of the generalist magistrate in the face of the new 'specialists'.

Penal reformers worked successfully with feminists, the latter keen to ensure that London's new women JPs were given useful work and accorded equal status with men. Cheryl Law argues that in the 1920s the women's movement entered a new

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<sup>99</sup> Order in Council, 27 May 1921.

<sup>100</sup> 'Juvenile Courts in London: Reorganisation' Home Office, 17 December 1929.

phase, having reassessed its objectives and altered its strategies in the light of experience gained during the First World War.<sup>101</sup> Important elements of the 'new' strategy were parliamentary lobbying and networking with other interest groups. However, Brian Harrison has demonstrated that moral and social reform groups in the late nineteenth century (including some feminist organisations) were linked by shared personalities, attitudes and lobbying techniques.<sup>102</sup> Quakers and other nonconformists were strikingly prominent in both the women's suffrage movement and in penal reform groups in the half-century before 1920: their network was already formed. Their methods, originally honed in the anti-slavery movement of the early nineteenth century, were well established if not invariably successful. Women's organisations such as the NCW took a great interest in matters other than the advancement of women, particularly in questions that touched on their members' philanthropic activities and were relevant to what they regarded as women's 'natural' interest in the welfare of children. As women moved further towards equal citizenship, so feminists continued to be involved in a range of causes of which the treatment of juvenile delinquency was but one.

## **JUVENILE COURTS OUTSIDE LONDON**

Outside London there was no need for special legislation in order for women to sit as juvenile magistrates. However, that did not mean that they were automatically put into juvenile courts even in areas where female JPs had been appointed. There was a strong tradition, especially in the counties, that JPs were generalists as well as amateurs and no distinction was made between different types of work other than that required by law. But with London leading the way, the notion of

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<sup>101</sup> *Law, Suffrage and Power*, p.225.

<sup>102</sup> Harrison, 'State Intervention & Moral Reform in Nineteenth Century England', p. 290.

'specialist' magistrates for juvenile cases began to gain ground. Once again, women's organisations and penal reform groups led the way in pressing a fairly receptive government for change, joined in the 1920s by the newly formed Magistrates' Association.

In April 1921 the Home Office issued a circular to magistrates suggesting that they draw up a 'special' rota of men and women with 'special qualifications' for juvenile work, which was obviously in emulation of the Home Office's own rota for London. This advice evidently was not universally followed since in 1927 a further circular reiterated it.<sup>103</sup> Some benches may have simply ignored the government's policy, others, particularly in sparsely populated areas where juvenile cases were comparatively rare, did not regard it as applicable to their situation. In some cases entire benches elected themselves en bloc to the juvenile panel. It is highly likely that the more conservative minded county JPs were as resistant to the notion of specialist magistrates as the London stipendiaries had been.

Penal reformers and women's organisations again worked together to support and shape Home Office policy. In its pamphlet *The Magistrate and Child Offenders* the Howard Association argued that:

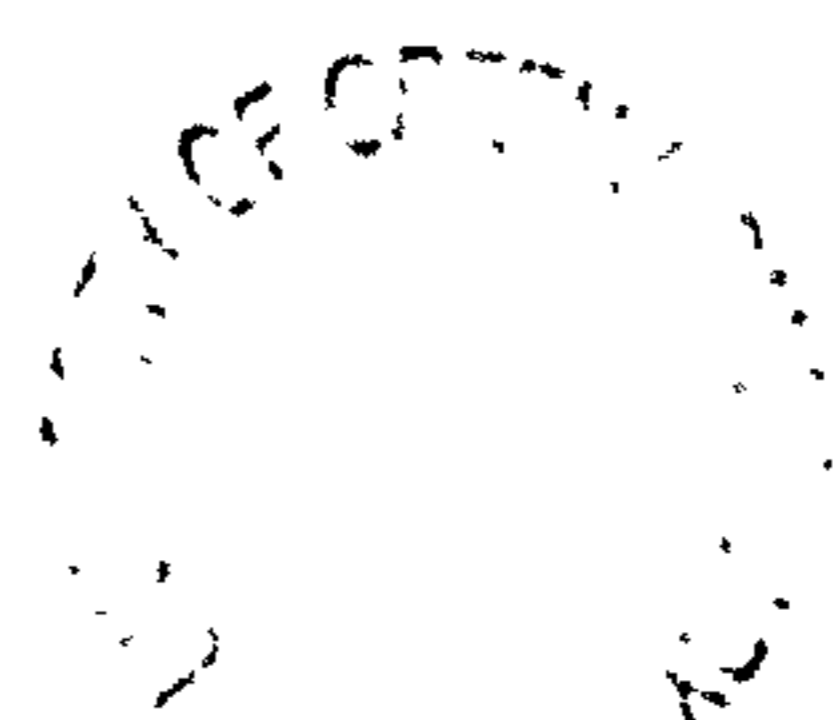
In many juvenile courts continuity of policy is secured by forming a rota of magistrates specially to deal with children's cases, and it is found that this plan produces the best results. In any group of magistrates will be found some men and women who possess more experience and understanding of children than their colleagues...<sup>104</sup>

The State Children's Association was also continuing to lobby for special arrangements for young offenders. Its secretary, J. A. Lovat-Fraser who, as an MP regularly tabled parliamentary questions about the number of women magistrates, argued that 'magistrates... in Children's Courts, should be thoroughly in agreement

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<sup>103</sup> PRO: HO45/13403/12.

<sup>104</sup> Anon., *The Magistrate and Child Offenders*, p. 11.





and sympathy with the system'. He felt they should be relatively young and 'have experience and interest in educational and social work ... in the Boy Scouts and the Girl Guides, in after-case committees, boarding out committees and child welfare work'. Inevitably he argued that 'justices suitable for the juvenile courts should be appointed without regard to the political party to which the person belongs' and that more women should be chosen, adding that 'in their case it is even more absurd than in the case of men that politics should be regarded as a guarantee of suitability'.<sup>105</sup>

The need for special rota of magistrates was discussed frequently by conferences of women magistrates (including those organised by the Magistrates' Association) and in articles in the feminist press. By 1925 there was some dissatisfaction, not only at the slow speed at which women were joining the magistracy, but also at the failure of benches to form juvenile panels and to carry out other government recommendations. Mrs. Rackham recounted in *The Women's Leader* the 'disappointing' results of a survey by the Home Office Children's Branch which revealed that over half of the respondent benches held juvenile hearings in the ordinary court and a third gave full details of proceedings to the press while 'in very few indeed are special magistrates designated to hear juvenile cases'.<sup>106</sup>

In 1925 the government appointed a departmental committee on the treatment of young offenders. Among the three women selected was Geraldine Cadbury. Members heard evidence from ninety-nine witnesses including Mrs. Rackham (representing the Magistrates' Association), Miss Fry (on behalf of the Howard League) Clarke Hall, and Dr. Ethel Bentham and Janet Courtney who spoke for 'the London lady magistrates'.<sup>107</sup> The report, issued two years later, claimed that

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<sup>105</sup> J. A. Lovat-Fraser, *Child Offenders*, London, State Children's Association, 1928, p.3-4. Lovat-Fraser was a barrister on the South Wales circuit, a Cardiff councillor and Labour MP.

<sup>106</sup> *The Woman's Leader*, 14 August 1925, p. 230.

<sup>107</sup> *Report of the Committee on the Treatment of Young Offenders*, appendix 1, p. 131.

'there is an undoubted need for more Justices who are really suited for work in the juvenile court and are willing to give their time to it'. Although the report's authors were undoubtedly referring both to men and women, the mention of time as a factor may indicate they had the female sex in mind. The report recommended that the Lord Chancellor and Chancellor of the Duchy of Lancaster be requested to 'include a sufficient number of men and women who have special qualifications for dealing with children and young persons' when they appointed Justices of the Peace, for example 'experience or interest in social work among the young as well as practical knowledge of the homes and conditions of life of the class of children who usually come before the juvenile court'. This approach may well have been designed to favour not only the type of middle class woman (and a few men) for whom 'social work' was a virtual vocation, but also working class men and women. That women were mostly in mind when this section of the report was written is suggested by the comment that 'if the recommendation in the preceding paragraph is accepted, it will obviously be necessary to secure the appointment of a sufficient number of women magistrates throughout the country'.

Additionally the report decreed that 'the service of the juvenile court demands younger recruits' and warned that party political considerations should play no part in selection. The committee recommended that legislation should be introduced containing 'some general direction that Magistrates who sit in juvenile courts should have special qualifications' and that petty sessional divisions should have a small panel of no more than twelve justices for the work, of whom no more than three should be present at one time.<sup>108</sup> Believing that the new system was working well in London,

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<sup>108</sup> Ibid., p. 26-7.

the committee recommended no change there.<sup>109</sup> Effectively the committee appears to have agreed with the views of the Howard League and the Magistrates' Association. The former argued in a memorandum that the presence of a woman magistrate was 'essential' in juvenile cases,<sup>110</sup> while the latter, championing the cause of the JP, was pushing for lay chairmen in London's juvenile courts by 1927.<sup>111</sup>

Although the government accepted these recommendations and promised legislation, five years elapsed between the report's publication and the passage of the 1932 Children and Young Person's Act, which decreed that a panel of justices be formed for juvenile cases in each petty sessional division. In January 1933 the Home Office convened yet another committee to advise on draft rules for juvenile courts under the new Act. Of the five members under the chairmanship of Sidney Harris,<sup>112</sup> two were women, Geraldine Cadbury, and Lady Cynthia Colville, a London JP who had been recommended by Gertrude Tuckwell.<sup>113</sup> The wording chosen was that juvenile courts should be constituted of not more than three justices, to 'include one man and, so far as practicable, one woman'.<sup>114</sup>

Feminist organisations and women magistrates appear to have regarded this wording as unsatisfactory as it provided an effective loophole for benches who had appointed insufficient numbers of women justices. In October at the conference of women JPs organised by the Magistrates' Association disapproval was expressed, (notably by Eleanor Rathbone) of the wording and the following month a letter of protest was sent to the Lord Chancellor by the National Council for Equal Citizenship.

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<sup>109</sup> Harris of the Home Office was less sanguine and so in 1928 another Home Office committee, of which Geraldine Cadbury was also a member, was set up to review the operation of London's magistrates' courts.

<sup>110</sup> PRO: HO45/13402/2.

<sup>111</sup> PRO: HO45/13402/6. With very few exceptions, notably Clarke Hall and Mullins, stipendiaries did not involve themselves in the Magistrates' Association.

<sup>112</sup> Harris was under-secretary at the Home Office, in charge of the Children's Branch, 1919-34.

<sup>113</sup> Colville was the daughter of Lord Crewe and was a 'woman of the bedchamber' to Queen Mary.

<sup>114</sup> PRO: LCO2/1955.

Complaints were also received from individual Benches, including Liverpool, although Harris at the Home Office surmised that Miss Rathbone had put them up to it! Correspondents all objected to the fact that, effectively, a juvenile court could be made up of men only, but not of women only. As far as officials was concerned, the wording provided for sex equality in theory while remaining pragmatic in practice but feminists regarded it as falling far short of their ideal of equal citizenship. There were further letters of protest but the wording remained unchanged and the Lord Chancellor's office merely hoped that further appointments of women justices would eventually relieve the situation and silence the objectors.<sup>115</sup>

The new juvenile panels were first elected in November 1933. According to Leo Page the results were not as successful as he and other reformers had hoped. Old and deaf justices were selected and 'worse still they have elected men who do not hesitate to deride the Act of 1933 as silly sentimentality and who are entirely incapable of administering it'.<sup>116</sup> Nevertheless the policy represented a further refinement of the rules for children's cases and another decisive move in the creation of a separate system of juvenile justice, untainted by the traditions of the so-called 'police courts', for which penal reformers had been pressing since the late nineteenth century.

For both reformers and opponents the involvement of women on the magisterial bench was the key to this new form of justice. Whenever 'special' qualifications were alluded to, women's 'maternal instincts' and understanding of children were the kind of feature in mind. Women were fundamentally associated

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<sup>115</sup> Ibid.

<sup>116</sup> Leo Page *For Magistrates and Others*, London, Faber & Faber, 1939, p. 23. Page was a barrister and JP and was secretary of the Commissions of the Peace from 1940 to 1945. The quotation is taken from the text of a speech to the Magistrates' Association.

with modernity; penal reform and feminism marched hand in hand. An anonymous critic of government policy, who clearly saw the connection, claimed that support for an all female juvenile bench was:

Entirely in keeping with modern feminist ideas but completely disregards realities. The whole juvenile court legislation is a flagrant example of the intrusion into the working class home, under the guise of social welfare, of that obnoxious patronage so prevalent in the United States. Only the poor would tolerate it. But juvenile courts are now established facts, pushed through a House which did not take the trouble to realise that Law and Social Reform are two distinct spheres.<sup>117</sup>

The government continued to insist that magistrates were not appointed for only one type of work. Mrs. Rowntree of York was told that 'the Lord Chancellor prefers to appoint people to discharge all duties' when she inquired as to whether magistrates could be specifically appointed for children's work, although 'exceptions might be made'.<sup>118</sup> However, in practice the combination of the introduction of women magistrates and of new juvenile court procedures had pushed the magistracy firmly in the direction of specialisation. Appointments, at least in theory, were to be made less on the grounds of party politics and more in accordance with the individual's 'suitability' for certain types of work. It was no accident that this approach gained ground significantly from the time when women first became magistrates. Individual women, such as Henrietta Adler and Geraldine Cadbury, had succeeded in influencing government policy even before they were made JPs, and the latter was a regular choice for advisory committees after she was appointed. The philosophical connection between philanthropy – quintessentially perceived as women's work - and legal reform was clearly expressed by Elizabeth Macadam.

The philanthropy of the eighteenth and nineteenth centuries which sought to ameliorate the lot of 'prisoners and captives', or modify harsh, often brutal, punishments, has in our century entered a new phase in which men

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<sup>117</sup> PRO: LCO2/1955.

<sup>118</sup> Ibid.

and women work together to bring about new standards of prevention, early treatment on scientific lines, and more curative methods of punishment.<sup>119</sup>

Through their commitment to a gendered form of citizenship, underpinned by their belief that women could make a particular contribution in the juvenile courts, early women magistrates, some working as individuals and others through feminist or penal reform organisations, were instrumental in changing the institution of the magistracy. Women were not made justices purely on the same terms as men. A new gendered category, 'the woman magistrate', was created, one particularly 'suitable' for hearing children's cases. The idea of the 'specialist' magistrate therefore gained ground and in turn created further demands that justices should be properly educated and trained for the job, notwithstanding its voluntary nature.<sup>120</sup> However, in terms of power, women magistrates remained subordinate, confined largely to specialist work in juvenile courts. Although some women, notably Mrs. Cadbury in Birmingham and Miss Kelly in Portsmouth, quickly assumed the role of chairmen in the children's sessions, the latter were accepted as a woman's domain. In adult courts women magistrates were more likely to be of junior status. They also had far less influence on key committees, such as Probation committees and the Standing Joint Committees in the counties.<sup>121</sup>

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<sup>119</sup> Elizabeth Macadam *The New Philanthropy*, London, Allen & Unwin, 1934, p. 223.

<sup>120</sup> For the training of magistrates and the involvement of women see Chapter Six.

<sup>121</sup> See Chapter Six.

**PART TWO**

**A NEW KIND OF MAGISTRATE?**

## CHAPTER FOUR

### THE FIRST WOMEN MAGISTRATES:

#### AN ANALYSIS OF THE LORD CHANCELLOR'S LIST OF JULY 1920

On 20<sup>th</sup> July 1920 a list was published of 212 women recommended for appointment as Justices of the Peace in England, Wales and Scotland. These were not the first women to be made magistrates following the passage of the Sex Disqualification (Removal) Act in the previous year,<sup>1</sup> but they were the first group of sufficient size to have any impact and were followed in the next few months by further appointments around the country.

The political and social composition of the lay magistracy in England and Wales has been a cause of comment and concern for well over one hundred years.<sup>2</sup> Political concerns emerged following the Home Rule crisis of 1886 when Gladstone's Liberal Party lost the support of thirty-nine Lord Lieutenants. Thereafter it could only rely on the support of about 15% of county JPs. The growth of the Labour Party and the admission of working class men to the magistracy added a further dimension, as did the appointment of women. Successive Royal Commissions and Lord Chancellors have urged that the lay magistracy should contain a mix of classes, ages, sexes and (in more recent years) ethnic backgrounds. However, this aspiration has

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<sup>1</sup> The first women to become JPs were those appointed to the Lord Chancellor's Advisory Committee (see section below) in December 1919 and Mrs. Ada Summers who sat on the bench *ex officio* from January 1920. Some appointments had also been made in the Duchy of Lancaster by the time the Lord Chancellor's list appeared.

<sup>2</sup> For a critique of the political and social composition of the magistracy, see, for example, 'A Barrister', *Justice in England*, pp. 12-15; J.P. Eddy, *Justice of the Peace*, London, Cassell, 1963, pp.129-133; Burney, *Magistrate Court and Community*, pp.76-7.



proved difficult to achieve in practice and efforts are still being made today to make the magistracy more representative of the community it serves.<sup>3</sup>

The appointment of women to the Commission of the Peace obviously altered the composition of the magistracy in gender terms: this in itself is highly significant. However, it is less immediately obvious whether it had any impact in any other respect. This chapter will endeavour to establish whether the appointment of women did produce 'a new type of magistrate' in social and political terms. The following analysis of the backgrounds, previous experience and, where possible, the ages and political leanings of the early women magistrates, is based mainly upon the appointments made by the Lord Chancellor to benches in England and Wales, excluding the Duchy of Lancaster, on the advice of the small group of women who were given responsibility for producing the July 1920 list.

Through biographical research and with the aid of the citations on the list it has been possible to construct a profile of this group with regard to its members' previous experience and (in some cases) their age and political affiliations. In addition, a considerable amount of biographical information on a larger group of women JPs has been gathered. This chapter therefore employs quantitative as well as qualitative research methods. However, the biographical source material from which the data is derived is inevitably both fragmentary and inconsistent.<sup>4</sup> For example, it has not been possible to establish the age at which women were appointed as JPs for all but a small number of examples, either because there was no information on an individual's date of birth, date of appointment, or both. The analysis will be preceded by a brief examination of the method of appointment of justices established before 1920, the political controversies which surrounded it and its socio-political results.

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<sup>3</sup> *The Guardian*, 3 October 2001

<sup>4</sup> For the full Lord Chancellor's List, see Appendix B.

The membership of the Lord Chancellor's Women's Advisory Committee which actually drew up the list will also be discussed.

## **THE SYSTEM OF APPOINTMENT**

The method of appointment of Justices of the Peace, based as it was upon a system of patronage infused with secrecy, was the subject of intermittent political controversy during the late nineteenth and twentieth centuries. The Liberal Party's loss of support among county justices and Lord Lieutenants following the Home Rule crisis of 1886 led to concern within the party that the magisterial benches were politically biased bastions of Conservatism and that the choice of justices could no longer be left solely with the Lord Lieutenants.<sup>5</sup> Political considerations were underpinned by social ones; in the counties members of the (mostly Conservative) landed families continued to dominate both the Commissions of the Peace and the newly established, elected local authorities while in the boroughs the same tradesmen occupied both the magisterial bench and the council chamber.

Concern about political leanings was exacerbated in 1906 when the property qualification for county justices was removed and working class men - including Labour supporters - became eligible for appointment. As Labour's strength as a parliamentary and municipal force grew, the issue of the political leanings of appointees became more acute. Having established a self-consciously class-based political party, socialists argued that the courts of summary jurisdiction dealt primarily with working class men and their families, yet labour as a class was under represented on the bench. Increasingly, political views were seen as shorthand for

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<sup>5</sup> Skyrme, *History of the Justices of the Peace Volume 2*, pp. 217-8.

class status, leading to further intensification of the criticism that the appointments were made on political grounds.

After some considerable internal controversy within the Liberal government and in order to work towards a more realistic political and social balance in the Commissions of the Peace, a Royal Commission on the appointment of justices was set up in 1909.<sup>6</sup> Its report in 1910 recommended that advisory committees be established in the counties and boroughs to help the Lords Lieutenant and the Lord Chancellor (or the Chancellor of the Duchy of Lancaster) in their selection of suitable candidates. While condemning 'appointments influenced by considerations of political opinion' as 'highly detrimental to public interests', the Royal Commission nevertheless insisted that it was desirable to ensure that the Bench included 'men of all social classes and of all shades of creed and political opinion'.<sup>7</sup> As the second Royal Commission on Justices of the Peace pointed out in 1948, it proved impossible to ignore politics of appointees while at the same time attempting to achieve a political balance among them. The result was that the advisory committees, which were in existence from 1912, were made up of experienced JPs who were themselves appointed along party political lines. In 1946 the Lord Chancellor's department classified advisory committee members as 35.5 per cent Conservative, 30 per cent Labour and 23.5 per cent Liberal with the remainder described as 'Independent'.<sup>8</sup>

The bulk of the women magistrates appointed after 1920 were chosen by these local advisory committees, which were chaired in the counties by the Lords Lieutenant and in the boroughs by the Lord Chancellor's appointee - 'usually, though

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<sup>6</sup> Ibid. pp.223-4.

<sup>7</sup> Report of the 1910 Royal Commission on the Selection of Justices of the Peace, quoted in the Report of the Royal Commission on Justices of the Peace, 1948, p. 4.

<sup>8</sup> Ibid., paragraph 18.

not invariably a local magnate', according to Skyrme.<sup>9</sup> The committees' exact membership and deliberations were shrouded in secrecy. Barbara Wootton (who was a London JP for many years) aptly described their decisions as 'a type of co-option'.<sup>10</sup>

The introduction of the advisory committees and the abolition of the property qualification resulted, according to Skyrme, in the gradual transformation of the county benches from the social exclusivity that still characterised them at the end of the nineteenth century. No longer was the office of county justice the exclusive province of the landed gentry.<sup>11</sup> However, this effect was by no means immediate, and as we shall see, substantial numbers of the women JPs appointed in the 1920s were linked to county families. The proportion of working class men, and later working class women, also remained below the expectations of the 1910 Royal Commission, despite appointments such as those of three colliers to the Monmouth Commission in 1917<sup>12</sup> and the efforts of the Labour Lord Chancellor in 1929-31. No survey of the occupational status of JPs was undertaken until 1948 when only 15 per cent of active male justices were classed as wage earners (including those who had actually retired from their remunerative occupation).<sup>13</sup>

Before turning to examine the women appointed as justices after 1919, it is worth pointing out that there was no systematic analysis of JPs' social backgrounds, ages, or levels of activity before 1948. In that year 65 per cent of male justices who answered a survey were found to be over sixty years of age and 28 per cent over seventy.<sup>14</sup> Anecdotal evidence suggests that the proportion of elderly men in the 1920s on the bench may not have been fundamentally different from the 1940s. For

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<sup>9</sup> Skyrme, *History of the Justices of the Peace Vol. 2*, p.229.

<sup>10</sup> Wootton, *Crime and Penal Policy*, p.71.

<sup>11</sup> Skyrme, *History of the Justices of the Peace Vol.2*, p. 229.

<sup>12</sup> *Votes for Women*, January 1917, p.231.

<sup>13</sup> Royal Commission on Justices of the Peace, 1948, p.8.

<sup>14</sup> *Ibid.*, p.6. The comparable figures for women were 49.5% and 17.0%.

example, London JP Barbara Wootton described the 'two gentlemen, one blind and the other very deaf' who were re-elected to inspect public houses at her first magisterial session in 1926<sup>15</sup>. According to one severe (and probably inaccurate) critic of the magistracy in the 1930s it was 'not uncommon, especially in the country to find a bench of an *average* age of 75 to 80, and the proportion of serious deafness [was] generally over 33% and sometimes reach[ed] 100%'.<sup>16</sup> The problem of aged and infirm JPs, particularly those who insisted on attending juvenile hearings, was debated publicly on several occasions during the interwar years<sup>17</sup> and was clearly an ongoing concern.

## THE WOMEN'S ADVISORY COMMITTEE

Following the Royal Assent for the Sex Disqualification (Removal) Act in December 1919, Lord Birkenhead set up his own central Women's Advisory Committee to recommend women for the Commissions of the Peace throughout England, Wales and Scotland. The reasons for the appointment of this committee are not entirely clear, particularly since the relevant file is missing from the Public Record Office. However, we can surmise that Lord Birkenhead was under political pressure to place women on the bench despite (or because of) his comments in debate that the benches were pretty full and that he would not make appointments on sex grounds alone.<sup>18</sup> He may have felt it inexpedient to wait for the deliberations of the Lords Lieutenant and their local advisors to see where and when they might appoint women,

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<sup>15</sup> Wootton, *Crime & Penal Policy*, p.15.

<sup>16</sup> 'A Barrister', *Justice in England*, p.14, italics in original.

<sup>17</sup> For example, by Leo Page in an address to the Magistrates' Association, reprinted in Page, *For Magistrates and Others*. Page, a barrister, was Secretary of the Commissions from 1939 to 1944. See also the report of the Howard League Conference on the reform of the courts of summary jurisdiction held on 3 April 1935, University of Warwick Modern Records Centre: MSS 168/4/4/1. 'Progressive' JPs, such as Gertrude Tuckwell, took a self-imposed retirement from the bench rather than continue into their seventies even before the statutory retirement age was introduced.

<sup>18</sup> Reported in *The Vote*, 30 May 1919.

especially in view of the fact that some committees met as infrequently as once a year. Leaving it to the local advisory committees could also result in some capricious decisions or even a complete failure to appoint women in counties and boroughs where local opinion was against their introduction. In 1921 Sir Hugh Bell, the Middlesbrough industrialist and Lord Lieutenant of the North Riding of Yorkshire, confessed in private conversation that he was 'dead agin 'em' although he recognised that he should obey the Lord Chancellor and ensure that women were appointed to each petty sessional division<sup>19</sup>.

On the other hand, the legislation having passed, there was an expectation among its advocates that women would take their places on magisterial benches without further delay. Additional pressure came from women's organisations and via parliamentary questions from sympathetic MPs and it was intensified in March 1920 when the Chancellor of the Duchy of Lancaster announced the appointment of the first twenty four women magistrates in the County Palatine. The Lord Chancellor's office did not want to appear to be lagging too far behind. They may also have had doubts about the type of women local committees might recommend, who might not be up to the standard of distinguished public service or 'exceptional private gifts'<sup>20</sup> which the Lord Chancellor himself had set.

The composition of the Lord Chancellor's women's committee not only paralleled the advisory bodies in the counties, but also was analogous to the multitude of women's committees that had burgeoned in Whitehall since the onset of the First World War. Indeed, its membership of 'the great and the good' was most typical of

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<sup>19</sup> Fales Library, New York University: Elizabeth Robins Papers, series 1, box 7. I am grateful to Angela John for this information.

<sup>20</sup> According to a letter from the Lord Chancellor's Office to Lords Lieutenants the Lord Chancellor had felt it necessary to signal the passage of the Act by placing on the Commission of the Peace 'a limited number of representative women who had either distinguished themselves in the public service or by the possession of exceptional private gifts'. LMA: LCC/LCTY/36.

those bodies and Gertrude Tuckwell's account of her recruitment to the advisory committee is perhaps instructive of the workings of government. Having met Sir Robert Morant, permanent secretary at the new Ministry of Health through Violet Markham, she had been invited to join one of his department's committees, but when nothing came of this Sir Robert offered her to Sir Claud Schuster for the Women Justices' Advisory Committee. After lunching with Schuster Miss Tuckwell agreed to join it and she was subsequently sworn in as a JP for the county of London.<sup>21</sup>

Gertrude Tuckwell was passionately devoted to the project of improving the condition of working class women and as president of the National Federation of Women Workers (NFWW) she tried to extend to them the protection of a trade union.

Tuckwell was to display similar commitment to her role as a JP, promoting among other initiatives, the establishment of the Magistrates' Association and the use of probation. In 1920 she organised a lobby in favour of the Juvenile Courts (Metropolis) Bill<sup>22</sup> and she advocated the compulsory training of magistrates and a fixed retirement age many years before these measures were introduced. According to her unpublished memoir, Gertrude Tuckwell made a point of retiring from the Bench at the age of seventy and was strongly of the opinion that JPs over the age of sixty-five should not appear in juvenile courts.<sup>23</sup>

Tuckwell's colleagues on the committee were carefully selected in order to establish a political and geographical balance. The first seven chosen had strong family and personal connections to the political and judicial elite as well as public profiles of their own. Lady Crewe, who was appointed the committee's chairman, was the wife of the Lord Lieutenant of London and the daughter of Lord Rosebery,

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<sup>21</sup> TUC Library: Gertrude Tuckwell papers, unpublished autobiographical typescript.

<sup>22</sup> See Chapter Three.

<sup>23</sup> TUC Library: Gertrude Tuckwell papers, unpublished autobiographical typescript.



the former Liberal Prime Minister.<sup>24</sup> She had previously led the Queen Mary's Work for Women Fund set up to finance work schemes for women made unemployed on the outbreak of war in 1914.<sup>25</sup> According to the *Daily Express* her committee had 'presented the first government report drawn up solely by women' in 1915. The newspaper went on to describe her in conventionally gendered terms as 'one of the most tactful of hostesses and one of the wittiest women in England.' The report then commented that:

Her wedding in 1899 was the social event of the year. She is credited with keen political acumen and with being of much assistance to her husband in his career.<sup>26</sup>

Lady Crewe's attributes and her qualifications for membership of the committee were thus described to the readers of the *Daily Express* as a blend of personal achievement and a proper feminine commitment to supporting her husband's activities.

Margaret Lloyd George, the wife of the Prime Minister, was evidently chosen by the Lord Chancellor to represent Wales as well as the Liberal Party. In its report of the committee's appointment, which appeared on the front page, the *Daily Express* described her rather vaguely as 'interested ... in many aspects of women's work and welfare'<sup>27</sup>. In many ways her career was inextricably linked to her husband's but Kenneth O. Morgan understated her work when he wrote 'she was, in a humble way ... something of a political animal'.<sup>28</sup> Before the First World War she had stood for election to the executive of the Women's Liberal Association of England and Wales on a pro-suffrage platform and she undertook public speaking for the temperance

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<sup>24</sup> Her stepdaughter, Lady Cynthia Colville, also became a prominent JP in London.

<sup>25</sup> Pugh, *Women and the Women's Movement*, p.18; Mary Agnes Hamilton, *Mary MacArthur: A Biographical Sketch*, London, Leonard Parsons, 1925, pp.137-8. Other committee members included Mary MacArthur, Marion Phillips, Violet Markham, Lady Middleton and May Tennant, all of whom were later made JPs.

<sup>26</sup> *Daily Express*, 24 December 1919, p.1.

<sup>27</sup> *Ibid.*

<sup>28</sup> Kenneth O. Morgan (ed.) *Lloyd George: Family Letters 1885 - 1936*, Cardiff, University of Wales Press, 1973, p.3.



cause for many years. From 1919 onwards she was a member of the Criccieth Urban District Council of which she was chairman in the early 1930s.<sup>29</sup> Her political commitment was also evident in her enthusiasm for her youngest daughter Megan's career as an MP. Whilst Margaret Lloyd George's political arena was predominately that of her immediate locality and Wales rather than Westminster and the Empire, she was undeniably a 'political animal' with a career of her own.

Elizabeth Haldane, appointed to the Commission of the Peace in Scotland, was the sister of the former Liberal Lord Chancellor. Educated with her brothers, she had nevertheless been denied the opportunities for a university education and career (which they had enjoyed) because she had to care for her mother. Like so many women of her generation and class, she took up social work and after working with Octavia Hill she set up a housing project in Edinburgh and was a hospital manager. Elizabeth Haldane gave evidence to the Royal Commission on the Poor Laws in 1909, served on the Civil Service Royal Commission herself and was awarded the Companion of Honour for her involvement in extending nursing services during the First World War. Thus her background and political connections could not have been more suitable for service on the Lord Chancellor's Committee. She has been described as 'a staunch but non - militant supporter of women's rights'<sup>30</sup> and one of her colleagues on the committee, Beatrice Webb (who was also a family friend) claimed she was a 'sturdy, kind and direct' woman.<sup>31</sup>

The other members of Lady Crewe's committee were Beatrice Webb, Mary (Mrs. Humphry) Ward and Lady Londonderry. Jane Lewis has analysed extensively the social activism and public careers of Mrs. Webb and Mrs. Ward (together with

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<sup>29</sup> NLW: MS 20473E. See also *Dame Margaret: The Story of his Mother by Viscount Gwynedd*, London, George Allen & Unwin, 1947, p.200.

<sup>30</sup> *Europa Dictionary of Women*, London, 1983.

<sup>31</sup> *The Diaries of Beatrice Webb Volume II* edited by Norman & Jean Mackenzie, London, Virago, 1983, p. 145.

that of Violet Markham who joined the committee at a later date) in *Women and Social Action in Victorian and Edwardian England*. All three had been anti-suffragists: Ward composed and Webb (as Beatrice Potter) had signed the 1889 Appeal Against Female Suffrage<sup>32</sup> and Markham had worked with Ward in the National Women's Anti-Suffrage League. However, both Markham and Webb later recanted, Webb by 1906 and Markham by 1918. According to her autobiography, Markham 'came slowly but surely to change my mind and to change it so fundamentally that I find it difficult now in retrospect to give account of what originally took me into the other camp'.<sup>33</sup>

Mrs. Ward, however, remained resolutely opposed to women's suffrage although she had always believed that women had a role to play in the public work of a citizen at a purely local level<sup>34</sup>. Apart from her anti - suffrage stance, she was best known for her novels and her work as the founder of the Passmore Edwards Settlement in London. Ward was as well connected as the other committee members, being the granddaughter of Thomas Arnold, niece of Matthew Arnold and the mother-in-law of G. M. Trevelyan.<sup>35</sup> Along with Beatrice Webb, she had long been friends with Louise Creighton, the founder of the National Union of Women Workers (NUWW), later the National Council of Women (NCW). Interestingly, Mary Ward's role as a *former* leading member of the NUWW was mentioned in the *Daily Express's* coverage of the women's committee's appointment, although she had broken with the organisation as far back as 1907 when Mrs. Creighton and the

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<sup>32</sup> Patricia Hollis, *Women in Public*, London, George Allen & Unwin, 1979, pp.322-328.

<sup>33</sup> Violet Markham, *Return Passage*, Oxford University Press, 1953, p. 95.

<sup>34</sup> Lewis, *Women and Social Action in Victorian and Edwardian Britain*, p.228.

<sup>35</sup> John Sutherland, *Mrs. Humphry Ward, Eminent Victorian, Pre-eminent Edwardian*, Oxford, Clarendon Press, 1990, p. 40.

NUWW Council decided to support the cause of women's suffrage<sup>36</sup>. In the event, Mrs. Ward's membership of the Lord Chancellor's committee was short lived: she was already ill and died in the early months of 1920. At her funeral members of the Hertfordshire constabulary escorted the coffin, perhaps in recognition of the fact that she was at least nominally a Justice of the Peace.<sup>37</sup>

Violet Markham, another Liberal and former anti-suffragist, took Ward's place on the committee. As already mentioned, she had already changed her views on women's suffrage and had also revised her opinion regarding women's capabilities as a result of her experience in the First World War.<sup>38</sup> Whether she can be regarded as a feminist remains a moot point.<sup>39</sup> On joining the committee she was initially concerned that her nomination should be to the County Commission of the Peace rather than the Chesterfield Borough bench 'which is a body of small repute or standing locally'.<sup>40</sup> However, she evidently accepted the latter. Markham had already collaborated with Lady Crewe in the Central Committee for Women's Unemployment<sup>41</sup> was also friendly with Elizabeth Haldane, with whom she corresponded.

According to Gertrude Tuckwell, Beatrice Webb was at first reluctant to take up another official committee while she was involved in the Poor Law enquiry, but she agreed to take part on condition that the actual work of drawing up the list of Labour nominations was performed by Tuckwell and her associate in the NFWW,

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<sup>36</sup> Ibid., p. 249; *Daily Express*, 24 December 1919, p.1. According to Sutherland the final break with the NUWW came in 1912.

<sup>37</sup> Sutherland, *Mrs. Humphry Ward*, p.375.

<sup>38</sup> Markham, *Return Passage*, p.225.

<sup>39</sup> See discussion in the editor's introduction in Helen Jones (ed.) *Duty and Citizenship. The Correspondence and Papers of Violet Markham, 1896 – 1953*, London, The Historian's Press, 1994, pp. 18-21.

<sup>40</sup> Ibid., p.104. Letter dated 22 February 1920 from Markham to Mr. Robson.

<sup>41</sup> Hamilton, *Mary Macarthur*, p.138.

Mary Macarthur.<sup>42</sup> Although Mrs. Webb did take the oath as a JP for the county of London and remained on the Commission of the Peace until her retirement from it in 1926, she does not appear to have regarded it as an important part of her public work. In its report, the *Daily Express* reminded its readers that ‘Mrs. Sidney Webb’ was ‘like her husband, famous as a Fabian leader and economist’; her name and career were inextricably linked to that of her spouse. In 1920 Sidney Webb was invited by Durham miners to be their candidate for the seat of Seaham Harbour. Beatrice was much occupied with helping him in his parliamentary career in the early 1920s,<sup>43</sup> an activity which may well have precluded her from a more active role on the bench.

The final member of the original Lord Chancellor’s Women’s Advisory Committee was Lady Londonderry. In many ways the archetypal Conservative political hostess and a member of one of the country’s leading landed and industrial families, Lady Londonderry had useful connections in the north of England and Northern Ireland and served as a JP in both County Durham and County Down. In 1919 she had barely begun her role as hostess, but was well known for her war work as president of the Women’s Legion, which she had founded in 1915 to recruit women cooks for the army.<sup>44</sup> However, Lady Londonderry had also been a committed suffragist, or in her own words, ‘an ardent supporter’ of Millicent Fawcett.<sup>45</sup> In 1912 she had made her views public in responding to an anti-suffragist letter in *The Times*.<sup>46</sup>

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<sup>42</sup> TUC Library: Gertrude Tuckwell papers, unpublished autobiographical typescript.

<sup>43</sup> Mrs. Webb spent some time in the County Durham constituency organising local women’s sections of the Labour Party. Lianne Radice, *Beatrice and Sidney Webb: Fabian Socialists*, London, Macmillan, 1984, p.224.

<sup>44</sup> A. Susan Williams, *Ladies of Influence: Women of the Elite in Interwar Britain*, Harmondsworth, Penguin Books, 2001, p.14.

<sup>45</sup> Marchioness of Londonderry, *Retrospect*, London, F. Muller, 1938, p.104.

<sup>46</sup> *Ibid.*, p.105.

The committee was later enlarged to include Lady Salisbury as a second Conservative representative and, as already stated, Violet Markham replaced Mrs. Ward. In many ways, the type of women chosen to serve on this central advisory committee (and in the process, be made JPs) was replicated both in their choice of nominees and in the kind of women appointed to the Commission of the Peace throughout England and Wales over the next three decades. Generally they had good political and/or social connections and had proved themselves in some form of voluntary work within the community.

From the distance of nearly thirty years, Tuckwell's reminiscences paint a happy picture of the committee's work. 'Lady Crewe was invariably courteous, and ... perfect in her unobtrusive way. Lady Salisbury was gracious and interested' she recalled, adding that she enjoyed some good Scottish delicacies including haggis at Elizabeth Haldane's home. She could not remember any real contention of the committee 'though it took some time to settle the various lists': this remark suggests that they probably proceeded by drawing up lists of nominees separately before amalgamating them into one.<sup>47</sup> Thus the committee's proceedings were apparently uncontroversial, although unfortunately Tuckwell's recollections appear to be the only detailed extant account of its activities. Perhaps there was a little controversy as, writing to fellow Liberal Elizabeth Haldane, Violet Markham revealingly expressed the hope that:

We shall avoid getting the list too aristocratic. I get dreadfully bored with the type of woman who 'presides' just because she is her husband's wife...<sup>48</sup>

The committee's appointment seems to have been initially welcomed in some quarters. Writing in the Women's Freedom League newspaper *The Vote*, J. Theodore

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<sup>47</sup> TUC Library: Gertrude Tuckwell papers, unpublished autobiographical typescript.

<sup>48</sup> Jones, *Duty and Citizenship*, p.104.

Dodd, writing under the heading 'Women Magistrates: How to Obtain Them' welcomed its establishment as 'a wise and forward step'. He claimed that:

So much injustice has been done by the old - fashioned system of permitting the Lords Lieutenant to nominate ... county magistrates that Lord Birkenhead deserves the grateful thanks of the community.<sup>49</sup>

Dodd's argument was the familiar one, that the old system favoured the selection of Conservatives, therefore any innovation was to be welcomed. However, elsewhere the committee's very existence was questioned. The National Union of Societies for Equal Citizenship (NUSEC) was not enthusiastic and regretted the fact that separate arrangements had been made for women. Commenting on the committee's appointment the NUSEC paper *Common Cause* asked rhetorically:

Does the Lord Chancellor think it is an improvement, or is it merely the old impossibility of dealing with men and women in the same way?

Lord Birkenhead's 'avowed anti-feminist opinions' were also a matter for concern and *Common Cause* was additionally critical of the selection made of women to advise him, and in particular their lack of experience in police court work.<sup>50</sup>

By April the WFL had also lost patience with the process. *The Vote* complained that the appointment of women JPs was 'singularly slow' and the WFL conference called for the abolition of the Lord Chancellor's committee, which it 'considered to be an entirely unconstitutional and unsatisfactory body'.<sup>51</sup> However, the WFL did submit names of its members for inclusion in the list of women JPs, notably Margaret Wynne Nevinson, so we can conclude that it was not entirely alienated from the process. The NCW also sent in a large number of names, and although some of its members may have harboured doubts about the process, no

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<sup>49</sup> *The Vote*, 9 January 1920 p.461.

<sup>50</sup> *Common Cause*, 2 January 1920 p.501.

<sup>51</sup> *The Vote*, 9 April 1920, 30 April 1920.

objections were raised at its Public Service Committee, with the exception of some disquiet in May 1920 that few women magistrates had so far been appointed.<sup>52</sup>

It was not just the feminist organisations that were concerned about the separate arrangements for appointing women JPs. A question on the subject was put to the Home Secretary in the Commons<sup>53</sup> and concern among Lord Lieutenants may have prompted the Circular Letter sent by the Lord Chancellor's office in June 1920. The letter made clear the rationale behind the committee 'to signalise the passing of the [Sex Disqualification (Removal)] Act by placing upon the Commission of the Peace a limited number of representative women' without adding to the labours of the local advisory committees by getting them to make recommendations 'so few of which could be accepted'. However, the temporary status of the central women's committee was emphasised by the suggestion that if the local ones were to co-opt women members there would be no further need for it.<sup>54</sup> I can find no evidence of the central committee's continuing existence after the compilation of the July list although it is possible that its members may have made recommendations for advisory committee appointments. In 1921 the Secretary of Commissions in the Lord Chancellor's Office forwarded to the Lord Lieutenant, Lord Crewe the list of names recommended to the '*former Women's Advisory Committee*' (my italics) for appointment as magistrates in London.<sup>55</sup> We can surmise that, its task completed, the central committee had now been disbanded. From that time, women magistrates were appointed in the same way as men and at least some of the Lord Lieutenants seem to have carried out the instruction to co-opt at least one woman onto each of their local advisory bodies.

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<sup>52</sup> LMA: ACC/3613/1/77 PSMC minute book, 12 May 1920. See also lists of women nominated by the NCW and forwarded to the Women's Advisory Committee in ACC/3613/03/002/13.

<sup>53</sup> Reported in *The Vote* 9 April 1920.

<sup>54</sup> LMA: LCC/LCTY/36.

<sup>55</sup> LMA: LCC/LCTY/69.

## **THE LIST OF JULY 1920**

I shall now turn to the list of women recommended by the Central Advisory Committee.<sup>56</sup> Their names, which were grouped under county headings, were each accompanied by a synopsis of varying length of their own achievements and experiences. Their family connections or details of the achievements, occupations or status of relatives were not included, although these often featured in press comment. The synopses varied in style and the level of detail from the description of Miss Stella Fox of Cornwall - 'interested in philanthropic schemes in the County' (or even more tersely in the case of Lady Lambton of Durham, 'County work') - to the meticulous listing of offices held which accompanied the names of some of the Labour nominees. Mrs. Ferguson of Darlington, for example, had apparently belonged to over a dozen different committees. The disparity in detail perhaps reflects the different status of the women involved; the Duchess of Devonshire was presumed to need little introduction to the Derbyshire bench other than her 'public and county work' whereas the claims of some of the less prominent women to be made magistrates had to be carefully established. It also reflects the way the committee set about its work and the way in which information about candidates was gathered and disseminated. In addition, Labour nominees may have placed emphasis upon membership of specific bodies because of the importance of formal democracy and committee procedures in trade union and labour organisations.

The descriptions are in any case deficient in that they do not always give all relevant experience and rarely give any indication of the nominee's political leanings (even though this consideration would have been a major factor in their nomination) except where actual membership of a political committee is cited. Naturally, the list

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<sup>56</sup> LMA: ACC/3613/03/002/B, typescript list in the NCW archive. The list is also printed, with some omissions, in Skyrme, *History of the Justices of the Peace Vol. 3* pp.1292 - 1322. See Appendix B.



does not give us any indication of the women's future activities in or out of the magistrates' courts. Therefore, where possible, I have drawn upon other information to build up a fuller picture of their backgrounds and activities.

As already explained, the 1910 Royal Commission had hoped that JPs would be drawn from all social classes. Whilst there were women on the 1920 list from every class, the nominees were predominantly drawn from the middle and upper classes. On the English list nearly a quarter (22.6 per cent) were described with titles ranging from 'honourable' to 'countess' or 'marchioness'. Of course, not all the titles were old, hereditary ones, nevertheless the surfeit of titled ladies caused some criticism at the time<sup>57</sup> and it is likely that many more of the nominees were connected with landed families than can be ascertained from the counting of titles. For example, one of the new JPs for Kent, Mrs. Lucy Deane Streatfield, well known for her pioneer work as a woman factory inspector in the 1890s, was apparently a relative of Lord Falmouth.<sup>58</sup> In some counties the wife of the Lord Lieutenant was nominated, including the Duchess of Northumberland and the Marchioness of Camden.<sup>59</sup> The appointment of the first women JPs therefore does not seem to have altered radically the traditional domination of the county magistracy by landed families, at least in the early years.

In contrast, few of the women on the list can be identified as coming from working class backgrounds. Many of the Labour nominees actually belonged to the ranks of the middle class, for example Dorothea Rackham of Cambridge, a Newnham graduate who was president of the Cambridge branch of the Women's Co-operative Guild (WCG), and Mrs. Donaldson of Peterborough who was the wife of a pro-

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<sup>57</sup> Holford Knight, *Advancing Women*, London, Daniel O'Connor, 1921, p.72.

<sup>58</sup> *Kent & Sussex Courier*, 22 October, 1920.

<sup>59</sup> Lady Camden was not sworn in as a JP, although her name appears on the 1920 list.

suffrage clergyman<sup>60</sup> and Christian Socialist. Those women whose working class credentials can be established were mainly drawn from organisations such as the WCG and the NFWW which would have provided them with the requisite skills and experience for work as a magistrate and brought them to the attention of members of the Lord Chancellor's Women's Advisory Committee. For example, Mrs. Ada Prosser, who was made a JP in Gloucester, had been educated at elementary school. She was active in the NFWW and became a member of its executive in 1918, which undoubtedly meant she had contact with Gertrude Tuckwell and Mary Macarthur. She was also to become national president of the WCG in 1922.<sup>61</sup> An indication of the rarity of working class nominees can be inferred from the way Mrs. Smith of Brighton was alone described in a list of candidates proposed by the NCW as 'a working woman'.<sup>62</sup> Mrs. Smith (a Poor Law Guardian who was also proposed by the Women's Freedom League) was made a JP, but three other NCW nominees in Brighton were not; perhaps being a 'working woman' was to her advantage.

It is possible to conclude that the majority of nominees belonged to the middling ranks of society, although the term 'middle class' actually conceals a wide variety of backgrounds and social experiences. In some towns and cities members of powerful commercial families were nominated, for example Mrs. Barrow Cadbury was made a JP in Birmingham. Many of the women had close personal ties to the country's political elite. In addition to the peeresses already mentioned, there were several wives of former or current cabinet ministers or MPs, such as May Tennant (who was also related by marriage to Herbert Asquith) the Liberal Hilda Runciman, and Mrs. Spender Clay of Surrey whose husband and sister in law (Lady Astor) were

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<sup>60</sup> Later Canon of Westminster. See Christine Collette, *For Labour and For Women*, Manchester University Press, 1989, Appendix 1, pp.193-203.

<sup>61</sup> *Who's Who in Gloucestershire*, Hereford, Wilson and Phillips, 1934.

<sup>62</sup> LMA: ACC 3610/03/002/B.

both Conservative MPs. Lady Emmott, one of the JPs appointed in London, was married to a former Speaker of the House of Commons. Wives of MPs and of more minor political figures such as mayors continued to feature among the women JPs appointed by county advisory committees in the following years.

There were a few professional women on the list including three doctors (Miss Martindale of Brighton, Miss Scharlieb of Harley Street and Dr. Wilson of Sheffield), two college principals (Miss Penrose of Somerville College, Oxford and Dr. Lane-Claypon of King's College for Women in London) and one headmistress (Miss Faithfull of Cheltenham). During the 1920s more women doctors and educationalists were to find their way onto the magisterial bench, for example Dr. Louisa Garrett Anderson and Jane Frances Dove (head of Wycombe Abbey School) in Buckinghamshire, Dr. Ethel Williams in Newcastle upon Tyne and Barbara Wootton in London. There may have been others on the Lord Chancellor's list that had some professional experience, perhaps before marriage, but this was generally not mentioned in the citations.

Volunteer experience, on the other hand, figured very largely. The most commonly cited voluntary activity of the new JPs was serving as a Poor Law Guardian (PLG). Forty-five of the nominees in England (26.2% of the total) were described thus. The role of Guardian ensured that these women would have had a relatively high public profile locally (even though Poor Law elections were not always contested) and would have what the selectors would regard as relevant experience. It was, of course, not uncommon for male magistrates to be PLGs: after all, the Poor Law had once been the responsibility of JPs.<sup>63</sup> PLGs continued to feature largely in lists of women magistrates until the replacement of Boards of Guardians by

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<sup>63</sup> For an exploration of the way in which their experience as PLGs may have influenced the approach of women magistrates, see Chapter Five.

Public Assistance Committees in 1930. Fewer women were directly elected to the County and County Boroughs that formed these new committees although some former women PLGs were co-opted onto them.

Similarly, thirty-one of the nominees were councillors. Male JPs, particularly in boroughs, were often councillors, seemingly rewarded for their political work with a place on the bench. It appears that the women were being drawn from a similar - albeit much smaller - volunteer pool as the men. Of the councillors, eleven were also Guardians. It is probable that the figures actually understate the involvement of the women in local politics; many more may have tried and failed to become a councillor, particularly in the cities where contested elections were more common. One of the better-known new JPs in London was the trade unionist Margaret Bondfield; the fact that she had been an unsuccessful Labour candidate for the London County Council is understandably not mentioned in the citation,<sup>64</sup> nor is the fact that Mrs. Pease of Surrey was a local councillor. However, involvement in council work by either sex, but particularly by women, was not necessarily party political. At least some of the increasing numbers of women who were elected councillors in the years immediately after the First World War stood as Independents, sometimes with the backing of the local Women's Citizens' Association, NUSEC branch or NCW.<sup>65</sup> Perhaps the best-known 'Independent' who became a JP was Eleanor Rathbone of Liverpool, who was appointed in the Duchy of Lancaster. Other women stood as 'Ratepayers' candidates' or 'municipal reformers', descriptions that did not imply that they lacked political views, but that they were not explicitly labelled as personally attached to a

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<sup>64</sup> For details of Bondfield's political career see Margaret Bondfield, *My Life's Work*, London, Hutchinson, 1948.

<sup>65</sup> 330 women were elected to Rural and Urban District Councils in the year 1919-20, compared to 215 in 1914-5. Hollis, *Ladies Elect*, appendix B.

Westminster based party<sup>66</sup>. It was also a common practice to co-opt women onto council committees, especially in places where few had been elected, and to committees, such as Education or Child Welfare, where they were thought to have special expertise. Nevertheless, despite the imperfections in the data, we can conclude that politics must have played nearly as large a part in the selection of the first women magistrates as it did in the case of men.

Indeed, there was a danger that women were being appointed as a reward for political service, the much criticised criterion which, it was commonly supposed, influenced the choice of magistrates made by local advisory committees. However, the Lord Chancellor's list for England rarely mentions political affiliation, explicitly stating party membership in only seven instances, six of which are Labour, one Liberal, and four of which refer to nominees in London. This may be due to reluctance on the part of nominees - or the organisations that put their names forward - to mention politics given that the 'political' nature of appointments was a sensitive issue, or it may reflect a general perception of women as essentially apolitical.

As already mentioned, several of the women were related to politicians, locally and nationally. Some were described as 'mayoress', but there is ambiguity whether that indicated that they were themselves mayor or that they had acted as a mayor's consort for a male relative or friend. In addition to the wives of peers and MPs, the list contained at least one senior politician's daughter, Lily Montagu, who ran Girls' Clubs in London. Members of political families continued to feature among those nominated to the bench throughout the period studied.

Wives and widows of senior clergymen also featured, including those of the Archbishop of Canterbury and the former Bishop of London. Mrs. Donaldson of

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<sup>66</sup> 'Municipal reformers', who stood in the London County Council elections, were in fact mostly Conservatives.

Peterborough was a bishop's wife. Clergy wives can also be found in the ranks of early women JPs appointed on the advice of local committees, for example Mrs. Robinson, wife of the Dean of Wells, who was appointed in Somerset in 1921<sup>67</sup> and the Hon. Mrs. Hardcastle, wife of the vicar of All Saints, Maidstone, who was the first woman on the Maidstone borough bench. Mrs. Hardcastle, whose husband later became Archdeacon of Canterbury, was made a county magistrate in 1927. She was also the daughter of the first Earl Goschen, a former Chancellor of the Exchequer and so had political, as well as ecclesiastical connections.<sup>68</sup> Many of the women magistrates appointed later were daughters or wives of clergy or were involved in Church welfare organisations, particularly the Girls' Friendly Society (GFS) and the Mother's Union (MU).

The Lord Chancellor's list also included women who had been co-opted onto local government committees, most commonly those running education services. The abolition of School Boards by the 1902 Balfour Education Act had reduced the number of elected women in charge of schools but education authorities had responded by co-opting women onto those committees where it was felt a feminine input was required. Thirty eight of the nominees (22%) were described on the list as having been involved in education or youth work, nearly half of whom (16) had served as co-opted committee members and the rest either as volunteers (for example in girls' clubs, on juvenile employment committees or as school managers) or, in a few cases, as professionals. Experience with young people would be regarded as particularly relevant for those magistrates who sat in the new juvenile courts, a task for which, as we have seen, women JPs were regarded as most suitable. Hospital

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<sup>67</sup> *The Vote* 3 June 1921. Mrs. Robinson's sister, Miss Faithfull, was Principal of Cheltenham Ladies' college and also a JP.

<sup>68</sup> *Kent County Year Book 1934-5*, Maidstone, Kent Messenger.

committee or Red Cross work was also a common experience for the new women magistrates: twenty-three of the nominees' citations mentioned this type of activity.

As one might expect in a list of this nature compiled in 1920, war work figured strongly in the citations. The activities concerned were mostly voluntary and philanthropic in nature, rather than professional or military. Examples included collecting for prisoner of war parcels, assisting Belgian refugees and service on a VAD committee. The extension of state control in war time, coupled with the pre-war Liberal government's welfare and labour market reforms, had given rise to many new opportunities for women to serve on official bodies and quasi-judicial tribunals such as county agriculture committees, war pensions committees, profiteering committees and National Insurance tribunals. As young working class women were brought in to manufacture munitions or work on the land, their older middle class sisters were increasingly needed as volunteer organisers or overseers. Indeed, no less than 10% of the women on the Lord Chancellor's list are described as having been on a National Insurance committee, while 22% had been involved in decisions on pensions. Eleven of the nominees had been on wartime Food Committees and ten on the county agriculture committees established to co-ordinate work on the land. Fourteen had served on a tribunal of some kind.

One remarkable feature of the career summaries given on the Lord Chancellor's list is that they indicate that only a small number of the women chosen to be magistrates had any direct experience of the criminal justice and penal systems. Of course, in some ways this should not be surprising, no doubt many of the men made JPs in this era had little knowledge of the justice system either. Furthermore, prior to the Sex Disqualification (Removal) Act women had had no formal roles in the police courts except those of defendant and witness. As well as being barred from the

magistracy and judiciary, women were unable to act as lawyers or even sit upon a jury. Women police were a recent, and in some areas, a barely accepted innovation, but were rarely to be seen in court. Some magistrates also adopted the practice of clearing the court of all females when a case involving sensitive evidence of a sexual nature (for example regarding a charge of 'indecent assault') was to be heard. This practice particularly enraged feminists and purity organisations<sup>69</sup> who argued that, since the witnesses in such cases were usually female and often very young, the presence of a sympathetic woman in court was essential. The Home Office concurred, and issued a circular in 1909 recommending that 'modest' girls needed to be accompanied by a police matron or suitable women if their mother or a friend was not available. This advice was reiterated in 1919, yet the ejection of women from courts continued and in some cases in the 1920s even female magistrates were asked to leave.<sup>70</sup> Nevertheless, many women had for some years performed unofficial duties in the courts as volunteer probation workers or as members of a court rota established by women's organisations to provide support for female witnesses,<sup>71</sup> and in some towns and cities in recent years women probation officers had been employed, although in many parts of the country they were still unheard of. Only six of the nominees on the Lord Chancellor's list are described as having taken part in police court rota work, and although some of the others may have done so but not mentioned it, its relevance makes that possibility less likely.

Only four of the women proposed to be JPs are described as having taken part in prison visiting (Geraldine Cadbury<sup>72</sup> and Mrs. Priestman of Birmingham, Mrs

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<sup>69</sup> The National Vigilance Association argued in 1886 that a woman or girl had the right to 'some friends of her own sex in court when the assumed right to exclude women is exercised'. Women's Library: NVA minutes, 12 November 1886.

<sup>70</sup> LMA: ACC/3613/1/77, PSMC minutes, 27 February 1919.

<sup>71</sup> The NUWW (later NCW) first introduced a rota in Cambridge in 1913. See Chapter One.

<sup>72</sup> Geraldine Cadbury's work as a volunteer probation officer is discussed in Chapter Three.



Firmstone of Winchester and Mrs. Jeffries of Ipswich) and merely two were acknowledged to belong to a penal reform group – Lady Byles and Margery Fry - both on the London list. Nevertheless, despite this apparent lack of previous experience or even interest in the criminal justice system, many of the new women magistrates were to become deeply involved in the work, visiting prisons, acquainting themselves with penal issues, and in many cases becoming active in organisations such as the Howard League and the Magistrates' Association.<sup>73</sup> Other nominees may have gained experience of the legal system in other ways, notably May Tennant and Lucy Deane Streatfield, who were both appointed to the Commission of the Peace in Kent. While employed as Factory Inspectors by the Home Office in the 1890s, they had been personally responsible for conducting prosecutions of offending employers in court, a role that had caused some comment at the time.<sup>74</sup>

It is worth pointing out that quite a few of the first women magistrates were connected by blood or marriage to men magistrates or to lawyers or judges. Margery Fry herself was a judge's daughter, and according to her biographer:

She was perhaps a formidable figure from the other side of the magistrates' table ... her features took on some of her father's judiciary aspect, she seemed a tall woman as she sat.

Her legal connections additionally proved useful to her in her work as secretary of the Penal Reform League.<sup>75</sup> Miss Stephenson, nominated for Wiltshire on the Lord Chancellor's list, was also the daughter of a judge. Local advisory committees seem to have continued to appoint women with judicial connections, for example Rachel Weighall, the first woman magistrate in Ramsgate, was related to the Recorder of Gravesend,<sup>76</sup> and the first woman JP for the Cinque Ports was the wife of Mr. Justice

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<sup>73</sup> See Chapters Five and Six.

<sup>74</sup> Their courtroom work is described by McFeely in *Lady Inspectors*, pp. 16-17 & 34-36.

<sup>75</sup> Huws Jones, *The Essential Amateur*, pp. 122, 113.

<sup>76</sup> *The Times*, 8 May 1922, p. 7.

Sargant.<sup>77</sup> Many others were daughters of JPs. This evidence of family relationships reinforces the impression that the women magistrates came from the same social, political and even judicial, elite as the men.

Several married couples could now actually appear on the Bench together, including some of the Lords Lieutenant and their ladies, Mr. and Mrs. Tennant in Cranbrook, Kent, and Mr. and Mrs. Spender Clay in Surrey.<sup>78</sup> At first this did not appear to cause a problem, although there was some concern in 1921 when a couple sat alone in a court in Brentford.<sup>79</sup> However, the practice of husband and wife being appointed to the same Commission was later considered with disfavour by the Lord Chancellor's Department and couples who were both JPs in the same Petty Sessional district were asked to give undertakings not to sit on the Bench at the same time.<sup>80</sup>

One further element of the first women magistrates' experience and background needs to be examined, their involvement in women's organisations. As mentioned above, feminist bodies such as the Women's Freedom League, the NCW Public Service Committee, the NUSEC and local Women's Citizens' Associations had campaigned for the admission of women to the magistracy and had submitted lists of suitable names to the Lord Chancellor's committee. Branches of the Women's Co-operative Guild, the Railway Women's Guild, the NFWW and the Labour Party did likewise.<sup>81</sup> One might expect, therefore, that members of these organisations would feature in the list. In fact, membership of a women's organisation is mentioned specifically in 39 citations on the Lord Chancellor's list for England – 22.6% of the total.

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<sup>77</sup> *The Vote*, 14 October 1921.

<sup>78</sup> *Kent & Sussex Courier*, 4 February 1921; 29 October 1920.

<sup>79</sup> *The Times*, 4 July 1921, p.20.

<sup>80</sup> Royal Commission on Justices of the Peace, 1948, p. 33.

<sup>81</sup> Details of London candidates are in LMA: LCC/LCTY/36 and the list of the NCW's recommendations is in LMA: ACC/3613/03/002.

Of the organisations mentioned, the most frequently cited is the National Council of Women; fourteen of the women on the list held office in the NCW, locally or nationally, and two more were described as having been involved in the Women Police Patrols movement which was led by the NCW. The prominence of this body may be accounted for in several ways. The NCW had been energetic in compiling names of candidates it felt were suitable for the magistracy, a process co-ordinated by its Public Service Committee.<sup>82</sup> Established in 1910, the committee was made up of women already engaged in public work, particularly as councillors and Poor Law Guardians, and had members in many parts of the country who sent in names for consideration. Its excellent network of middle class social activists and its thriving local branches contributed to the NCW's success in getting so many nominees appointed; but so did the personal connections and prominence of leading members, including the president, Lady Selborne, who was made a JP in Hampshire.

Crucially, NCW members often possessed the type of previous experience in local government, education or youth work that was seen as appropriate for the magistracy and some may also have been involved in the rotas established by NCW branches to support women and girls who appeared in court. Although most of the names the NCW put forward for the Lord Chancellor's list did not appear on it, many subsequently became JPs after recommendation by local advisory committees. It is difficult to fathom why some of their nominees were made JPs, while others, with equally strong qualifications were not. Miss Scott of Tunbridge Wells, for example, who was a Poor Law Guardian and town councillor as well as the long serving secretary of the Public Service Committee, was not picked. Part of the explanation

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<sup>82</sup> LMA: PSMC Minute book, 12 February 1920. The committee was renamed the Public Service and Magistrates' Committee in 1921. Their list of nominees can be found in LMA: ACC3613/03/002/B.

may lie in the fact that Lord Birkenhead apparently had no intention of appointing large numbers of women to the magisterial bench. In effect a quota was applied.

After the NCW, the most frequently mentioned society was the Women's Co-operative Guild with eleven citations. Labour women's sections and women's trade union organisations were mentioned in ten cases, but this group largely overlapped with the WCG one. Again, evidence from London suggests that many of the nominees whose names were sent in by the WCG and the Labour Party were not successful, although they may have been subsequently appointed through local advisory committees.<sup>83</sup> According to Gaffin and Thoms, despite the presence of a substantial middle class element among the leaders, the WCG membership was predominantly working class, but was biased towards 'the upper bracket of the manual wage earning group'.<sup>84</sup> It is likely that male working class magistrates were drawn from the same social strata. Individual WCG members may or may not have had strong feminist convictions, but the organisation encouraged its members to discuss a range of topics such as 'women in local government', 'women as Poor Law Guardians' and even women's suffrage as early as the 1890s.<sup>85</sup> Members were also encouraged to stand for local government office, including as PLG.<sup>86</sup> Therefore it was inevitable that some would find themselves onto the magisterial bench once women were admitted.

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<sup>83</sup> LMA: LCC/LCTY69. This file contains names suggested to the Lord Chancellor's Committee that were not in fact selected for the list. Several of them, including some nominated by Labour and / or Co-operative organisations later became JPs.

<sup>84</sup> Jean Gaffin and David Thoms, *Caring and Sharing: The Centenary History of the Co-operative Women's Guild*, Manchester, Co-operative Union Ltd., 1983, p.19-20.

<sup>85</sup> *Ibid.*, p.44.

<sup>86</sup> Jill Liddington and Jill Norris, *One Hand Tied behind Us*, p.138.

Notable Guildswomen who were made magistrates in the early years included suffragists Hannah Mitchell and Selina Cooper.<sup>87</sup> Eleanor Barton, who in the Lord Chancellor's citation was described as vice-president of the National Guild, was the most prominent member to become a magistrate. Born Nellie Stockton in Manchester, Mrs. Barton was from a working class background. She joined the Guild in 1901 and became secretary of the Hillsborough Branch in Sheffield. By 1914 she was National President and significantly she also served on the Guild's Citizenship sub-committee. Later, in the 1920s, she took over as National Secretary. According to Gillian Scott, Mrs. Barton had shown 'acute sensitivity to the sexual oppression of working class women' in her evidence on behalf of the WCG to the 1910 Royal Commission on Divorce, but by the 1920s had largely abandoned her feminist convictions as she built a career in the Labour Party.<sup>88</sup> Be that as it may, Mrs. Barton apparently took an interest in her work as a JP and gave evidence on behalf of the WCG to a number of official enquiries including the Departmental Committee on Corporal Punishment in 1938.<sup>89</sup> Altogether there were 137 magistrates who belonged to the WCG in 1939 when the organisation had over 87 000 members.<sup>90</sup>

A small number of the citations mentioned activity in the Women's Institutes movement (the WI). In 1920 the WI was still a relatively new movement, the National Federation having been formed only four years before, so a large amount of involvement on the part of those nominated to the magistracy in that year cannot be expected. As Pat Thane has pointed out, the WI 'should not be overlooked within the large network of organizations seeking to encourage women to exert their civil

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<sup>87</sup> Jill Liddington, *The Life and Times of a Respectable Rebel: Selina Cooper, 1864 - 1946*, London, Virago, 1984, p.335. Selina Cooper was nominated by the Nelson Weavers' union and by the local Labour Party. She became a magistrate in 1924.

<sup>88</sup> Gillian Scott, *Feminism and the Politics of Working Women*, London, UCL Press, 1998, pp.170-1, 178.

<sup>89</sup> The WCG was opposed to the birching of offenders.

<sup>90</sup> Gaffin & Thoms, *Caring and Sharing*, pp. 88, 268.

rights'.<sup>91</sup> However, the WI leadership in the counties was often drawn from the very social group from which the magistracy itself sprang 'county councillors, members of parliament, the "landed gentry", the peers of the realm and the officers of the Crown',<sup>92</sup> a group that might appear to have more than a little vested interest in the status quo. Perhaps inevitably, therefore, the number of county women magistrates with WI responsibilities rose in the interwar period. By 1934 there were several County WI Federation 'chairmen' on the bench.<sup>93</sup> The 1920 list included Lady Denman, the first chairman of the National WI Federation.

Whilst there are no grounds for assuming that all the women nominated were feminists (even according to the broadest definition of that term) it seems highly likely that the descriptions in the Lord Chancellor's list considerably understated the involvement of the appointees in women's organisations, particularly in more overtly feminist bodies such as the suffrage societies. At least three of the successful candidates (Mrs. Nevinson, Mrs. Smith and Miss Tooke) were members of the Women's Freedom League, yet there was no mention of this fact, perhaps because of its history as a militant suffrage organisation. Only two women, Mrs. Rackham of Cambridge and Mrs. Fawcett, were actually described as belonging to the 'constitutional' National Union of Women's Suffrage Societies. In fact, this organisation was not mentioned at all under its new title (NUSEC), except in the case of one of the Welsh list, Mrs. Coombe Tennant. However, other evidence suggests that a considerable proportion of the women on the Lord Chancellor's list had participated in suffrage campaigns, although levels of commitment and activity obviously varied. Most of Mrs. Rackham's new female colleagues on the Cambridge

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<sup>91</sup>Thane, 'What difference did the Vote make?' p.270.

<sup>92</sup> F.G. Thomas, *The Changing Village: an essay on rural reconstruction*, London, Nelson, 1939, pp.72-3, quoted in Lynne Thompson ' "Conservative women" and feminist history: the case of the Women's Institute movement in England and Wales, 1915-1945' (unpublished paper).

<sup>93</sup> For example, Mrs. Holden of Dorset and Mrs. Greenall of Lincolnshire.

Bench had actively supported women's suffrage, Ethel Bentham in London had served on the NUWSS Executive and Lucy Deane Streatfield had been president of the Sevenoaks branch in Kent. Yet none of these roles were explicitly mentioned in the citations.

One can only speculate why suffrage activity was not specified in the Lord Chancellor's list: perhaps it was not seen as strictly relevant to the appointment of magistrates, or was seen as possessing less caché than elected offices on councils and Poor Law Unions which were still, like the Commission of the Peace, mainly the province of men. Another possibility is that membership of, and sympathy with, women's organisations were assumed. It is, after all, unlikely that women who were completely opposed to the concept of equal citizenship would have accepted nomination, indeed *The Vote* reported that the Marchioness of Bute refused simply on the grounds that she did not approve of women magistrates.<sup>94</sup> Therefore it is possible to conclude that even those women who had not been actively involved in the suffrage movement or in feminist organisations, were broadly sympathetic with their aims if not their methods, or at least had accepted the notion that women had a contribution to make to public service. In any case, suffragists disagreed amongst themselves and not all had supported the NUWSS line. This was especially true of Labour women who, conscious that there were still men who were not enfranchised, had campaigned for adult as opposed to women's suffrage in the period before the First World War, for example members of the People's Suffrage Federation, formed in 1909. This body's founders included Mary Macarthur and Margaret Bondfield, both of whom were on the Lord Chancellor's list for appointment as JPs.<sup>95</sup>

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<sup>94</sup> *The Vote*, 14 January 1921 p.330.

<sup>95</sup> June Hannam & Karen Hunt, *Socialist Women*, London, Routledge, 2002, p.122.

The Lord Chancellor's list gave no indication of the ages of the appointees, but of the twenty seven individuals whose age I have been able to discover, fifteen were in their forties or fifties, seven were over sixty (including the eldest, Dr. Scharlieb, who was seventy-five) and five in their thirties, the youngest being thirty-four. Data that I have collected on other women who became JPs in the 1920s demonstrates a similar pattern,<sup>96</sup> except that the appointment of women over seventy was a rare occurrence. The likely explanation for this change is that the Lord Chancellor's list, even more than other, more routine appointments to the commission of the Peace, may have been used as a type of honours list, to recognise the contributions which individual women had made in their chosen field (such as that of the seventy four year old Mrs. Fawcett) despite the oft - expressed contention that a place on the magisterial bench should not be regarded as the 'knighthood of the underlings'.<sup>97</sup> Local committees were less likely to make new magistrates of the over-seventies, although at this stage existing ones were allowed to carry on unhindered.<sup>98</sup>

The backgrounds and experience of the twenty nominees in Wales follow a similar pattern to their counterparts in England. Most of them had experience in local government or voluntary organisations, and in some cases, their special suitability for work in juvenile courts was stressed. Lady Cory of Glamorgan was cited for her 'public and county work' but in the case of Lady Rhondda only her directorship of 'the Anglo - Argentine Coal Company and other industrial undertakings'<sup>99</sup> was mentioned and not her involvement in feminist organisations such as the National

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<sup>96</sup> Overall, I have identified 6 women appointed in their thirties, 31 in their forties, 23 in their fifties and 15 aged 60 and over.

<sup>97</sup> This phrase, or something like it, is supposed to have been first used by H.G. Wells. It is used in this particular form by 'A Barrister' in *Justice in England* p.13.

<sup>98</sup> Compulsory retirement was not introduced until after the 1948 Royal Commission recommended it.

<sup>99</sup> Skyrme, *History of the Justices of the Peace Vol. 3*, p. 1322.



Women's Citizens' Association, of which she was shortly to become president. Her earlier militant activities as a member of the WSPU and consequent imprisonment were certainly not mentioned.

## **WOMEN MAGISTRATES AFTER 1920**

The question of how representative the women recommended by the Lord Chancellor's Advisory Committee were of the early women magistrates were needs to be addressed. The data that I have collected on those appointed by local advisory committees suggests that they were not untypical in social class terms and with regard to their previous experience, although the evidence this assertion is based on is somewhat biased towards the 'great and the good', that is the more prominent of the women citizens appointed to the bench.<sup>100</sup>

In the case of the County Commission for Kent, I have obtained information on twenty-four out of the forty-one women who became JPs before 1932. This evidence seems to confirm the general picture conveyed in this chapter of mainly well connected, well-to-do women (and a few less affluent members of the WCG or Labour Party) who brought valuable voluntary and committee work expertise to their work on the bench. The Lord Chancellor's advisors had not set this pattern, rather they followed that which had been established in the preceding years by the appointments of men to the Commissions of the Peace, in which party political considerations seem to have played a large part, together with the old boys' (or old girls') network.

Likewise, there are few surprises when a larger group of women JPs is analysed. Those women magistrates listed in the Hutchinson's 1934 *Woman's Who's*

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<sup>100</sup> See Appendix D.

*Who*<sup>101</sup> for whom biographical information has been found have similar profiles to those discussed above. In the counties women JPs were overwhelmingly middle or upper class; some were married to landowners, some to professionals such as clergymen or doctors or lawyers and many to councillors and JPs. Countrywomen sometimes expressed an interest in farming, gardening and even hunting in their *Who's Who* entries. Involvement in philanthropic voluntary organisations such as the British Red Cross Society, 'rescue work', the NSPCC, Girl Guides and nursing and hospital charities also featured strongly. In both counties and boroughs many women magistrates, both married and unmarried, continued to have experience as PLGs, school managers and as local councillors or had experience of local government committees, especially those concerned with education, maternity and child welfare. Some (usually unmarried) women JPs had worked as teachers and a few were doctors. Where membership of women's organisations was specified, the NCW and the WI were the most frequently cited bodies, with the former predominant in urban areas and the latter in the country, and the WCG continuing to be cited by a number of (mainly) borough magistrates.

As in the Lord Chancellor's list, party affiliation was rarely mentioned in *Who's Who* entries and when it was, it was usually in connection with formal office, most commonly in Conservative and Unionist Women's Associations and more rarely in the Labour and Liberal Parties. Only a few mentioned trade union activities and court-related work such as prison visiting was still remarkably rare. Occasionally involvement in pressure groups was mentioned, for example temperance societies or the League of Nations Union. Of course, evidence drawn from *Who's Who* is highly partial and self-selective (many women JPs had no entry at all or a simple name and

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<sup>101</sup> *The Woman's Who's Who*, London, Hutchinson 1934, p.678-749.

address) but it can be used as a rough guide to the backgrounds and prior experience of the women magistrates of the 1930s.

The geographical distribution of the early women magistrates was very uneven. Some petty sessional divisions were well covered (such as the borough of Cambridge, for which there were five nominees on the Lord Chancellor's list). Others still had all-male benches in the mid-1930s. Nevertheless, most Lord Lieutenants seem to have complied with the Lord Chancellor's wish in 1921 that women should be put on the county advisory committees to recommend other members of their own sex.<sup>102</sup> However, there was much talk that the benches were already well staffed and the numbers of women appointed rose only slowly after the initial burst of activity. As shown in Chapter Two, these issues gave the feminist organisations a focus for continued campaigning in the 1920s and 1930s, to achieve an increase in the number of women JPs and to ensure that at least one, and preferably more, were appointed to each borough bench and county division.

It is evident that the new women magistrates of the 1920s and early 1930s were mainly middle aged and middle class, with the necessary time, money, domestic help - and sometimes, enthusiasm - to devote to their new role. While some did not find the work of the petty sessional court to their taste and soon gave it up,<sup>103</sup> and a few merely treated 'JP' as an honorific title, many of the appointees were to take their new responsibilities very seriously, studying the law, attending conferences and lectures, visiting prisons and other institutions and attending their local courts regularly.

Whether they really were a new type of magistrate in strictly social terms is a moot point. Only detailed research into the social backgrounds and political

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<sup>102</sup> *The Times*, 16 September 1925, p.8.

<sup>103</sup> For example, Lady Denman. Gervas Huxley, *Lady Denman 1884 -1954*, London, Chatto & Windus, 1961, p.109.

allegiances of a similar group of male JPs would determine whether there was any discernable difference in this regard. No official survey was conducted until the 1940s when research was undertaken for the Royal Commission on Justices of the Peace. Its results suggested that a rather smaller proportion of women magistrates than men came from wage earning sections of the community (7.7% compared to 15%) and that the proportion of women without 'gainful occupation' was far higher than among men.<sup>104</sup> However, the findings were complicated by the different ways in which the Commission defined the social class of women and men. While men were classified according to occupation, women were classified twice, by 'actual occupation' and by 'section of the community'. As the Report admitted, this resulted in less reliable figures for women as opposed to those for men.<sup>105</sup> Indeed, over 10% of female justices were unclassified by the second method.

Nevertheless, there were clear differences between women magistrates and their male colleagues. The Royal Commission's data suggests that women magistrates were, on the whole, more middle-class than their male counterparts and it is probable that they were more time-rich. Consequently they were likely to have had more experience of voluntary work and less of the world of business and of waged work. The same research showed that a higher proportion of female than male magistrates were under sixty years of age.<sup>106</sup> Taken together, these results indicate important differences between the sexes on the bench. On average, a woman magistrate in the 1940s was younger and more middle class than her male counterpart and had more time (and, probably, energy) to devote to her official duties. These factors were of utmost importance in allowing women magistrates to make their mark on the administration of justice in the three decades after their first appointment.

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<sup>104</sup> Royal Commission on Justices of the Peace, Cmd 7463, 1948, p.5-6.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

## CHAPTER FIVE

### 'A SIGNAL SUCCESS'?<sup>1</sup> WOMEN'S EXPERIENCE OF THE MAGISTRACY, 1920 –1950

The importance that contemporary feminists attached to women's work in the magistracy may be inferred from comments such as that of Dame Maria Ogilvie Gordon JP, made nearly two decades after the 1918 Representation of the People Act. Speaking at a NCW conference on the status of women held in 1937, Dame Maria (founder of the National Women's Citizens Association and one of the first women JPs to be appointed) gave an up-beat assessment of her work and that of her fellow women magistrates claiming that 'the most signal success that had been achieved by women in recent years was in their unpaid position as magistrates'.<sup>2</sup> One wonders to what extent other women JPs - and their male colleagues – agreed with her assessment.

This chapter will endeavour to explore some of the experiences and work of women magistrates, their attitudes, their reactions and those of their male colleagues during their first three decades of activity. Several aspects of the magistrates' roles and relationships will be considered both inside and outside the courts. The initial reception of women in the courts will be examined together with the attitudes that women magistrates themselves developed and displayed towards their work. It will be argued that the early women JPs approached their new role in a manner informed by their previous involvement in philanthropy and in feminist campaigns, particularly the women's suffrage movement. The exploration will be preceded by some

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<sup>1</sup> *The Times* 7 May 1937, p.9.

<sup>2</sup> *Ibid.*

reflections concerning one of the main sources for the early women magistrates' experiences, namely their autobiographical and other writings and biographies.

The notion of 'experience' is fraught with difficulties but women magistrates (and some men) sometimes recorded their thoughts and impressions on paper, particularly in their autobiographical works. Over six hundred women magistrates have been identified in the course of this research, about thirty of whom either left published memoirs dealing to a greater or lesser extent with their work as JPs or provided contemporary records of their views in journals, speeches or in evidence to committees.<sup>3</sup> A further dozen or so have been the subject of published biographies by authors ranging from family members or friends to academic researchers.

Relevant memoirs generally took the accepted form of biographical narrative, emphasising 'action, information, world events and goals'.<sup>4</sup> Their authors perceived that their life and experiences were worth recording as individual and exceptional, an assumption often grounded in the fact that their lives' work had been performed in an arena from which women of previous generations had been excluded, such as politics, academia, the medical profession and, not least, the magistrates' bench. Their assumption of the mantle of 'pioneer' thus validated the potential importance of their memoirs to the reading public and therefore to themselves. For some authors, who devoted a chapter or more to their work as a magistrate, this was a major part of their lives and seemingly of great significance.<sup>5</sup> But for others, particularly those who had parliamentary careers, appointment to the Bench was less significant, an extreme example being Margaret Bondfield whose only reference to her appointment as a JP

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<sup>3</sup> The memoirs of two male magistrates, Basil Henriques and Claud Mullins, are also significant in the context of this study.

<sup>4</sup> K. Reynolds & N. Humble, *Victorian Heroines*, New York University Press, 1993, p.137.

<sup>5</sup> For example, Hannah Mitchell, Margaret Wynne Nevinson, Louisa Martindale and Lillian Faithfull. However, Mrs. Nevinson's account is more concerned with her general principles, rather than the detail of court room work, perhaps because she was already elderly when she became a magistrate and was a writer of other works, including fiction and journalism.

came on the title page of her book. Generally the biographies written by someone other than the subject give only passing attention to their work as a magistrate, with the significant exception of Janet Whitney's *Geraldine S. Cadbury* (1948).

However, some of the most significant early women magistrates did not leave a memoir, for example Geraldine Cadbury and Mrs. Rackham (whose no-nonsense views, according to her niece, were that she was much more interested in the present than the past and thought that too many people had written their memoirs).<sup>6</sup> But, as Julia Swindells has pointed out, autobiography can appear in the guise of any discipline and some of the other sources upon which this chapter will draw also contain autobiographical elements drawn from personal experience.<sup>7</sup> Although Geraldine Cadbury did not write a work explicitly concerning her life, her published book on the juvenile courts contains a short passage about her own work as a magistrate.<sup>8</sup> Her comments as a member of various Home Office committees, recorded in reports and minutes, are also illuminating. Similarly, while Mrs. Rackham left no personal memoir, her opinions can be ascertained from the many articles she wrote on the magistracy for the *Women's Leader*. Evidence of the attitudes of other women magistrates appeared in the feminist and non-feminist press in letters and articles and can often be gauged in a close reading of the minutes of their organisations.

Magistrate memoir writers of both sexes not only included their personal experiences in their books. They also were apt to draw upon the legal discourses of their time when referring to their work in court and frequently betrayed their political attitudes and social prejudices. No memoir or biography can present a complete picture of a life uncomplicated by theory or subjectivity or in isolation from its social,

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<sup>6</sup> The Women's Library: taped interview with Miss Tabor by Brian Harrison, November 1975.

<sup>7</sup> Julia Swindells, *The Uses of Autobiography*, London, Taylor & Francis, 1995, p.3.

<sup>8</sup> See above, pp.135-6.

political and moral context. In her second volume of autobiography, Lilian Faithfull, the former headmistress of Cheltenham Ladies' College, included a chapter entitled 'Women and the Law'. She opened the chapter with her appointment to the magistrate's bench and her initial reactions, preceded by a quotation from Deuteronomy, thus explicitly placing her views in a Judaic - Christian context. After some observations upon her work as a magistrate, Miss Faithfull turned to the theory which underpinned her conception of the magistrate's role: 'we want to create order where there has been disorder, peace and harmony where there has been conflict, the reign of law where there has been lawlessness'.<sup>9</sup> Drawing upon the works of Shakespeare and other writers, she continued her relatively abstract discourse upon justice, law and order for several pages, eschewing the anecdotal approach adopted by other memoir writers and revealing the extent of her formal literary and religious education.

Less explicitly intellectual approaches can also reveal the author's class bias as well as their generational perspective. In recounting her experience of the London juvenile courts Lady Cynthia Colville identified a series of social changes that had, in her opinion, brought about a deterioration in the behaviour of young people; the 'abdication of parents', the growth of peer pressure, working mothers, and 'the enormous increase in the number of broken homes ... the root cause' of the 'serious increase in juvenile delinquency'. She went on to bemoan that 'women have lost to a large extent that amazing vocation for fortitude and endurance that was once, perhaps, the greatest glory of their sex'. Instead:

The over-indulgent parents, the absentee mother, the lack of any fixed standard of right and wrong, the silly sexy stories that constitute the bulk of light reading matter, the dramatic presentation of violence... these ignoble ideals of popular literature and thought undoubtedly contribute to

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<sup>9</sup> Lilian M. Faithfull, *The Evening Crowns the Day*, London, Chatto & Windus, 1940, p25.



a general lowering of standards, and nowhere is this ... more observable than in the case of the adolescent girl of today.<sup>10</sup>

Writing her memoirs in the 1960s, Lady Colville was obviously disturbed by what she perceived to be social trends of the day, which in her view could only have negative effects. Thus she revealed her prejudices as well as an elderly autobiographer's inability to come to terms with younger generations.

It is generally recognised that one of the main weaknesses of memoirs as accurate historical source material is that they are written retrospectively, usually towards the end of a long and eventful life and with the benefit of hindsight. Biographies can present further difficulties. Firstly, the original sources such as diaries or letters have been filtered through another mind and often are made to conform to the presentation of a relatively unambiguous reading of a character, complementary or otherwise, and the narrative of a life story. A biographer naturally emphasises those aspects of their subject's activities on which they place greatest importance, or believe their readers will. A relevant example is Viscount Gwynedd's account of his mother, Margaret Lloyd George, which concentrates on her domesticity while giving scant attention to her public work. He concluded a brief list of her activities, including the Women's Liberal Association, Women's Institute and local government as well as the Caernarfon County Bench, with the comment 'about these achievements and honours she never talked'.<sup>11</sup> His partiality is clear; while she may not have spoken about these aspects of her life to him, it is possible that she did talk about them with other family members such as her daughter, Megan, whose career as an MP she apparently encouraged.

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<sup>10</sup> Cynthia Colville, *Crowded Life*, London, Evans Bros., 1963, pp. 139-142.

<sup>11</sup> Viscount Gwynedd, *Dame Margaret*, p. 200.

Secondly, the very selection of biographical subject is in itself problematic. As Liz Stanley has pointed out the 'worthy' candidates for auto/biographical study are usually from a relatively privileged social position,<sup>12</sup> well educated and well connected. Women magistrates form no exception to this rule. They were anyway predominately drawn from the upper and middle classes, although there were one or two exceptions, notably Hannah Mitchell, who wrote her own lively account of her life, and Selina Cooper, the subject of a biography by Jill Liddington.<sup>13</sup> Oral history, with its ability to record 'history from below' and the life experiences of the not so great and good can be used to supplement written memoirs but, since the first women magistrates were appointed over eighty years ago, its use has not been a viable option for this study.<sup>14</sup> One is therefore inevitably left mostly with the views of the most articulate and loquacious of the women magistrates who either left evidence in contemporary sources such as newspapers, journals, diaries and evidence to Home Office committees, or who have been the subject of auto/biographical writing, generally women of higher social status whose lives were regarded by themselves or others as somewhat exceptional.

Despite these difficulties, it is possible to construct from the available sources a picture of the work of the early women magistrates and ascertain some of their (and their male colleagues) thoughts and feelings about it. However, it is impossible and probably dangerous to make too many generalisations. The early women magistrates were, despite their relatively homogeneous class backgrounds and shared experiences of womanhood, a very diverse group. One of the starkest differences is immediately

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<sup>12</sup> Liz Stanley *The Auto/biographical 'I'*, Manchester University Press, 1993, p. 8.

<sup>13</sup> Mitchell, *The Hard Way Up*; Liddington, *The Life and Times of a Respectable Rebel*. Comments of two working class women JPs, Mrs. Scott and Mrs. Yearn, were also reproduced in *Life As We Have Known It* by Margaret Llewellyn Davies, London, Virago, 1977. Both members of the Women's Co-operative Guild, their memories are mostly concerned with their involvement in the labour movement.

<sup>14</sup> An interview was conducted with Mrs. J. Pepper of Canterbury, a London JP appointed in the 1970s, for comparative purposes.

obvious: the varying degrees of commitment that they had to the work of a magistrate. Lady Denman quickly decided that it was not for her. According to her biographer, after her appointment:

Trudie duly took her place on the Bench at Hayward's Heath. It was not long before she resigned. She thought that the Chairman was weak and allowed the Clerk to bully witnesses outrageously. Since the Chairman was unlikely to resign and the Clerk could not be removed, she felt she had better things to do than sit in Court fretted and frustrated by matters which she had no power to alter.<sup>15</sup>

One wonders how many other magistrates experienced similar frustration but chose instead to sit and suffer in silence. As usual, it is the silences and omissions in the historical record that are really interesting. Not all JPs thought that their magisterial work was worthy of much comment. Hilda Runciman, who was a member of two benches (in London and Northumberland) nevertheless made little reference to this role in her diaries, which are replete with information about her husband's political contacts. A rare comment concerned a 'tediously long session' in Northumberland in which there was 'nothing of great interest'.<sup>16</sup>

On the other hand there were women – including suffragists – who seem to have really enjoyed playing the part of magistrate and even made it one of the main foci of their public work. Notable examples include Mrs. Keynes, Mrs. Rackham, Margery Fry, Miss Tuckwell, Miss Hartland (the Secretary of Gloucester's Women Magistrates' Association) and several other less prominent women who took an active role in the Magistrates' Association, the NCW's Public Service and Magistrates' Committee (PSMC) and other public forums.<sup>17</sup> One such was Miss Tooke, a WFL member who represented the Gateshead Bench on the Council of the Magistrates' Association. The fragmentary evidence about Miss Tooke, mostly in the form of local

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<sup>15</sup> Gervas Huxley *Lady Denman GBE*, p. 109.

<sup>16</sup> Newcastle Upon Tyne University Library: Ref WR Add 6, Hilda Runciman Diaries, 8 May 1931.

<sup>17</sup> The work of these organisations will be examined in Chapter Six.

newspaper cuttings,<sup>18</sup> suggests that she was a committed feminist and 'colourful personality'<sup>19</sup> who clearly enjoyed her work on the Bench and was forced to give up against her will in 1950 after thirty years because she was over eighty. 'I am not retiring or resigning' she told the press, 'I have been taken off'.<sup>20</sup> Miss Tooke was obviously thoroughly dedicated to her role as magistrate and a little resentful that it had been taken away from her by the new rules introduced after the Royal Commission.

## JOINING THE BENCH

The sense of commitment of some of the early women magistrates can be gauged from their reactions to appointment. Many were aware that the letters 'JP' should not be treated merely as valedictory. Mrs. Elizabeth Andrews, a Labour organiser and JP in the Rhondda district of South Wales, wrote that 'being a magistrate brings great responsibility. Many seem to look upon this appointment more as a personal honour than an opportunity for service to those who have fallen by the wayside'.<sup>21</sup> Despite her very different social status, Lady Stella Reading made a similar point when she told the American Bar Association that 'to be appointed a JP is an honour - but it is an honour which can only be won by personal merit and can only be retained by hard work'.<sup>22</sup> There was already a voracious appetite for hard work amongst the charity workers and PLGs who made up the bulk of the new women

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<sup>18</sup> She was also the subject of a profile in *The Vote* and sometimes contributed articles to that paper.

<sup>19</sup> *The Gateshead Times*, 31 January 1947.

<sup>20</sup> Article from unknown paper dated 18 May 1950 in cuttings book, Gateshead Public Library.

<sup>21</sup> Elizabeth Andrews, *A Woman's Work is Never Done*, Glamorgan, Cymric Democrat Publishing Company, 1957, p 41.

<sup>22</sup> *It's the Job that Counts: Extracts from the Speeches and Writings of the Dowager Countess of Reading, Baroness Swansborough*, printed in Colchester, 1973, p.134. The speech quoted here was delivered in 1964 in New York. Two Lady Readings were both JPs; Stella was the second wife of the first Marquis (Rufus Isaacs) and Eva (nee Mond) was married to the second. Stella, who established the WVS in the late 1930s, took the title Baroness Swansborough when she became one of the first women to sit in the House of Lords with fellow magistrate Barbara Wootton. Eva was president of the NCW from 1957 to 1959. To distinguish them in this text I shall use their first names.

magistrates, evidenced by their willingness to undertake training and learn all about the job.<sup>23</sup>

However, when the first women JPs were appointed there were some who were undoubtedly especially conscious of the fact that they were to be permitted to go where none of their sex had been before. For former suffragists in particular, their chance to sit on a magistrates' bench, so long symbolic of male power and of women's exclusion from citizenship, was deeply significant. Yet many of them seem to have approached this new work with a great deal of humility as well as enthusiasm. Chairing one of the first conferences of women magistrates, Mrs. Fawcett was reported to have expressed her ignorance concerning her new role and willingness to learn from the speakers.<sup>24</sup> Although she was already in her seventies, she became a regular attender at the Holborn bench where she heard education summonses. According to her biographer, Ray Strachey, 'Mrs. Fawcett took great pains to follow up the future careers of young defaulters ... and took much personal trouble to secure good openings and a fresh start for some of the boys whose cases came before her'.<sup>25</sup>

Hannah Mitchell tempered her profession of humility with some pride in her understanding of human nature. 'I am not going to pretend that I added much wisdom or lustre to the magisterial bench', she wrote, 'but my suffrage experience and Poor Law work had taught me a lot about my fellow men and women'.<sup>26</sup> Mitchell thus explicitly recognised the significance of her earlier activities with regard to her new role. Indeed, she had briefly found herself in the dock of the magistrates' court some years before as a result of pro-suffrage activity. She was by no means the only

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<sup>23</sup> See Chapter Six.

<sup>24</sup> *The Times*, 1 December 1920, p.9

<sup>25</sup> Ray Strachey, *Millicent Garrett Fawcett*, London, John Murray, 1931, p.337-8.

<sup>26</sup> Mitchell, *The Hard Way Up*, p.227

woman JP of her generation who could claim experience of both sides of the law and was entirely typical in respect of her first-hand knowledge of poor law administration.

Jane Harrison, a renowned Cambridge classicist and suffragist was not unwilling to admit her inexperience when she was appointed to the Bench.

I, too, am a Justice of the Peace. I mention this not as an empty boast, but in all humility because my short experience as a magistrate taught me much. I should like every young man and woman to go through this experience for a year or two and not wait until they are sixty and it is too late to become a good citizen. I must say at once that I was quite useless on the Bench. I have really no head for business, and am prone to observe only the irrelevant. A candid friend told me that I had been chosen just “to represent Art and Letters” and that therefore only an elegant indolence was expected of me. Still, I like to remember that I saved a poor Armenian from a fine.<sup>27</sup>

Harrison’s stylistic modesty in this ambivalent passage is carefully constructed and should not be taken too literally. Yet these comments may suggest that her feelings of constitutional inferiority were strongly entrenched, even internalised. She hints that in some ways the era of equal citizenship had come too late for someone of her generation. It is a moot point whether a man with an equivalent career to Harrison’s would have admitted to such emotions in a memoir: was her lack of a ‘head for business’ a consequence of her gendered socialisation or the construction of an academic stereotype – the absent-minded professor? Ultimately, as Mary Beard has pointed out Harrison’s memoir ‘is a brilliant piece of writing from an elite culture in which ironic self-depreciation was highly prized... a wonderful example of ... how confession can be the most effective form of boasting’.<sup>28</sup> It therefore serves as an excellent reminder of the multiple meanings of autobiographical works.

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<sup>27</sup> Jane Harrison *Reminiscences of a Student's Life*, London, Hogarth Press, 1925, p. 31.

<sup>28</sup> Mary Beard, *The Invention of Jane Harrison*, Cambridge, Mass., Harvard University Press, 2000, p. 9.

## WORKING WITH MEN

Having taken their place on the magisterial bench newly appointed women then had to negotiate their relationships with their male colleagues, both fellow magistrates and clerks. This section will examine the reactions of some men – so far as they can be ascertained – and the difficulties that arose once the sexes were mixed upon the bench, as well as the perspectives of women magistrates and their reactions to the problems.

*Time and Tide* was of the opinion in 1920 that certain ‘gentlemen seem to find the presence of women magistrates less subversive than that of women jurors’. But despite their ‘friendly courtesy’ the magazine suspected that the underlying attitude was the same.

They scarcely feel that it is fitting that women should have the power to judge cases in which men only are involved; on the other hand they believe that their point of view will be of some value when adjudicating in cases of a domestic nature. They are, however, most exercised as to that type of case classified as “unpleasant”. They dislike these cases themselves and dislike – exceedingly – the idea of having to listen to them in the presence of women.<sup>29</sup>

Indeed, some men made their opposition to women magistrates unequivocally clear.

When the writer E.M. Delafield was appointed in Devon (under her real name, Elizabeth Dashwood) a fellow magistrate resigned in protest<sup>30</sup> and the Kingston bench allegedly refused to allow a woman join them.<sup>31</sup> Evidence suggests that some clerks, solicitors and even policemen made their objections to women magistrates clear in court.

Generally, initial male hostility to women magistrates seems to have been more covert than overt although there were noteworthy exceptions, such as the solicitor who complained that the presence of a women JP hampered him in the

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<sup>29</sup> *Time and Tide* Volume 1, p.519 (5 September 1920).

<sup>30</sup> Powell, *Life of a Provincial Lady*, p.56.

<sup>31</sup> *The Vote*, 16 June 1925.

presentation of a client's case.<sup>32</sup> Male colleagues may have made remarks in private or to one another of which we have no historical record.<sup>33</sup> The recorded memories of women magistrates rarely – if ever – refer to any tension between the sexes; Hannah Mitchell recalled that her colleagues liked her 'because they liked a good laugh'.<sup>34</sup> In public male justices were more likely to hold the line that they welcomed the new female additions to their benches.

The attitude of the Chairman of the bench would no doubt be influential and the welcome from some men was probably genuine. The Mayor of Gateshead was reported to have said in 1920 that 'the innovation of the appointment of lady magistrates was in harmony with the spirit of the times' and also paid tribute to women's social and philanthropic work, war work and service in local government.<sup>35</sup> We can only speculate whether these remarks reflected his real views, or were an example of the 'political correctness' of the time, although Miss Tooke of Gateshead attested that her male colleagues were welcoming. 'I put down a good deal of my success to the fact that North country men are much more progressive in their ideas and consequently easier to work with' she told readers of *The Vote*.<sup>36</sup>

Undoubtedly, as *Time and Tide* appears to suggest, there were many subtle forms of antipathy to the introduction of women magistrates. Latent hostility some years after their introduction is evidenced by remarks made to a Home Office Committee by the Chief Metropolitan (Stipendiary) Magistrate, Sir Chartres Biron, in 1928. Sir Chartres made no direct objection to women magistrates yet criticised 'every sort of crank ... you get people with pre-conceived ideas ... unmarried women who think they have a mission to manage other people's children' and rejected the

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<sup>32</sup> Reported in the *Women's Leader*, 3 December 1922.

<sup>33</sup> A rare exception is the view of Sir Hugh Bell reported by Elizabeth Robins.

<sup>34</sup> Mitchell, *The Hard Way Up*, p.227.

<sup>35</sup> Gateshead Library Newspaper Cuttings Book, 1914-22, volume 2, p. 63.

<sup>36</sup> *The Vote*, 12 September 1920, p. 194.



suggestion that women JPs could help in affiliation cases. 'There are very nice points of law which arise. I do not see how women could help us at all.'<sup>37</sup> Biron's views were probably shared by a majority of his colleagues who seem to have been resistant to any involvement in their work by lay magistrates in general and women in particular.<sup>38</sup> However, there may have been some improvement in relations between lay and stipendiary magistrates in London during the 1930s as, according to Madeleine Symons a few years later, they were 'most cordial'.<sup>39</sup>

Criticism of women JPs in London was not confined to stipendiaries. A lay magistrate wrote to the Home Office in 1930 complaining that women on the Juvenile Court panel failed to turn up for court sessions because they made their social engagements a higher priority. At first sight his allegation might seem justified given the large number of well connected, society ladies appointed in London. However, the Clerk to the Juvenile Court at Bow Street refuted his accusation and replied that 'If I have to make a comparison I should incline to the view that the women are keener than the men'.<sup>40</sup> Home Office opinion as reflected in the PRO files tends to indicate that officials viewed the complainant rather than the women as the problem, although they took action to ensure that the courts were adequately covered during the August holiday period.

The arrival of women on the magisterial bench inevitably gave rise to considerable discussion about social etiquette, particularly concerning items of apparel. In January 1921 *The Times* reported that:

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<sup>37</sup> PRO: HO45/13777: minutes of evidence to the Home Office committee on the Metropolitan Police Courts, 10 December 1928 nos. 96 & 136.

<sup>38</sup> See section on the Juvenile Courts (Metropolis) Bill. There were exceptions to the general antipathy of metropolitan magistrates towards women and lay JPs, notably Cecil Chapman, Clarke Hall and Claud Mullins.

<sup>39</sup> LMA: PSMC minutes, 17 December 1936.

<sup>40</sup> PRO: HO45/15746/5. The complainant had absolved Lady Jersey, Lady St Helier, Dr. Scharlieb and Dame Millicent Fawcett from his criticism.

Sir Henry Mather-Jackson, presiding at Monmouth Quarter Sessions yesterday, rebuked the women magistrates Lady Mather-Jackson, Mrs. James and Mrs. Parry for not removing their gloves. 'If you had been witnesses' he said, 'I should have asked you to take off your gloves'. Miss James apologised, but Sir Henry said he was not sure if it was contempt of court.<sup>41</sup>

It is possible that, in this period, presiding magistrates and judges routinely bullied women witnesses in court over the question of their attire. In 1932 *The Times* reported a case in Aldershot where the Chairman of the Bench criticised a female witness for not appearing in a hat and disallowed her expenses claim as a result.<sup>42</sup> In November 1942 a similar incident in a court of the King's Bench, when a young woman was ordered by the judge to cover her head,<sup>43</sup> led to questions being asked in parliament. According to Mr. Burden, a Labour MP, the Archbishop of Canterbury had ruled that, given the wartime shortage of materials, women could go to church hatless.<sup>44</sup> The following month the Lord Chancellor announced that 'in view of a certain change in social habits it seems ... unnecessary to insist on strict compliance [with the] practice' of wearing hats in court.<sup>45</sup>

However, despite the Lord Chancellor's ruling, headwear remained a matter for concern for women JPs after the Second World War. The Gloucester Women Magistrates Association discussed the question as to whether bare female heads constituted a contempt of court at a meeting in 1946.<sup>46</sup> Later, in the 1960s, Mrs. Annersley, Chairman of the Bench in Ronald Blythe's *Akenfield*, said 'none of us women magistrates wear hats - we're unique I think! I won't wear one. I get confused in a hat. My head gets hot and I get hopeless.'<sup>47</sup> For Mrs. Annersley a hat

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<sup>41</sup> *The Times*, 6 January 1921, p.6.

<sup>42</sup> *The Times*, 30 August 1932, p.8.

<sup>43</sup> *Ibid.*, 17 November 1942, p.5.

<sup>44</sup> *Ibid.*, 26 November 1942, p.8.

<sup>45</sup> *Ibid.*, 10 December 1942., p.8.

<sup>46</sup> PRO LCO2/4596; GCRO:GWMA minutes 2 July 1946.

<sup>47</sup> Ronald Blythe *Akenfield: Portrait of an English Village* (Harmondsworth: Allen Lane, 1969) p.251.

was evidently an emblem of femininity that impeded her ability to think clearly: for others it was more a mark of class. Writing in the 1970s about a magisterial career that began in the 1930s, Charis Frankenburg also rejected convention and demonstrated her awareness of the role of dress as a social emblem. 'There is divided opinion on whether a woman magistrate should wear a hat in court' she wrote. 'I never did, as certainly in a district such as Salford, a hat is a caste mark and separates the wearer from her clients.'<sup>48</sup> However, it seems that the practice died very slowly among lady magistrates and the debate as to whether or not to wear a hat continued into the 1970s in some areas,<sup>49</sup> indicating the slow pace of change in an innately conservative system of justice and the importance which continued to be attached to gendered distinctions of dress. Unlike the wig and gown of barrister and judge, the hats of women magistrates, be they fussy or plain, were signals of gender and class rather than professionalism and authority.

In the early days some male magistrates seem to have conveyed an attitude of condescension toward their new colleagues borne out of the kind of chivalry that many feminist women in the 1920s found so irritating. Jane Harrison told the story of an occasion when a police constable refused to repeat the 'foul' language of a prisoner to the court.

The clerk added that he had had the "language" typed and a copy would be handed round if the Bench desired. The Bench did desire, and it was circulated. The unknown to me has always had an irresistible lure, and all my life I have had a curiosity to know what really bad language consisted of. In the stables at home I had heard an occasional "damn" from the lips of a groom, but that was not very informing. Now was the chance of my life. The paper reached the old gentleman next to me. I had all but stretched out an eager hand. He bent over me in a fatherly way and said, "I am sure *you* will not want to see this". I was pining to read it, but sixty

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<sup>48</sup> Charis U. Frankenburg *Not Old, Madam, Vintage*, Lavenham, Galaxy Books, 1975, p. 145.

<sup>49</sup> Conversation with Fr. Paul Gibbons JP, Maidstone, May 2001.

years of sex-subservience had done their work. I summoned my last blush, cast down my eyes and said, "O no! No. Thank you so much." Elate with chivalry he bowed and pocketed the script.<sup>50</sup>

This amusing and possibly apocryphal story from Harrison's memoirs was obviously consciously crafted as an entertaining anecdote for readers about her time as a magistrate. However, it does suggest the continued prevalence of 'Victorian' attitudes amongst the older generation most likely to be still on the bench in the 1920s towards what was fit language for a woman to hear. It may also suggest Harrison's consciousness of her socialisation and her inability to reject the patriarchal dictates of appropriate female behaviour, or perhaps merely reflects the myth that she was consciously creating. One wonders how much older than her the 'elderly' and 'fatherly' gentleman was, since she was herself aged seventy when she was appointed in 1920.

Similarly Mrs. Fawcett, another elderly woman, spoke of a 'dear Christian gentleman (who) was moved with compassion ... for me, inexperienced as I was in the more seamy side of London life'.<sup>51</sup> Like many new magistrates of both sexes she seems to have appreciated advice from a more experienced member of the bench, but her confession of ignorance of the 'seamy side' is still revealing, if disingenuous. It is significant that this anecdote comes from Ray Strachey's highly respectful biography of Mrs. Fawcett. It would not have done the latter's public image very much good to admit a detailed knowledge of 'the seamy side' of life.

Women magistrates were aware that the concern with 'chivalry' had a darker side and that it did not necessarily operate in their favour. As *Time and Tide* foresaw in 1920, 'unpleasant' cases, that is those which involved sexual matters, caused the most difficulty in relationships on the Bench, yet these were precisely the ones for

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<sup>50</sup> Harrison, *Reminiscences*, p. 34.

<sup>51</sup> Strachey, *Millicent Garrett Fawcett*, p. 338.

which feminists argued the presence of women magistrates was most needed. The demand for women to take their place in the courts as JPs and jurors had stemmed largely from dissatisfaction at the handling of sexual assaults and other violence against women by all male courts.<sup>52</sup> But according to *Time and Tide* men were 'convinced that all decent women will make a point of withdrawing from courts when such cases occur' but that women magistrates' 'special value as women will lie just at those times when it is most ardently hoped that they will withdraw'.<sup>53</sup> On this matter women's organisations in the 1920s were clear and unanimous in their view, with no discernable difference between organisations such as the NUSEC and WFL on the one hand and bodies such as the NCW, which some historians have characterised as 'conservative' rather than feminist, on the other. The feminist press, including *The Vote* and the *Women's Leader* frequently reminded their readers, who must have included many women magistrates, as well as court visitors and voluntary social workers, that women should remain in court and resist attempts to remove them. This was thought especially important in cases of alleged sexual assault upon young girls in which witnesses were assumed to be especially vulnerable. The NCW (which had organised rotas of court visitors in many towns in order to address this issue) made similar exhortations, reminding members that Home Office advice from 1909 onwards had been that a suitable woman (such as police matron, woman police or probation officer or rota member) should remain in court in such circumstances.

Yet there was still considerable pressure upon women magistrates of all social classes to withdraw from court in the 1920s. Mrs. Scott of Stockport, a former felt hat worker and WCG member, was compelled to resist attempts by her male colleagues to

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<sup>52</sup> The NVA first expressed concern about the treatment of women witnesses in Court and their need for support in 1886 (Women's Library: NVA minutes, 12 November 1886 Box 109).

<sup>53</sup> *Time and Tide* Volume 1, p. 519.

get her to step down during 'indecent' cases.<sup>54</sup> In Devon Elizabeth Dashwood (E.M. Delafield) faced similar pressure but she 'felt strongly that it was her duty, as the Clerk had told her, not to avoid "unpleasantness" ... it was surely wrong that a female, witness or accused, should give evidence to a room full of men'.<sup>55</sup> Her stance befits a regular contributor to *Time and Tide*, but not all women were as tough minded. In 1925 it was reported that a woman magistrate in Southport had stayed away at the Chief Constable's request from a case in which a man was accused of indecent assault on two twelve year old girls. This episode, together with the exclusion of women (but not of men) from a coroner's court in Birkenhead, caused consternation in the feminist press and in the NCW (whose local rota member had also been removed from the Southport court).<sup>56</sup> An 'Open letter to women magistrates' in *The Vote* criticised the Southport magistrate's decision and claimed that women would not receive justice unless there was a woman on every bench.<sup>57</sup>

The many replies received by *The Vote* to its 'open letter' indicate the strength of feeling among women magistrates. In Gloucester the members of the Women Magistrates' Society expressed unanimous agreement with the paper's views.<sup>58</sup> Some correspondents to *The Vote* claimed to have found less hostility from male colleagues and were able to sit in all cases. 'As far as this bench is concerned, no difference is made between men and women magistrates' wrote one woman JP; another stated that she had been 'received with the greatest kindness and courtesy'. However, another letter revealed that a woman magistrate had been asked by the Clerk to leave but had refused and had also had to resist attempts by the Chairman to clear the court of

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<sup>54</sup> Llewellyn Davies, *Life as We Have Known It*, pp. 98-9.

<sup>55</sup> Powell, *Life of a Provincial Lady*, p.56.

<sup>56</sup> *Time and Tide*, 13 February 1925, *The Vote* 13 & 20 February 1925; LMA: PSMC minutes, 26 March 1925.

<sup>57</sup> *The Vote*, 26 March 1925 p. 100.

<sup>58</sup> GCRO: 06156/1 Minutes of Gloucestershire Women Magistrates' Society (GWMS) 7 April 1925; *The Vote* 24 April 1925 p. 135.

women.<sup>59</sup> It seems that even strong-minded feminists faced a tough battle with some of their colleagues, whose motives, they suspected, were not purely 'chivalrous' but were due to a general reluctance to discuss certain matters, particularly sexual ones, in front of women or to recognise that women might hold a different point of view. In addition, feminist suspicions about the treatment of women and girls (especially sex abuse victims) by all-male courts had been fanned by coverage of cases in the suffrage press since before the First World War and were still deeply felt. Like Elizabeth Robins, some women JPs may have feared that 'sex antagonism' was enjoying a new vitality in 1920s Britain.<sup>60</sup>

It was not just in cases involving girls that feminist magistrates insisted upon their right to sit in judgement. In 1925 Mrs. Juson Kerr, a member of the WFL executive, refused to retire when two other female magistrates had done so in a case of indecent assault by a man on a boy.<sup>61</sup> The following year Mrs. Green of Colchester stayed on the bench during the hearing of 'alleged unnatural offences' (that is, sexual assaults upon boys) committed by a soldier. A fellow magistrate, Mr. Hutton, responded by withdrawing from the court himself! *The Justice of the Peace* commented that his action was misplaced but claimed that women JPs generally preferred to withdraw from exceptionally nasty cases of 'unnatural offences or indecency between males'.<sup>62</sup> Presumably, this view was grounded in notions of what was 'proper' behaviour for women as well as what was fit material for mixed company to discuss. Mrs. Green, a member of the NUSEC and of the council of the Magistrates' Association, evidently held no truck with these conventions. 'As a woman magistrate, I have a duty to all young people, and that duty, I think, should be

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<sup>59</sup> Ibid. p. 130.

<sup>60</sup> Anon. (Elizabeth Robins) *Ancilla's Share*, London, Hutchinson, 1924, p. xxxvi.

<sup>61</sup> *The Vote* 12 November 1926, p.356.

<sup>62</sup> PRO: HO45/24609, cuttings from *The News of the World*, 7 November and *The Justice of the Peace*, 27 November 1926.

performed, irrespective of what and against whom the charge may be' she said.<sup>63</sup>

Thus, by their actions, Mrs Green and magistrates like her were manifesting their right to equal citizenship in a thoroughly practical way.

Although, as the Southport incident indicates, not all women magistrates were as bold as Mrs. Juson Kerr and Mrs. Green, comment upon these cases supports the view that many women JPs saw their presence in court as a vital sign of equal citizenship, expressed through the conventional language of both 'duty' and 'right'. Press reaction to Mrs. Green's stand was generally sympathetic and emphasised the concept of 'duty'.<sup>64</sup> The NCW's Public Service and Magistrates' Committee, to which over five hundred women JPs belonged, congratulated Mrs. Green for insisting on her 'right' to remain on the bench and urged others to follow her example: as the committee remarked on the related question of the withdrawal of women from jury service, 'the time has passed when women should be expected to evade unpleasant duties, if they can by performing those duties, render service to the community'.<sup>65</sup> Mrs. Green herself had been more forthright. 'I am against women magistrates leaving Court when objectionable cases are heard. They are shirkers' she said.<sup>66</sup> Undoubtedly, many other women magistrates shared her assertive approach to her role as JP and they therefore must have surely created similar shock waves on their local benches. Only a great deal of tact – a vital attribute for women who moved into such a male-dominated world - would keep the courts running smoothly: many women JPs were doubtless well aware that 'discretion is the better part of valour'. It was sexual matters – the 'unpleasant' cases – that were most likely to bring the tensions between male and female magistrates to the fore.

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<sup>63</sup> *The Vote*, 12 November 1926, p.356.

<sup>64</sup> *The Women's Leader* 19 November 1926, p.366.

<sup>65</sup> *NCW News* January 1927 p.18; LMA: PSMC minutes, 10 July 1930.

<sup>66</sup> *The Vote*, 12 November 1926, p.356.



## ROUTINE WORK

Most of the routine work of JPs in the 1920s and 1930s was not 'unpleasant' or 'objectionable' so much as dull. Shorn of most of their administrative responsibilities by the creation of the county councils in the late nineteenth century, country magistrates in particular were left with little but minor criminal matters (dealt with in the petty sessional courts), the remand of prisoners, signing papers and licensing. Those in the vicinity of a penal institution might also have visiting duties. In addition there were a number of committees to which magistrates might belong; the local advisory committee (which advised the Lord Chancellor on candidates for appointment as JP), the Standing Joint Committee (made up of JPs and County Councillors), and probation committees

As Eva Reading recalled in her memoirs 'work on the bench was largely routine and had its longueurs'.<sup>67</sup> In the 1960s Mrs. Annersley in Ronald Blythe's *Akenfield* described a typical day in rural Suffolk. The scene described can have changed only a little from the interwar period when motor-related offences would have been a little less common.

An average day at our court isn't very spectacular. Four licensing extensions, three motor-car slight accidents with written-in pleas of Guilty - £5 - £10 - £20 - £30 each and license endorsed ... Then five bicycles with insufficient breaks or something. Then the young man who got drunk on a Saturday and shouted you-know-what, or perhaps he hit somebody with a brick. Then you might have a defended case of dangerous driving, which will take time, or a bit of breaking-and-entering. We never have any of these dear young modern protesters - they don't come our way. We have to pass plans for pub alterations. No murders - I have never had a murder case in twenty-five years - and no poachers now. No lead-stealing from the church roof - that was the most popular crime in Suffolk just after the war. But there has been a great increase in stealing valuable things from inside the churches, and the thieves are rarely ever caught.

We also get cases of animal cruelty but never cases of child cruelty.<sup>68</sup>

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<sup>67</sup> Eva, Lady Reading, *For the Record*, London, Hutchinson, 1972, p.195.

<sup>68</sup> Blythe, *Akenfield*, p.249.

On Clare Spurgin's first day as a magistrate in Chipping Camden in the early 1940s the bench dealt with two cases of riding a pedal cycle without a light, three acts of indecency, two maintenance orders and one affiliation order.<sup>69</sup> In Cranbrook, Vita Sackville-West found that 'stealing bicycle lamps was the standard crime of young Kentish offenders'.<sup>70</sup> Of course, conditions varied and the work of a magistrate in a large town or city would be very different from that in small rural backwaters. Levels of criminal activity were much greater in major cities and courts would meet much more frequently. In both rural and urban areas the matters magistrates dealt with were mainly minor ones, but few of the memoirs express much boredom except where motoring offences were concerned. Perhaps the women magistrates found some interest in the work, were compelled to carry it on by their sense of duty or simply preferred not to mention the duller aspects to their readers.

In both towns and countryside road traffic matters took up a lot of magistrates' time in court. This was the case even in the early 1920s: Jane Harrison mentioned the 'dull hours – mainly spent in fining undergraduates for exceeding speed limits' in Cambridge.<sup>71</sup> Press reports from the early 1920s indicate that the Oxted Petty Sessions in Surrey dealt with more road traffic cases than any other class of offence, perhaps because the busy Westerham to Reigate road ran through its patch. Further south, in Brighton, Hilda Martindale also found motoring offences 'extremely boring'.<sup>72</sup> But however dull they may have been, these matters were a cause for concern for magistrates, both male and female. In 1929 the Magistrates' Association were sufficiently worried about motor speed regulation, traffic control and the stealing

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<sup>69</sup> Clare Spurgin, *My Journey*, privately printed at Oxford University Press, 1986, p.68. Clare Spurgin was a Gloucestershire magistrate and active member of the Magistrates' Association.

<sup>70</sup> Victoria Glendinning, *Vita: Life of Vita Sackville-West*, London, Weidenfeld & Nicolson, 1983, p.351.

<sup>71</sup> Harrison, *A Student's Life*, p.32.

<sup>72</sup> Martindale, *A Woman Surgeon*, p. 204.

of motor-cars to highlight these matters in their annual report. Women magistrates brought a different perspective to these discussions. As a whole women were less likely to drive and more likely to be victims of road accidents as pedestrians, although female magistrates were more likely than most women to be motorists because of the preponderance of the middle class among their ranks. Hilda Martindale alleged that one woman on her bench, a non-driver, was particularly biased against motorists as a result of her class prejudice.<sup>73</sup> Moreover, many women magistrates had a background in purity, temperance and charitable work, ensuring a familiarity with drink-related social problems, which may well have coloured their approach to licensing matters. It is remarkable that women magistrates in Gloucestershire discussed the role of alcohol in road accidents in 1939, thirty years before the introduction of the 'breathalyser'.<sup>74</sup>

## PRISON VISITING

Among the many other community roles performed by magistrates outside the petty sessional courtroom, women magistrates arguably took prison visiting most seriously. Although county justices had largely lost their powers in relation to prisons in 1877, they retained the right to visit and inspect prisons and 'visiting justices' were appointed for that purpose.<sup>75</sup> According to the gendered practices of the interwar period women were usually only appointed as visiting justices if women prisoners were incarcerated in the gaol concerned; hence the appointment of extra women magistrates by the Lord Chancellor's Committee of 1920 in London (for Holloway),

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<sup>73</sup> Ibid.

<sup>74</sup> GCRO: GWMS minutes, 27 July 1939.

<sup>75</sup> Skyrme, *History of the Justices of the Peace Volume II*, p.195. These official visitors, who retained some powers, for example the ordering of punishments, are distinct from the many unofficial visitors who went to prisons, perhaps to perform some kind of social work, and from magistrates who visited prisons as part of a training regime.

Durham, Leeds and Birmingham.<sup>76</sup> Mrs. Bramwell Booth of the Salvation Army was the first visiting justice at Holloway in 1921, followed six months later by Margery Fry.<sup>77</sup> In 1930 Mrs. Dewar Robinson, a long-serving member of the Women's Freedom League, was appointed Chairman of the Holloway Visiting Justices Committee, which by then consisted of ten men and ten women. In addition, many women magistrates made unofficial visits to prisons in order to familiarise themselves with the conditions of institutions to which they habitually sent offenders.

Feminist women magistrates in the 1920s appear to have approached the task of prison visiting in a manner highly reminiscent of women PLGs in the late nineteenth century. The words of Margery Fry, who addressed the NUSEC Summer School on 'The Criminal: Institutional Treatment', echoed the exhortations of Louisa Twining to women workhouse visitors and Guardians. Women visiting magistrates should be 'thorough' and 'see everything' including punishment cells and padded cells. They should 'inspect and taste the food, enquire what use is made of handcuffs and give prisoners the chance to make complaints'. She further recommended that women justices should provide books for the prison library and organise concerts, although she admitted that these were 'just palliatives'.<sup>78</sup> Miss Fry's approach was evidently grounded in the tradition of women's philanthropy in that it persistently conflated the role of official inspector with that of voluntary social worker and was based on gendered notions of where women's expertise lay – in the kitchen, in the small domestic details of life, and in the ability to listen to complaints as a mother listens to her child.

The maternal paradigm used by Miss Fry would have been instantly recognised by her audience, most of whom had been poor law guardians or voluntary

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<sup>76</sup> Ibid., p.235.

<sup>77</sup> Huws Jones, *The Essential Amateur*, p.118.

<sup>78</sup> *Women's Leader*, 8 September 1922 p. 248.

social workers before their appointment as justices, although they were not necessarily mothers. To an extent the apparently special expertise of women was a useful excuse for women to become involved in matters such as the inspection of prisons from which they had been excluded. However, women JP's really believed that 'a woman's touch' would make a great difference by addressing the small matters so often ignored by men. It is significant that one of the earliest activities of the Gloucester Women Magistrates' Society (whose founder, Miss Hartland, had attended the Summer School) was to raise money for a piano for the local gaol, while Lillian Faithfull undertook to supply plants after the governor had suggested that they would be welcome.<sup>79</sup> Evidently there was no public money for these items or the books and concerts Miss Fry had recommended. The State relied at this time, not only on the unpaid work of middle class women as magistrates, but also upon their wealth and generosity.

Women magistrates did not restrict their involvement to women's prisons, although their right to affect or even comment on the running of penal institutions for men was far harder to establish. Louisa Martindale was one of the first women to be appointed to the commission at Lewes Prison, probably not until the late 1930s or 1940s: 'it had always been thought unnecessary to have a woman on that committee, as Lewes Prison is nowadays for men only'. She appears to have followed Miss Fry's instructions, listening to prisoners' complaints, which 'they loved to pour out', tasting the food and inspecting the library. Miss Martindale was obviously not disposed to be too critical, she found the food 'quite excellent' and 'plentiful ... the bread made by

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<sup>79</sup> GCRO: GWMS minutes 3 July & 16 October 1923, 1 January 1924.

the cook was the best I ever tasted, especially during the war' while the library was 'surprisingly adequate'.<sup>80</sup> One wonders how searching her inquiries were.

Mrs. Helena Dowson, a leading suffragist who was appointed as Visiting Magistrate in Nottingham in 1921, was less easily satisfied with her monthly excursions to the city's prison. 'I began to feel after a time that these visits were rather perfunctory and that I should like to get in closer touch with both the warders and the prisoners' she recalled.<sup>81</sup> Her familiarity with a 'welfare league' that had been set up in a New York prison prompted her to launch a similar experiment in Nottingham. Fourteen men with no previous convictions were chosen by the governor and chaplain to take part in the scheme, which became known as the 'league of honour'. The men elected the officers and set the rules and chose the name of the organisation. Details of its procedures are vague, but it seems that members played games such as chess and dominoes and were sometimes joined by 'decent people' – presumably volunteers from outside the prison – but not by the governor or his staff. Eventually the prison had two leagues with a total of 226 members. Mrs. Dowson claimed that the organisation gave the men 'a public opinion and in addition to mental health, something to look forward to and a reasonable interest in the corporate life of the prison' and that she had learned that prisoners did not want to be preached to or patronised, 'just treated as human beings'.<sup>82</sup> Her initiative in establishing the league was well reported in the feminist press and information was disseminated to other women magistrates.<sup>83</sup> It could be interpreted as yet another form, albeit subtle, of surveillance and control over prisoners, but its establishment by Mrs. Dowson is also

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<sup>80</sup> Martindale, *A Woman Surgeon*, p.202-3.

<sup>81</sup> Helena Dowson, 'The League of Honour in Nottingham', *The Magistrate* VII April 1925, p. 79. Mrs. Dowson came from a Liberal Unitarian background and served on the NUWSS executive. She later became a city councillor.

<sup>82</sup> Ibid.

<sup>83</sup> For example, by *NCW News*, January 1926.

indicative of the way in which feminist women in the era immediately after the First World War took so readily to the problem of penal reform.

Magistrate memoir writers generally said little or nothing about unofficial prison visits, either because they did not undertake these duties or regarded them as unimportant or unworthy of comment. The number of women magistrates who visited penal institutions either officially or unofficially cannot be ascertained although their organisations were keen to promote them and the local groups in Gloucestershire and Hampshire certainly arranged regular outings to prisons, borstals and reform schools. According to the barrister and JP Leo Page, only about one per cent of JPs visited a prison annually<sup>84</sup> but he gave no hint as to what proportion were men or women. However, it is likely that women magistrates visited prisons more than most of their male counterparts because they had greater time to devote to their duties being less likely to have businesses to run or professions to pursue. The importance that the more prominent women magistrates attached to an understanding of prison conditions can be gauged from the fact that many of them were members of the Howard League for Penal Reform, including Mrs. Rackham, Geraldine Cadbury, Mrs. Wintringham and, of course, Margery Fry. Penal reform was a cause in which women magistrates could give their newly won citizenship practical effect, away from the dull routine of minor criminal and administrative matters. It was an opportunity for them to think creatively and to campaign for a cause, as so many of them had for women's suffrage. Mrs. Dowson's dissatisfaction with her routine visits is indicative of an unwillingness, at least among some of the more imaginative women magistrates, to accept the penal status quo, leading them to embrace modernist perspectives on prison reform. Among the many matters taken up by women magistrates in the

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<sup>84</sup> Page, *For Magistrates and Others*, p. 92.

interwar period were the care of women on remand and the arrangements for prisoners who gave birth.<sup>85</sup> Their approach was seldom based on the abstractions of social theory, but on practical knowledge gained by seeing the prisons for themselves, albeit influenced by their personal philosophies. In this sense they closely resembled the ladies who, a generation before, had turned from workhouse visiting to elected office on boards of guardians in order to exert real influence over poor law policy in accordance with their experience as visitors.

## **THE IMPACT OF NATIONAL EVENTS AND SOCIAL CHANGE**

From the sources consulted it would appear that major national events had little direct impact on the day-to-day experiences of women magistrates, although new social phenomena such as mass unemployment and the growing popularity of the cinema had some effect.

Magistrates were required from time to time to deal with matters arising from labour disputes, yet the memoirs of women JPs rarely mention this. The General Strike in 1926 was only of short duration, and although the activities of some pro-trades union JPs were brought to the attention of the government, none of them were women.<sup>86</sup> However, in her autobiography Leah Manning recalled with relish her unequivocal support for the strike, which had evidently attracted the attention of the local Chief Constable.

In Cambridge we set up a General Strike Committee: it met in Clara Rackham's basement kitchen. It was full of lively, exhilarating talk and the delicious smell of hot coffee and frying sausages. Undergraduates worked with us all evening, rolling and preparing for delivery the Strike Bulletin... Every night I would ride to London on the back of Stubbs's motorbike to pick up the bulletin. What a fantastic time!

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<sup>85</sup>LMA: PSMC minutes 18 November 1920, 13 July 1924. See also a letter from Miss Kelly in *The Magistrate*, December 1930/January 1931 p.436 and Magistrates' Association Annual Report 1938.

<sup>86</sup> PRO: HO144/12050.



...On the morning of May 11, Mr. Pearson, or Chief Constable, sent for me and told me I must stop what I was doing immediately; it was illegal and I ran the risk of losing my seat on the Bench – and no doubt I should have done if the strike had lasted another day.

Despite this warning, Manning continued to express support for the miners. 'For the next six months we all went around wearing miner's lamps in our lapels, running jumble sales, concerts, plays, whist drives, dances – anything we could think of to help those splendid men.'<sup>87</sup>

This is an intriguing anecdote, firstly because it is not clear in what sense her activity was illegal, or even if it really was. Secondly, despite extensive research on Mrs. Rackham, I have found no suggestion that she was similarly warned. In any case, Cambridge was remote both geographically and socially from the coalfield areas that were at the centre of the General Strike and the miners' dispute. It is highly likely that working class women JPs in the areas most affected by labour disputes, who did not leave memoirs, experienced far sharper difficulties in carrying out their duties on the bench. Cases arising out of industrial disputes could be highly politicised. The Nelson magistrate Selina Cooper was involved in such a case arising out of a dispute between Lancashire weavers and their employers in 1931. In this case no fewer than fourteen magistrates heard the case against Ramsden Butterfield (a former weaver who was charged with assaulting three police constables) with members of the manufacturing interest outnumbering Labour magistrates.<sup>88</sup>

The economic depression of the early 1930s must surely have had some impact on the early women magistrates and their work, although there is a paucity of evidence of this in their memoirs and records. Again, the impact would have varied geographically in that the degree of industrial decline and consequent unemployment

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<sup>87</sup> Leah Manning, *A Life for Education*, London, Gollancz, 1970, p.61-2.

<sup>88</sup> The story is told in full in Liddington, *Life and Times of a Respectable Rebel*, pp.357-375.

differed from region to region. Most of the published recollections on which this chapter is based are from women magistrates whose service on the bench was performed in some of the more economically favoured parts of the country. One of the few who did serve in one of the 'distressed areas', Mrs. Andrews of the Rhondda in South Wales, merely pointed out that 'in the courts you are faced with the most intimate human relationships and some of the most tragic human problems' and that 'dealing with young offenders needs a great deal of patience, an open mind [and] a knowledge of social problems as they affect young people'.<sup>89</sup> Even as a possible cause of juvenile delinquency the problem of unemployment did not figure largely in the deliberations of the organisations of women magistrates in the 1930s.

The impact of the cinema certainly appears to have concerned women magistrates who worried about the effect on impressionable young people of what they saw on the screen. Gloucestershire's women magistrates received regular reports on the dangers posed by the latest cinema releases<sup>90</sup> while in Birmingham JPs set up a Cinema Inquiry Committee of which Ethel Shakespear, a leading member of the city's NCW branch, was a vice-president.<sup>91</sup> In 1931 the Birmingham committee and some Newcastle JPs lobbied the Home Secretary to express concern about the content of films and its effects on children.<sup>92</sup> They demanded the establishment of a government inquiry to examine the licensing of films, but were clearly disappointed as soon afterwards an unofficial national Cinema Enquiry Committee was established. Lady Nunburnholme, a JP from the East Riding of Yorkshire and Chairman of the NCW's

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<sup>89</sup> Andrews, *A Woman's Work is Never Done*, p.41.

<sup>90</sup> GCRO: GWMS minute book 1929-1931 passim.

<sup>91</sup> Women's Library: NVA records, File 51-1.

<sup>92</sup> *The Vote*, 24 July 1931, p.241.

Moral Welfare Committee, represented the National Vigilance Association on this body.<sup>93</sup>

The moral puritans in the NCW – many of them magistrates – reacted to the cinema in a similar way to its predecessor, the music hall, seeking to curb what they saw as the excesses of ‘indecent’ in popular culture, yet in the guise of protection’.<sup>94</sup> Some women magistrates clearly held puritanical views about the cinema, but their concern can be seen as similar to worries about the effects of television, videos and computer games upon children in more recent times. Writing in *The Vote*, Miss Tooke of Gateshead fulminated about the ‘eyesight damage, the smoke laden evening atmosphere trying the chest, and the opportunity offered for the easy spread of any infectious disease’, but above all about ‘the mental and moral influences’. Even the posters were to her mind ‘indecent’. Furthermore, Miss Tooke claimed that ‘magistrates often hear in the children’s courts of petty larceny committed for money “to go to the pictures” or have excuses for breaking and entering “we saw it on the pictures”’. However, ‘indecent’ seemed to be Miss Tooke’s main concern. ‘In 18 films sex or indecent were emphasised, in 14 drunkenness; in 11 there was a strong element of fear, in 10 unhealthy excitement, in 7 murder, - these were all shown to children.’<sup>95</sup> In contrast, the Gloucestershire women magistrates held the view that ‘the horrifying films did more harm to some children than those of an immoral nature’.<sup>96</sup> Their concerns about the cinema may be understandable, if exaggerated, but they undoubtedly emphasise the social distance between older women JPs and the

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<sup>93</sup> Women’s Library: NVA records, file 51-2. Another leading light of the NCW, Mrs. Ogilvie Gordon JP, chaired a meeting on ‘the influence of the cinema’.

<sup>94</sup> For the action of NVA activists against music hall and popular entertainment, see Lucy Bland, ‘Feminist Vigilantes of Late Victorian England’ in Smart (ed.) *Regulating Womanhood*.

<sup>95</sup> ‘The Cinema and the Child’ by J.M. Tooke JP, *The Vote*, 24 July 1931. p.241-2.

<sup>96</sup> GCRO: 06156/1 GWMS minutes 27 June 1933. However, they were also very concerned about ‘posing shows’ at country fairs.

young people who enjoyed the film entertainment, yet alone between the juvenile court justices and those who appeared before them in court.

The outbreak of the Second World War was, of course, the most important event to take place during the first thirty years that women sat on the magisterial bench, an event that undoubtedly impacted upon their work. Already in 1938 the Gloucestershire women magistrates were concerned about the influx of men into the county, brought in to build factories and aerodromes, which might prove such temptation (and danger) to young girls that extra policewomen might be needed.<sup>97</sup> When the war actually started the normal round of magistrates' conferences and meetings was disrupted, particularly the national ones organised by the Magistrates' Association,<sup>98</sup> which were affected by travel restrictions. The NCW's Public Service and Magistrates' Committee suffered reduced attendance. In Gloucestershire women JPs had to make do with a sandwiches rather than luncheon at their quarterly gatherings, thanks to the restrictions of rationing.<sup>99</sup>

Women magistrates noted changes in the nature of their routine work after the outbreak of the Second World War. Clare Spurgin's first day in 1943 included three charges of absence from Home Guard duties and one case of misuse of motor fuel, offences which would not have figured in peace time.<sup>100</sup> Louisa Martindale noted

A totally new type of defendant ... people who had sold their dress coupons, grocers who had obligingly given more than the exact amount of rationed food, farmers who had diluted their milk to make it eke out or householders who had infringed the blackout regulations.<sup>101</sup>

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<sup>97</sup> GCRO: 06156/1 GWMS minutes 4 January 1938.

<sup>98</sup> Magistrates' Association Annual Report 1940. MA conferences later resumed, although there is no evidence of the women's meeting continuing.

<sup>99</sup> The society met over lunch at a Gloucester café on the day of the Quarter Sessions. GCRO: GWMA minutes, 2 July 1940.

<sup>100</sup> Spurgin, *My Journey*, p.68.

<sup>101</sup> Martindale, *A Woman Surgeon*, p.204

As Smithies has demonstrated, the war itself caused parliament to add considerably to the list of offences punishable by law, for example offences against morale and breaches of rationing or blackout regulations.<sup>102</sup> In addition, higher incomes enabled people to indulge more in pastimes that were already potentially or actually illegal, such as gambling, prostitution and out-of-hours drinking.<sup>103</sup> Conscientious objectors had to be dealt with as well as people accused of breaches of industrial discipline, for example the refusal to work. It was left to magistrates – mostly volunteer laymen and women – to administer the criminal law and punish the offenders. In 1940 alone 300 000 people were dealt with in the courts.<sup>104</sup> Women and men JPs must have noticed a great increase in their court work, as well as having a lot more official papers to sign.<sup>105</sup>

Meanwhile, there was much disruption and dislocation to both the probation service<sup>106</sup> and to approved schools and Borstals<sup>107</sup> as staff left to join the services. The much-anticipated Criminal Justice Bill, which had proposed the abolition of birching for young offenders, had been shelved. Once again, as in the First World War, there was concern that there had been a marked increase in juvenile delinquency. According to Home Office figures, the rise in offending was most marked in those aged eight to thirteen years and amongst older girls. The number of girls aged fourteen to seventeen committing an indictable offence per 100 00 girls in the age group rose from 90 in 1938 to 214 in 1941. The rise in juvenile crime was undoubtedly a cause for concern for magistrates and government alike, but it could

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<sup>102</sup> Edward Smithies, *Crime in Wartime* (London: George Allen & Unwin, 1982) p.3-4.

<sup>103</sup> *Ibid.*

<sup>104</sup> *Ibid.* p.8

<sup>105</sup> *The Times*, 6 January 1942, p.5. The power to sign official papers was an aspect of a JP's role that was seldom commented on by women magistrates.

<sup>106</sup> The effects of war upon the probation service are covered by Bochel in *Probation & Aftercare*, p 160-5

<sup>107</sup> Magistrates' Association Annual Report 1942.

not simply be blamed on the War. The number of offenders only dropped slightly after its peak in 1941 and rose again to similar levels in 1948.<sup>108</sup>

Women magistrates were naturally concerned about the increasing number of girls coming before the juvenile courts. However, Miss Younghusband JP of the National Association of Girls' Clubs emphasised that it was still only a small proportion of girls who 'got into trouble'. Nevertheless, she detected a change in the type of difficulty that led to them being brought before her juvenile court in West London. Before the war stealing from stores was the commonest offence, but by the time of her speech (1942) she was seeing more girls 'in need of parental protection or beyond control', girls accused of breaking and entering unoccupied houses or 'shoplifting on a serious scale' and '15 or 16 year old girls from good homes who for no apparent reason stole from employers'. Miss Younghusband could not account for the latter phenomenon, except to suggest that 'perhaps it was the strain of war'.<sup>109</sup>

By this time there were frequent comments that magistrates in juvenile courts were too lenient towards young offenders.<sup>110</sup> This was refuted by another woman JP, Joan Thompson of Hendon, in a speech to a conference called by the National Council of Civil Liberties in November 1943. Indeed, far from seeing them as too lenient, Thompson argued the opposite, issuing a left-wing critique of some of her fellow justices, whom she significantly characterised as 'the old men' and 'old fashioned', as well as belonging 'to the well-to-do and privileged classes'.

Such people have little understanding of the strength of the home ties among working folk, and of the interdependence of the family unit; they don't realise how much it means to a child when the father is away fighting and the mother has to leave early in the morning to go to the factory and comes home exhausted and irritable... They haven't the imagination, or the right kind of experience, to put themselves in the

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<sup>108</sup> Appendix II of criminal statistics (1947) reproduced with provisional figures for 1948 in *Memorandum on Juvenile Delinquency*, London, HMSO, 1949.

<sup>109</sup> *The Times*, 1 October 1942, p.2.

<sup>110</sup> For example, *ibid.*, 14 September 1942, p.5; 16 September 1942 p.5.

child's place, and hence sometimes treat them, and their parents, with a cold, uncomprehending cruelty that makes one shiver. Or they deliver lectures which are so hopelessly silly, to anyone who understands, that it makes one writhe in one's chair with hopeless indignation.<sup>111</sup>

Thompson's speech is interesting in several ways. Firstly, she signified the more reactionary type of JP as 'old men', and by inference, the more 'advanced' type as young, female and less privileged. This polarity was often evident in the pronouncements of penal reformers. Later in her speech she urged, as many penal reformers and those on the left of politics did in the 1940s, for changes in the way JPs were recruited and appointed, with more younger people, women and working class representatives being chosen. Such criticisms prompted the Labour Government in 1946 to appoint the first Royal Commission since 1910 to 'review the present arrangements for the selection and removal of Justices of the Peace ... and to report what changes, if any, in that system are necessary are desirable to ensure that only the most suitable persons are appointed'.<sup>112</sup>

Secondly, she put the blame for rising levels of juvenile delinquency (which she anyway claimed had been 'wantonly exaggerated') on the disruption caused by war to patriarchal family life, citing the same factors (fathers in the army and mothers in the factory) as Cecil Leeson had during the First World War.<sup>113</sup> It might therefore be concluded that, although Thompson was clearly a socialist and penal reformer (she strongly denounced the use of the birch), she was not much of a feminist. However, her views would have won much sympathy among left-leaning women in the 1940s. Madeleine Symons, Cicely Craven and Margery Fry of the Howard League expressed similar concerns in the 1940s and Fry published a popular version of Dr. John

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<sup>111</sup> Joan B. Thompson, *Justices of Peace in the Juvenile Courts*, London, Labour Research Department, 1944, p.2.

<sup>112</sup> Royal Commission Report, Cmd.7463, 1948 p.A2.

<sup>113</sup> Cecil Leeson, quoted in *Juvenile Delinquency in Certain Countries at War*, Washington, U.S. Department of Labor Children's Bureau, 1918) p.8.

Bowlby's famous report *Maternal Love and Mental Health* (which associated mental disorders, including delinquency, with 'maternal deprivation' in young childhood) in the early 1950s.<sup>114</sup> The urge to restore the patriarchal family after the disruptions of war was clearly shared by some women magistrates.

Finally, Thompson's remarks about some of her fellow magistrates would probably have made her rather unpopular with them, if they got to hear what she had said. The treatment of Mrs. Noble of South Shields, who in 1938 had protested publicly about colleagues' decisions to order the birching of two boys and was reprimanded by the Lord Chancellor's Office,<sup>115</sup> demonstrated that public criticism of one's fellow JPs was regarded with disfavour.

Apart from worries about juvenile crime, the most marked effect of the outbreak of war on women magistrates was a revival of concern amongst them about the sexual vulnerability of teenage girls and the greater opportunities for prostitution at a time of mass evacuation and the large-scale mobilisation and movement of troops around the country. The reasons for their concern are reasonably clear. Many middle class women magistrates had entered public work through their involvement with organisations which sought to rescue prostitutes and 'fallen women' and / or prevent their 'fall' in the first place, in bodies such as the Girls' Friendly Society (GFS), girls' clubs, the Charity Organisation Society and Ladies' Associations. Organisations of this type were prevalent in the towns and cities and even rural parts of late nineteenth century England,<sup>116</sup> a formative period for the first generation of women magistrates. Among the many who 'cut their teeth' in such work at the time were Mrs. Rackham

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<sup>114</sup> Huws Jones, *The Essential Amateur*, p.218-9.

<sup>115</sup> PRO: LCO2/1461.

<sup>116</sup> Paula Bartley, *Prostitution: Prevention and Reform in England, 1860-1914*, London, Routledge, 2000, p.73. The GFS was associated more with rural areas and with the Church of England, see Brian Harrison 'For Church, Queen and Family: The Girls' Friendly Society 1874-1920' *Past and Present* 61, 1973.



who 'did the GFS' before her marriage in 1901<sup>117</sup> and Mary Neal and Lily Montagu who were both girls' club organisers in the 1890s.<sup>118</sup>

As Paula Bartley has shown, the ideological stance of the preventive and rescue organisations was contradictory, 'a complex mix of class prejudice and gender solidarity'.<sup>119</sup> On the one hand they had tried to 'unite middle-class and working-class in a Christian campaign against prostitution' while at the same time imposing 'their own definition of what was considered to be correct forms of behaviour',<sup>120</sup> a definition underpinned by their own class background. These notions, often coupled with a feminist distrust of any state regulation of prostitution (the origins of which can be traced back to the campaign against the 1860s Contagious Diseases Acts led by Josephine Butler) continued to inform the outlook of many of the older women magistrates who were still active in the 1940s. Miss Tooke of Gateshead, for example, had vociferously opposed Section 40D, a measure that feminists had regarded as a virtual re-enactment of the CD Acts, during the First World War.<sup>121</sup> Other women magistrates had been associated with vigilance organisations and had expressed particular enthusiasm for cinema censorship and other morality measures in the interwar period, as well as persistently campaigning for the appointment of women police.<sup>122</sup>

However, attitudes towards sexual conduct were already becoming somewhat heterogeneous and even the views of women magistrates were not monolithic. Many continued to see the prevention of prostitution in both its 'professional' and its

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<sup>117</sup> The Women's Library: taped interview with Miss Tabor by Brian Harrison.

<sup>118</sup> Montagu opened the West End Central Jewish girls' club in Soho at the age of 19 in 1893. Iris Dove, 'Sisterhood or Surveillance? the development of working girls' clubs in London, 1880-1939' University of Greenwich PhD thesis, 1996 p.131. Mary Neal founded the Esperance Club in London with Emmeline Pethick during the 1890s. For further details on the previous experience of women magistrates, see Chapter Four.

<sup>119</sup> Bartley, *Prostitution*, p.73.

<sup>120</sup> *Ibid.* p.74-6.

<sup>121</sup> *Gateshead and District Biographies*, p. 253 (Gateshead Public Library).

<sup>122</sup> GCRO: GWMA minutes, *passim*. The campaign for women police is examined in the Chapter Six.

'amateur' forms as the key problem. Hampshire women magistrates were worried about girls who were 'hanging around' military camps and passed a resolution for the appointment of women police in the county.<sup>123</sup> In London the increase in both supply and demand for commercial sex in wartime concerned magistrates but the problem was taking on new dimensions, particularly because the prostitutes seemed younger than hitherto and the customers were more likely to be 'foreigners' such as black American soldiers.<sup>124</sup>

As perspectives on the problem differed, so did the treatment of prostitutes by magistrates. Generally, they tried to be sympathetic but firm especially when dealing with young offenders. Basil Henriques found the cases of younger prostitutes 'heart-rending' but he appears to have followed the rules and dispatched the offenders to approved school.<sup>125</sup> His colleague Lily Montagu, whose approach he clearly favoured, 'always tried to find something good about every girl or child and to say something encouraging and helpful to them'<sup>126</sup> although according to Barbara Wootton she 'appeared to find no problem in expressing the required disapproval of sexual aberrations in firm, but kindly terms'. However, Barbara Wootton confessed to greater doubts, albeit over thirty years after she became a juvenile magistrate at the end of the war. 'I had great difficulty in producing convincing reasons why these young people should not behave as they preferred' she recalled, 'provided always that they took adequate precautions against saddling themselves and others with responsibility for a new life'. As she pointed out, a girl earned more in one night sleeping with an American airman than in a whole week of factory work.<sup>127</sup> Barbara

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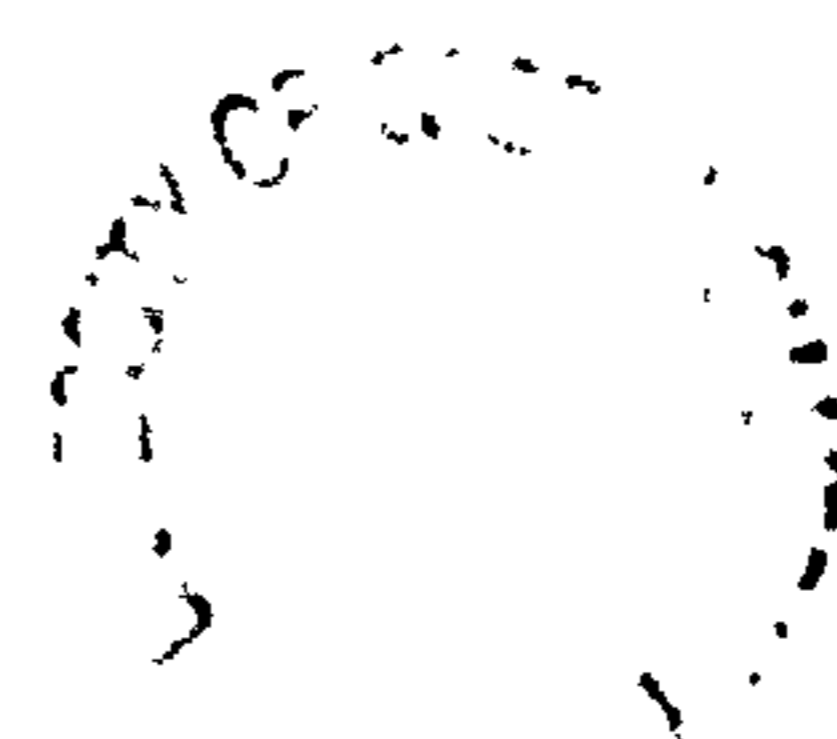
<sup>123</sup> HRO 23M57/1: HWMS minutes, 11 January 1943.

<sup>124</sup> Edward Smithies, *Crime in Wartime* pp. 139 & 142; c.f. Basil Henriques, *Indiscretions of a Magistrate*, London, Harrap, 1950, p.87.

<sup>125</sup> Henriques, *The Indiscretions of a Magistrate*, p. 82-3.

<sup>126</sup> *Ibid.*, p. 84.

<sup>127</sup> Wootton, *Crime and Penal Policy*, p. 157-8.



Wootton's doubts were expressed long after the event and at a time when sexual mores had altered a great deal since the 1940s. But it is unlikely that she was the only woman magistrate to question, if only to herself, the accepted methods of dealing with such cases during the upheavals of wartime.

## DOUBTING JUSTICES

Most of the early women magistrates who left a record of their feelings seem to have appreciated their opportunity to exercise their right to serve. Published memoirs and printed speeches that celebrated their entry into the public sphere of the courtroom were not, however, very suitable places for confessions of doubt. Nevertheless, there are hints that not all of them were over-enthusiastic about the work. As a busy doctor, Louisa Martindale found her duties on the Brighton bench somewhat onerous and time-consuming.<sup>128</sup> Of course, the fact of her career made her somewhat unusual in the ranks of women magistrates, most of whom were retired or married and/or comfortably off women who did not have to earn their living. Yet she cannot have been alone. Women magistrates could be called upon far more often than their male counterparts simply because they were fewer in number, for example because of Home Office guidelines requiring a woman justice in all juvenile cases.

A female JP could also find herself rather isolated on an all-male bench. Ethel Leach of Yarmouth complained of having to 'plough a lonely furrow' there as the only woman magistrate for over five years.

How would a man like to be the only one among forty women magistrates? Sometimes, she added, she had turned back from the court door, not daring to face the difficult and delicate situation alone.<sup>129</sup>

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<sup>128</sup> Martindale, *A Woman Surgeon*, p.201.

<sup>129</sup> *The Vote*, 1 January 1926, p.7.

Margaret Wynne Nevinson also appears to have found the work distasteful, claiming that she 'was not much drawn to the work of magistrates; like many women and men I dislike sitting in judgement on my fellow sinners' and that she 'hated the squalor and evil aura of a court'. Apparently it was only because of her sense of Christian duty and 'that women must accept the responsibilities of enfranchisement', that she accepted nomination in the first place, although she was proud of her position.<sup>130</sup>

Vita Sackville West, who became a JP in Kent in the 1940s, expressed unease about her role, and in passing drew attention to the dramatic construction of a police court, in a letter to her husband, Harold Nicolson.

I am somewhat agitated, because the police telephoned for me to take a rather complicated case this morning. I rather hate these cases, although the human aspect of them always interests me objectively. I don't like it when I am the only Justice, as I was this morning, and have to sit in a large armchair behind a table, while the wretched delinquent stands before me and the room is full of police officers and the Clerk of the Court and his Clerk and the Detective Superintendent, all bringing charges and evidence against the prisoner, and all the ponderous weight of the Law and its apparatus of which I am a part. I always feel that here is a wild animal trapped and caged, and that if it sprang at my throat it would be seized and restrained by a dozen strong hands; and above all I feel "There but for the grace of God and B.M.'s marriage settlement, go I".

"Take your hands out of your pockets when Her Worship speaks to you!" Oh darling, it makes me feel like a character in a Galsworthy play.<sup>131</sup>

Sackville West expresses a mixture of fear and pity towards the defendant in this letter, her only detailed comment on her work as JP. The text is ambiguous, but it is possible that her dislike of hearing cases alone stemmed from her sense that responsibility for decisions made in these circumstances could not be shared, a sense of isolation not dissimilar to Mrs. Leach's. Her admission of distaste, even fear, is fairly unusual, although the suggestion of a causal relationship between poverty and crime was a widespread sentiment among women magistrates.

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<sup>130</sup> 'Recollections of a Pioneer JP' by Margaret Wynne Nevinson, *The Vote*, 17 April 1931, p. 125

<sup>131</sup> Nigel Nicolson (ed.) *Vita and Harold: The Letters of Vita Sackville West and Harold Nicolson, 1910-1962*, London, Weidenfeld & Nicolson, 1992, p.392. Letter dated 14 December 1949.

Evidently not all women magistrates were blind to the imperfections of the system of which they had become a part. Strong criticism came early on from the South Wales suffragist and Liberal parliamentary candidate Mrs. Coombe Tenant who, after only three years as a JP claimed to be 'appalled' at the amount of power in the hands of untrained local magistrates.

Any two magistrates may order the removal of a child ... to an industrial school against the will of its parents ... Can anyone suppose if this power had been exercised against the children of well-to-do parents it would have remained without safeguards?<sup>132</sup>

Although her statement can be constructed as a plea for more training, it also hints at a deeper unease with the social bias of the criminal justice system.

Socialist woman magistrates were also apt to detect class prejudice and reflected upon its inequalities. Speaking at a conference of magistrates in 1927 Gertrude Tuckwell admitted that there appeared to be 'one law for the rich and another for the poor'. She contrasted the plight of children prosecuted for playing football in the streets with those who had access to the playing fields of Eton and Harrow. 'If you visit the metropolitan courts, you find that the great proportion of culprits belong to the "have nots", who are trying to get those things which seem the birthright of others'.<sup>133</sup> However, Tuckwell's prescription was not to reject the system altogether, but to engage within it in a 'spirit of social reform'. Like many left-leaning women magistrates of this era, notably Miss Fry and Mrs. Rackham, her answer to uncomfortable questions about the criminal justice system was essentially Fabian: gradual change – from within. Reforming women throughout the 1920-1950 period remained optimistic that this approach would succeed in the legal system, as it

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<sup>132</sup> *Women's Leader*, 8 February 1924, p.22.

<sup>133</sup> Gertrude Tuckwell, 'Towards Justice', *The Magistrate*, January 1928, p.215.

apparently had in local government. Only the practical engagement of progressive women and men as magistrates would produce the required change, albeit slowly.

The doubts, however, did not go away, but became more insistent in the post-war era when rising living standards were accompanied by further increases in crime rates. In Blythe's *Akenfield* Mrs. Annersley confessed that she was 'so moved by the plight of many of the people who come up, yet she was 'harder than I used to be'. Like Vita Sackville West, the responsibility for decisions weighed on her mind: 'I always come home frightfully worried and wretched if I've sent someone to prison or a detention centre'.<sup>134</sup> Barbara Wootton was critical of many aspects of the system as she surveyed it after retirement in the 1960s, yet it is significant that she had remained a part of it for over forty years.<sup>135</sup> Perhaps these publicly acknowledged doubts were merely the visible tip of a very large iceberg of magisterial concern, or perhaps they were confined to a minority of JPs predisposed to question the State and its institutions; it is impossible to make a definitive judgement from the extant evidence. Nevertheless it is evident that even some of the earliest women magistrates were not content to merely take part in the existing criminal justice system, but were intent upon fomenting change within it wherever possible.

## **WOMEN MAGISTRATES – THE VERDICT**

To what extent was Dr. Ogilvie Gordon correct in her assessment of the work of women JPs as a 'signal success'? As indicated in a previous chapter, women were still a minority on the Commissions of the Peace in the late 1940s but they were conventionally expected to be part of most juvenile courts and domestic hearings. These arrangements and the presence of women on the bench had become

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<sup>134</sup> Blythe, *Akenfield*, p.252.

<sup>135</sup> Wootton, *In A World I Never Made*, Chapter 9; *Crime and Penal Policy*, passim.

commonplace and accepted. There no longer seemed to be bitter battles over the presence of women in sex cases as there had been in the 1920s. More women were being elected to positions of responsibility in the magistracy, as chairmen (not merely of juvenile courts), advisory committee members and as the bench's representatives on Standing Joint Committees in the counties.<sup>136</sup> Barbara Wootton felt that, as a women magistrate, she had moved from 'a peculiarity' to a commonplace creature in the forty or so years she spent on the bench.

In my experience a woman is as likely to occupy the Chair as a man, and in the regular meetings which it is the practice for the Chairman of the London Juvenile Courts to hold it could certainly never be said that more attention was paid to the contribution of one sex than to those of another.

But she added in a footnote:

Alas! No sooner had I written these words than I found lying on the table in a Justices' room in a court where I have been regularly sitting (and in which I have many years' seniority on the Bench) ... a notice giving particulars of the Court's Annual Dinner "gentlemen only"<sup>137</sup>

Inequality therefore seems to have persisted, despite the ostensibly gender-blind culture of the post-war years.

Commentators, however, were not gender-blind; the relative merits of male and female magistrates were not infrequently discussed. Leo Page's stereotypically masculine view was that women could be made into team players, but only 'if they have been brought to understand the necessity for it'.<sup>138</sup> In a speech to Hampshire Women Magistrates he elaborated.

He said that women are either very good or very bad at decisions and he doubts whether it is valuable to have women on the Bench. But

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<sup>136</sup> The members of the Gloucester Women Magistrates Society realised the importance of having a woman on the SJC, but were hampered by the small number of women county councillors. Miss Ker JP was elected to the committee in 1926. GCRO: GWMS minutes, 13 April 1926.

<sup>137</sup> Wootton, *In A World I Never Made*, p.154.

<sup>138</sup> Page, *For Magistrates and Others*, p.182-3, (speech to the annual conference of women prison visitors).

women are keener on the right treatment: in DPA<sup>139</sup> work they are untiring, selfless and indefatigable; and they are better than men because they are willing to learn.<sup>140</sup>

This suggests that Page believed, as so many Victorians had, that women had their own 'proper sphere' to inhabit, that their natural attributes included an ability for hard work and attention to detail. Fundamentally, he saw women as most suited to the philanthropic aspects of a JP's work. Undoubtedly some women magistrates would have concurred with him; their backgrounds in those kinds of public service regarded as 'women's work' may have prompted more enthusiasm on their part for the 'social work' part of the job. However, generalised accusations that they failed to distinguish between social work and justice cannot be valid, given that so many of them were highly intelligent people, well educated in constitutional theory.

Basil Henriques, a London social worker and JP, was also unafraid of pontificating on the quality of women magistrates. 'I have sat with many women justices, and I have found that, perhaps like the men, they are either extraordinarily good or else extremely feeble', he wrote. He singled out some of the women chairman of London Juvenile Courts as 'exceptionally good'. Although he did not mention any by name, the dedication of his book to Cynthia Colville, 'who has been my friend and colleague on the bench for nearly a quarter of a century' suggests one person he had in mind. But other women magistrates did not 'seem to have studied the laws as carefully as they should have done', a criticism he does not apply to men. Worst of all some women were apt to 'come to their conclusions, not on the evidence before them, but on what their feelings prompt them to find'. Henriques thus was constructing women as basically unreliable and emotional. However, like Page, he

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<sup>139</sup> Discharged Prisoners' Aid Societies. Hampshire women magistrates took a great interest in these organisations and followed up the cases of Hampshire women who had been discharged from Holloway Prison.

<sup>140</sup> HRO: HWMA minutes, 9 January 1939, emphasis in the original.



felt that women really came into their own on the question of the 'treatment' of offenders, on which women 'sometimes ... show remarkable insight'. He therefore concluded that 'the courts are better for their assistance'.<sup>141</sup> Having judiciously weighed the evidence, Henriques appears to have achieved a guarded acceptance of his female colleagues.

Although the evidence is at times ambivalent, it can be inferred from their actions that the first generation of women magistrates, particularly those associated with women's organisations or with a background in suffrage work, saw themselves as representatives, even protectors, of women and children in court. This belief motivated them to remain in court when 'unpleasant' cases were heard and legitimated their interest in the conditions of women prisoners and child offenders. However, as Hannah Mitchell admitted, 'I had always pictured myself as "counsel for women's defence" but found myself quite often wholeheartedly on the man's side, being rather quicker at seeing through the "helpless little woman" than some of my male colleagues'.<sup>142</sup>

Class and generational differences undoubtedly impeded any impulse towards gender solidarity. Basil Henriques was one of several commentators who alleged that his female colleagues came down harder on female offenders.

They seem to take the attitude that the very depraved girls who sometimes come to court have offended against their sex, and they are far less understanding of them than men are.<sup>143</sup>

It may have been impossible for some women magistrates to overcome age and class barriers in order to empathise fully with these girls, although many would strive to accomplish a greater understanding of them.

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<sup>141</sup> Henriques, *The Indiscretions of a Magistrate*, p.14-15.

<sup>142</sup> Mitchell, *The Hard Way Up* p.235.

<sup>143</sup> *Ibid.*

Of course, this is one of the many aspects of this study about which it is impossible, even dangerous to generalise. No doubt there were as many different approaches as there were JPs and the same magistrates might react in completely different ways in what appeared to be similar situations. Yet the conclusion reached by Anne Worrall after interviews with women magistrates in the 1980s may well apply also to this period:

Women magistrates suppress their empathetic understanding of women's position in society ... because having entered the masculine world of the criminal justice system by virtue of their womanhood, their ability to sustain their authority and credibility within it is dependent on their denial of that womanhood.<sup>144</sup>

Worrall argued that they lacked the confidence to express different perspectives because of a lack of 'will to experience the discomfort of conflict'. Instead, like Hannah Mitchell and so many of her contemporaries, the later generation of women magistrates resorted to the use of an apparently gender blind 'common sense' to resolve matters. Perhaps this prohibited women magistrates from making the distinctive contribution to the justice system that feminists had hoped for.

Using sources produced mainly by a small minority of women magistrates and some of their colleagues and allies, this chapter therefore suggests that their experiences, as far as they can be ascertained from such ambivalent material, were varied in context and in content. They held a variety of political views and their degree of commitment to the work varied. Some served on rural benches, others in major towns and cities. Some specialised in juvenile work, others engaged in a broad range of activities. Some became prison visitors and immersed themselves in the question of prison reform. There were those who appeared to have thoroughly

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<sup>144</sup> Worrall, 'Sisters in Law', p.123.

enjoyed their work on the bench and those who expressed doubt and uncertainty about the criminal justice system and their own role within it. Experiences also varied over time: the early pioneers of the 1920s had to confront head-on attempts to remove them from the bench in cases such as sexual assault, while the women magistrates of the 1930s had to cope with the depression and those of the 1940s with the effects of war.

The evidence left by the early women magistrates is partial and fragmentary. Nevertheless, it is possible to make some generalisations about their experiences and approach. Those women magistrates who left a record of their impressions seem to have had a positive approach to their duties, even if those duties were at times dull. Without becoming self-important, they were fully aware of the significance of their new role and were determined to become successful citizens. Those who had been active in the suffrage struggle often demonstrated a heightened sense of duty not only towards the state which had now admitted them to citizenship, but also towards their fellow women who came before the courts, although attempts at gender solidarity could be undermined by the fact that women magistrates, unlike defendants and witnesses, were overwhelmingly middle class.

Women justices made significant use of their previous experience, often in local government, poor law administration or voluntary social work in their magisterial work. However, this approach laid them open to the charge that 'women found it more difficult than their male colleagues to differentiate between judicial and welfare functions and therefore tended to become more emotionally involved in cases coming before the bench'.<sup>145</sup> However, most commentators seemed to agree that women magistrates were a success, perhaps because they had proved less disruptive than had been feared. As the next chapter will demonstrate, their enthusiasm for

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<sup>145</sup> Skyrme, *History of the Justices of the Peace* Volume 2, p. 236.

seemingly practical solutions and the right 'treatment' of offenders, coupled with a desire to do the job properly, brought women magistrates and their organisations further into a network of penal and judicial reform movements, while providing them with greater opportunities for training than had hitherto existed.

## CHAPTER SIX

### BEYOND THE COURTS: WOMEN MAGISTRATES' ORGANISATIONS AND CAMPAIGNS

Previous chapters of this thesis have examined the ways in which women's organisations lobbied for the appointment of women magistrates and worked with other interest groups in promoting penal reform (including the development of the probation system and separate juvenile courts and changes to prison conditions). Prominent among the first women magistrates was a group of women, mostly former suffragists, who became very interested in the role of the JP. For some, the magistracy became the main focus of their public work, the principal expression of their citizenship and a vital outlet for their feminist energy in the decades after the vote was 'won'. This group, including outstanding women such as Mrs. Rackham, Margery Fry and Mrs. Keynes, were part of a much wider network of organisations whose individual membership potentially and actually included a large proportion of the women JPs of England and Wales.<sup>1</sup>

This chapter will chart the network of organisations that leading women magistrates used to promote the message of penal reform, encourage more consistent application of the law in courts across the country, and, crucially, to provide training for women (and, eventually, for men) forty years before the introduction of the official government scheme for training lay magistrates. In addition to analysing networks of women magistrates, this chapter will examine two of key campaigns mobilised by these networks that have not featured elsewhere in this study: the campaign to alter court proceedings in domestic cases and the campaign for the

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<sup>1</sup> See diagram in Appendix C displaying the full network of organisations relevant to the work of women magistrates.

appointment of women police. These examples will demonstrate that, far from being quiescent in the two decades after 1918, women's organisations pursued fundamentally feminist objectives in relation to the legal system of England and Wales, and that women magistrates frequently took the lead in these campaigns.

Organisations featured herein range from national bodies, some of which had a local branch network, such as Women's Citizens Association and the National Council of Women, to purely local clubs, such as the Gloucestershire Women Magistrates' Society. Some were pre-existing bodies, for example the two former suffrage societies that remained in business after 1918 (the Women's Freedom League and the National Union of Societies for Equal Citizenship). Others were new organisations. Most of the bodies featured in this chapter were women-only, although some of the local women magistrates' societies invited men to their meetings, albeit with little response.<sup>2</sup> The Magistrates' Association is an obvious exception, but it is included here because its inception in the year following the appointment of the first women magistrates was no coincidence and because its individual membership in the early years was about one-third female. Some of the organisations have been traditionally regarded as 'feminist', while others, most obviously the NCW, have been viewed as insufficiently radical for such a description. The precise rationale of these organisations varied but they all played a part in the dissemination of information of interest to magistrates, in organising conferences and training activities and in raising

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<sup>2</sup> The Hampshire Women Magistrates' Association agreed in 1936 to allow men to attend their meetings as 'honorary members' but the response from male colleagues appears to have been poor. In April 1939 25 women attended and 3 men to hear Madeleine Symons speak on the Criminal Justice Bill, in June 1940 there were 20 women and one man and in January 1941 23 women and 3 men (HRO: 23M57/1).

awareness of the magistracy and locating potential recruits for the bench, as did the Women's Co-operative Guild and Women's Institutes.<sup>3</sup>

Membership of the organisations naturally overlapped, particularly of the NUSEC, the WFL and the NCW, so that personal friendship networks of women magistrates were also established. Relationships between the organisations were therefore often quite harmonious and joint ventures were organised, for example a meeting held in Portsmouth by the WFL and the local WCA to demand the appointment of more women JPs.<sup>4</sup> There were links between the bodies at the national level too. The WFL was affiliated to the NCW and from 1923 was represented on the latter's Executive Committee.<sup>5</sup>

To a large extent the activities of some of these bodies can only be guessed at due to the lack of detailed evidence. Only two local women magistrates' societies, those of Gloucestershire and Hampshire, left records, although there are clear indications that similar bodies existed in other parts of the country. For example, Mrs. Juson Kerr, a WFL member, promoted meetings of women magistrates in East Kent addressed by Miss Tooke, a member of the Council of Women Magistrates of Northumberland, Cumberland and Durham.<sup>6</sup> Only a few NCW branches or WCAs (notably Cambridge) have extant archives, although their activities can be traced through local newspaper reports. However, a full set of minutes of the NCW's national Public Service and Magistrates' Committee (PSMC) in the London Metropolitan Archives provides a great deal of insight into the perspectives and activities of its members.

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<sup>3</sup> See Chapter Four. The Women's Co-operative Guild also passed resolutions at its annual congresses on subjects related to the criminal justice system, for example expressing opposition to the birching of young offenders, Gaffin & Thoms, *Caring and Sharing*, p.108.

<sup>4</sup> Eustance, 'Daring to be Free', p.367.

<sup>5</sup> *Ibid.* p.315.

<sup>6</sup> *The Vote*, 3 December 1926, p.383; 27 January 1928, p.25.

## THE SUFFRAGE SOCIETIES: WFL AND NUSEC

The former suffrage societies played an important role, particularly in the 1920s, in maintaining the network of women JPs. Once their original objective was obtained in 1918 and 1928 they turned their interest to other aspects of equal citizenship, among which the magistracy featured prominently. Although the membership of both the WFL and the NUSEC was falling, both organisations produced journals throughout the decade, respectively *The Vote* and the *Women's Leader*, which regularly featured items relevant to the magistracy.

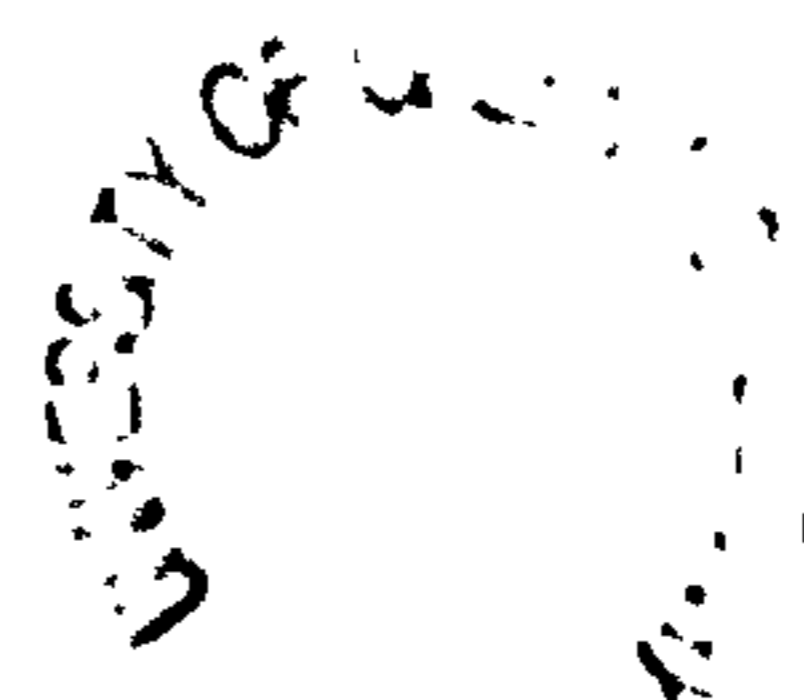
A reading of editions of *The Vote* published between 1919 and November 1933 (when it was replaced by a more cheaply produced publication, the *WFL Bulletin*) would suggest that the work of the courts in general, and of women JPs in particular, was of utmost interest to WFL members. The inclusion of three WFL members (Mrs. Nevinson, Miss Tooke and Mrs. Smith) in the Lord Chancellor's List (1920) was celebrated with full-page profiles. In the 1920s hardly a month went by without the announcement in *The Vote* of the appointment of more women to a Commission of the Peace somewhere in the country and features on women mayors and parliamentary candidates (many of whom were also JPs). By the 1930s the appointment of women to key justices' committees was noted.<sup>7</sup> These items were in keeping with the publication's desire to celebrate women's successes, especially when achieved in traditionally masculine spheres.

More significantly, the paper carried articles on the work of women magistrates,<sup>8</sup> news items about magistrates' conferences, reports of Home Office Committees and features on penal reform and practice. Apparently, Elizabeth Knight,

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<sup>7</sup> For example, the paper reported the appointment of three women JPs to the Northumberland Probation Committee in 1933. They were the first women to serve on it. *The Vote*, 20 January 1933, p.18

<sup>8</sup> For example, 'A Magistrates' Task', by 'ASC', presumably Alice Schofield Coates, League president and Middlesbrough magistrate, *The Vote*, 21 September 1928 p.303.





who largely financed *The Vote*, and the League Secretary, Florence Underwood, were keen supporters of penal reform and worked with the Howard League. However, their dominance of the League in the 1920s<sup>9</sup> is not alone a sufficient explanation of the prominence that the WFL attached to such matters. The League's stance was agreed at its Annual Conference by the adoption of formal resolution, for example in 1923 it demanded reform of 'the entire penal system of this country'.<sup>10</sup> There is also evidence that local branches expressed support for penal reform.<sup>11</sup> Ultimately, opinions expressed in the pages of *The Vote* must have resonated with a majority of its readers. The flurry of correspondence following Mrs. Green's refusal to leave the bench<sup>12</sup> is an indication that the publication was read by at least some women magistrates, including members of the Gloucester Women Magistrates' Society.<sup>13</sup>

Although WFL membership declined in the interwar period from about five to three thousand, it remained a pressure group of some significance, one that took a special interest in the work of the courts in general and in women magistrates in particular. Its pronouncements in the 1920s (both in formal resolutions and through the editorial stance of its paper) demonstrate the interface between feminism and 'progressive' attitudes towards penal reform.

The contribution of the NUSEC to maintaining the informal network of women JPs was twofold. Firstly, it was the first body to organise conferences and training schools specifically for magistrates. Secondly, in 1923 a regular feature entitled 'The Law at Work' began to appear in its paper, the *Women's Leader*, a 'little magazine (which) circulates among the most respectable constitutional suffragist-of-

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<sup>9</sup> Claire Eustance, 'Daring to be Free', p.327.

<sup>10</sup> Ibid., p.386.

<sup>11</sup> Ibid., p.327.

<sup>12</sup> See Chapter Five.

<sup>13</sup> *The Vote*, 24 April 1925, pp.130, 135.

the-past circles'.<sup>14</sup> The column's publication continued monthly until the *Women's Leader* underwent a facelift in 1931 when a new editorial policy replaced it with more domestic features such as the 'home page' and 'children's page'.<sup>15</sup> Together the conferences and the column provided a valuable source of information and education to women magistrates during the 1920s.

The first women magistrates' summer school held in 1922 at St Hilda's College, Oxford was a hitherto unheard of innovation, although the NUSEC had organised its first conference for women magistrates as early as November 1920<sup>16</sup> and suffrage summer schools had been an established fact for some years. One MP even asked the Attorney General if similar arrangements could be made for male magistrates – an indication that the suggestion that magistrates should be educated or even prepared for their task was still a novel one.<sup>17</sup> According to the *Women's Leader*, the 1922 summer school was marked by an 'eager thirst for knowledge' by the participants 'evidenced by attendance at lectures, raids on bookstalls and not least by snatches of earnest conversation overheard in the garden or common room'.<sup>18</sup> Miss Fry organised daily informal conferences in addition to the formal sessions at which women magistrates could discuss their experiences and exchange ideas. One participant, Miss Sessions of Gloucestershire, was so thoroughly inspired by the event that she subsequently formed a society of women magistrates in her home county.

Further summer schools were held in 1925 and 1928, again in Oxford. In 1925 around one hundred women attended the school 'for magistrates and citizens' to hear several speakers including Clarke Hall, Miss Fry, Mrs. Rackham, Mrs. Geraldine

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<sup>14</sup> PRO: PCOM9/409: letter from Margery Fry to Alexander Paterson, 18 July 1930.

<sup>15</sup> The final 'Law at Work' feature appeared in September 1931. Subsequently, in 1933, the *Women's Leader* went into voluntary liquidation and was replaced from April 1933 by *The Townswoman*, which carried on the primarily domestic editorial policy.

<sup>16</sup> *The Times*, 1 December 1920, p.9.

<sup>17</sup> *Women's Leader*, 11 August 1922, p.218.

<sup>18</sup> *Ibid.*, 1 September 1922, p.241.

Cadbury, Eleanor Rathbone, the Birmingham psychologist Dr. Hamblin Smith and Mr. Bryson JP (chairman of the Birmingham licensing committee). There was some criticism that this heavy programme allowed little time for discussion, but informal meetings also took place on similar lines to those of 1922.<sup>19</sup> In 1928 'practical problems of administration of the law were discussed by Miss Hartland and a group of women magistrates', who, according to the *Women's Leader*, 'made us realise the amount of magnificent work being done by our JPs and the need for more women to help them on the bench'.<sup>20</sup> Although not all women magistrates appreciated these efforts – one indignant woman JP apparently wrote to the press ridiculing the idea and claiming that 'common sense' was the only prerequisite for success on the bench<sup>21</sup> - these early conferences and conversations are nevertheless highly significant as they took place at a time when the Magistrates' Association had barely begun to function and when official training for magistrates was non-existent.

'The Law at Work' column, officially 'under the direction of Mrs. C.D. Rackham JP, Miss S.M. Fry JP, with Mrs. Crofts as Hon. Solicitor' was in practice mainly written by Mrs. Rackham, a Cambridge Councillor and evidently close colleague of Margery Fry in the Howard League. A former NUWSS executive member, Mrs. Rackham appears to have put much of her formidable feminist energy into her work as a magistrate, acquiring a better understanding of penal matters and spreading her knowledge, although she remained active in politics as well, standing as a Labour candidate in several General Elections. Mrs. Rackham demonstrated her commitment, as well as a thoroughly modern approach to the role of MP, when *The Vote* interviewed her for their series 'When I am an MP'. 'I think the wisest course for an MP who wants to be of use is to acquire as much knowledge as possible on

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<sup>19</sup> Ibid., 5 June 1925 & 11 September 1925.

<sup>20</sup> Ibid., 21 September 1928 p.258.

<sup>21</sup> Ibid., 1 September 1922, p.241.

some one subject ... I am much interested in criminology and penal reform, and I should try to make a study of that subject'.<sup>22</sup> Mrs Rackham was already studying the subject, and she passed on her findings to others, both through 'The Law at Work' and through numerous lectures and conference papers. She even gave talks about the work of a woman magistrate and on 'How Justice is Done' on BBC radio in the 1920s, becoming one of Britain's first women broadcasters.<sup>23</sup> For Mrs. Rackham an interest in her work as magistrate was not a diversion from her commitment to the women's movement but a direct expression of it. She often gave evidence to official inquiries, representing a variety of organisations (including the Magistrates' Association, the Howard League and the SJCIWO) and was herself a member of the Committee on Sexual Offences Against Young People.

'The Law at Work' articles were mainly of interest to actual or potential women JPs and social workers. Their publication suggests that the NUSEC continued to attach great importance to the work of women magistrates throughout the 1920s. Topics covered included fairly predictable items (such as the juvenile courts, police court visiting, and the probation service) and less obvious matters (such as prisons in Australia and capital punishment). Mrs. Rackham also reviewed books of interest to magistrates, for example Cyril Burt's *The Young Delinquent*,<sup>24</sup> and provided useful summaries of official documents such as the reports of the Prisons Commission. Mrs. Dowson's League of Honour experiment in Nottingham was covered, as well as a new licensing scheme in Carlisle where public houses were publicly owned and managed.<sup>25</sup>

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<sup>22</sup> *The Vote*, 15 June 1928 p.186. At the time Mrs. Rackham was prospective parliamentary candidate for Huntingdon. She also stood in Chelmsford in 1922 and Saffron Walden in 1935.

<sup>23</sup> *Cambridge Independent Press*, 11 April 1930.

<sup>24</sup> Burt's book was required reading for women magistrates in this period. An approving quote from the feminist paper *Time and Tide* appears on its dust cover.

<sup>25</sup> *Women's Leader*, 22 May 1925, p.134; 5 June 1925, p.150.

As a prominent member of the Howard League Mrs. Rackham naturally highlighted that body's views on penal matters, ensuring a significant transmission of ideas between penal reformers and the paper's feminist readership. Occasionally she let slip her personal perspective on penal questions, for example when she promoted the idea of life sentences as an alternative to capital punishment and condemned flogging as 'a savage penalty'.<sup>26</sup> Mrs. Rackham's association with Margery Fry at the centre of the feminist penal reforming network is highly significant. Both supported the introduction of legal aid for the defence of poor prisoners in evidence to the Finlay Committee of 1925. Miss Fry's influence was evident in 1931 when Mrs. Rackham used her column in the *Women's Leader* to publicise the work of Mrs. Le Mesurier with young male offenders in Wormwood Scrubs. (Miss Fry was on the management committee that was trying to find more funding for the project.)<sup>27</sup> Later, in 1937, Mrs. Rackham and Miss Fry travelled to Eastern Europe together to observe penal conditions in Rumania, Bulgaria and Hungary. All available evidence suggests that they enjoyed a close friendship as well as a similar political outlook and shared goals.<sup>28</sup>

## WOMEN'S CITIZENS ASSOCIATIONS

Less is known about Women's Citizens Associations, which seem to have been neglected so far by most historians of British women's organisations in the twentieth century. Most WCAs (and the National Association) came into existence at the time of the partial enfranchisement of women in 1918, although a pioneer WCA

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<sup>26</sup> Ibid., 6 September 1929, p. 232; 21 February 1930 p.20.

<sup>27</sup> PRO: PCOM/409; *The Women's Leader* 17 October 1931.

<sup>28</sup> Huws Jones, *The Essential Amateur*, p.133 & p.184; Women's Library: taped interview with Miss Mary Tabor (Mrs. Rackham's niece) November 1975.

was formed in Liverpool by Eleanor Rathbone in 1913.<sup>29</sup> Activities were geared towards the education of women for their new role in national politics and the encouragement of more women to take an active role in local government. However, WCAs quickly realised that a new opportunity for women to exercise their citizenship as magistrates had arisen and they were among the organisations that first put forward the names of women for consideration for appointment as magistrates. They also organised meetings at which women already appointed spoke on their work as JPs. In Kent the Maidstone WCA (formed in 1918) invited speakers on the criminal law and penal reform as well as on women JPs and jurors in the early 1920s.<sup>30</sup> The role of local WCAs was analogous to both Women's Co-operative Guild branches and to Women's Institutes, who organised meetings on similar themes and also encouraged members to become magistrates, except that the rationale of WCAs was less broad and more focused upon citizenship. In many ways they were the main inheritors of the non-militant suffrage tradition in that WCAs were able to provide a local support network for those women who became magistrates or local councillors, even offering help to the latter in their election campaigns.

Although some WCAs were in decline by the 1930s (and some had merged with local SEC branches) others survived at least until the 1940s,<sup>31</sup> and the NWCA carried on until the early 1970s. There may have been a tendency for the subject matter to become less obviously political as the years went by, as talks on gardening took the place of campaigns for women police, but the Cambridge WCA for one was still hosting talks on women and the magistracy in the 1950s as well as on 'the

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<sup>29</sup> Pugh, *Women and the Women's Movement*, p.50-51.

<sup>30</sup> The Women's Library: NWCA records, Maidstone WCA minute book 1918-1927.

<sup>31</sup> Pugh, *Women & the Women's Movement*, p.242; Kay Cook & Neil Evans 'The Petty Antics of the Bell-ringing Boisterous Band: The Women's Suffrage Movement in South Wales' p.179.

modern approach to child psychology'.<sup>32</sup> According to a survey conducted by the national WCA (to which Cambridge was not affiliated) in 1956-7, 'judicial work' was seventh on the list of members' voluntary work behind local government, the care of the elderly, church work, hospital work and school governorship.<sup>33</sup> Even though by the second half of the twentieth century WCAs generally were suffering from a decline in support and an aging membership, their members evidently still took active citizenship very seriously.

## THE PUBLIC SERVICE AND MAGISTRATES' COMMITTEE

Among the national organisations the NCW's Public Service and Magistrates' Committee (PSMC) was pre-eminent in promoting the appointment of women JPs and in circularising those appointed with detailed information. (The Women's Local Government Society - which had at first brought women PLGs together, later supplemented by women councillors - was wound up in the mid 1920s, but not before it had organised a conference for women magistrates in Manchester.)

The NCW, which acted as an umbrella for a diverse collection of women's groups, has often been portrayed as a 'conservative' organisation.<sup>34</sup> However, it is increasingly recognised that conservatism was not inimical to feminism.<sup>35</sup> The broad base of the NCW, the main reason for its apparent conservatism, was a weakness, in that policy development was slowed by the need to get as many of the groups in

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<sup>32</sup> CCRO: RS84/91, Cambridge and District WCA programmes. This WCA was not wound up until 1984.

<sup>33</sup> Women's Library: NWCA records: 'A Job in Each Hand'; report on members' survey, 1956-7.

<sup>34</sup> For example, by Alberti, *Beyond Suffrage* p.123.

<sup>35</sup> See Introduction above and Pugh, *The March of the Women*, p.102. There have also been studies of feminists active in extreme right wing groups, such as Douglas's *Feminist Freikorps* and Gottlieb's *Feminine Fascism*. However, here I am concerned with conservatism with a small 'c'. I have not identified a single woman JP who was a member of a fascist or far right organisation, although very many were active in the Conservative Party.

agreement as possible, but it was also a strength. When the NCW backed a campaign it did so with the authority of organised, middle class, female opinion. As Patricia Hollis writes, their conferences were “the women’s movement in council”<sup>36</sup> and their well-connected leaders, though often regarded by the male establishment as “dangerous agitators for the feminist cause”,<sup>37</sup> were the sisters, wives, daughters and cousins of politicians, judges, bishops and lords and therefore commanded some respect, or at the very least a polite hearing, in government circles. Their power as a feminist lobby group was therefore second to none, as were their networks, both nationally and locally. NCW members belonged to any one of the county’s three main political parties, or, in many cases, to none. However, even among magistrates, working class NCW members were a rarity.

The PSMC was one of a number of specialist ‘sectional’ committees of the NCW, each concerned with a particular interest.<sup>38</sup> It originated as the Public Service Committee, founded in 1913 ‘to watch the administration of the law in the Courts of Law and the administration of existing Acts of Parliament, to endeavour to secure their efficient working, and to suggest improvements’,<sup>39</sup> hardly a modest objective at a time when women lacked any formal influence over the law either as voters or legislators. It was by no means an insignificant committee; over the years its membership included some of the most formidable NCW activists.<sup>40</sup> The first secretary was Miss Amelia Scott of Tunbridge Wells, a PLG and later a local

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<sup>36</sup> Hollis: *Ladies Elect*, p.237.

<sup>37</sup> A description of Lady Selborne JP, sister of Lord Salisbury and NCW president 1920-21, according to Christopher Sykes in *Nancy: The Life of Lady Astor*, London, Collins, 1972, p. 201.

<sup>38</sup> Glick, *The NCW: The First One Hundred Years*, p.121.

<sup>39</sup> LMA: ACC/3613/1/77 PSMC minutes, 25 January 1914.

<sup>40</sup> Mrs. Keynes, who led the committee for a number of years, was NCW president from 1928 to 1931. Committee members Mrs. Hartree and Mrs. Earengy also served as president (1935-7 and 1949-51 respectively).



councillor. The chairman was Mrs. Edwin Gray of York, a leading suffragist who was later appointed as a justice. Mrs. Rackham, already a PLG, was an early member.

The appointment of women magistrates seems to have radically altered the committee's direction. By 1918 the PSMC was lobbying prospective MPs for the appointment of women as magistrates and in 1920 it organised the submission of lists of nominees to the Lord Chancellor's Committee. In 1921 a conference on juvenile offenders was held at which it was agreed that a sub-committee of magistrates be formed to meet one hour before the main committee meeting.<sup>41</sup> The sub-committee already had 52 members and in due course a larger venue had to be found to accommodate all the women magistrates who attended. Four years later the sub-committee and its parent body merged under the leadership of Mrs. Keynes but magisterial matters, if anything, received even more attention than previously (except perhaps in the late 1920s when the government's proposed changes to the poor law dominated the agenda). Mrs. Keynes combined the compilation of a list of women JPs with a recruitment drive so that by 1927 there were 555 magistrate members,<sup>42</sup> approximately one-third of all women who had been appointed to the Commission of the Peace thus far. Although by no means all of these were able to attend the meetings in London (about forty women, mainly from the southeast of England and the capital did come) each member received a copy of the printed minutes, including verbatim accounts of guest's speeches.

Therefore, at a time when training for new JPs was non-existent and diligent novices were merely advised to obtain a copy of 'Stone's Manual', the PSMC provided its members with detailed and readable information on aspects of the administration of justice. Among the many speakers who addressed the committee in

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<sup>41</sup> LMA: PSMC minutes, 23 June 1921.

<sup>42</sup> Ibid., 15 May 1927. For details of Mrs. Keynes survey, see Chapter Two.

its early years were Miss Costin, a reformatory superintendent, Cecil Leeson of the Magistrates' Association, Mrs. Le Mesurier of the Lady Prison Visitors, the chaplain of Holloway and Geraldine Cadbury (twice). On other occasions members discussed matters by themselves. Among the numerous topics for discussion were (inevitably) juvenile courts, the use of probation, reformatories and prisons, aftercare, licensing and the Mental Deficiency Act. Until the summer of 1939 the detailed minutes continued to be printed and presumably were circulated to all members.

The PSMC also conducted surveys and canvassed members for their views or for information about local practice. One early survey concerned the supervision arrangements for women held in police cells, to which 32 replies were received, nine of which describes 'undesirable conditions'.<sup>43</sup> This information was then used to lobby the Home Office for the appointment of women police.<sup>44</sup> Another survey was concerned with the appointment of court officers to collect payments due under affiliation and maintenance orders.<sup>45</sup> The report of the replies received was circulated in the PSMC minutes and it may have helped to spread best practice in this matter to parts of the country where benches were apparently ignoring Home Office advice to appoint a collecting officer. Whether this information reached women magistrates in the remoter rural districts (if there were any) is open to question, since NCW members appear to have been mainly concentrated in larger cities and prosperous towns. However, these women were at least as well informed as their male colleagues on the state of the law in this regard and their knowledge of the matter may have helped some of them to argue for improvements to the system in their area. It should be noted too, that although some historians and contemporaries failed to characterise the

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<sup>43</sup> Ibid., 7 December 1922.

<sup>44</sup> The NCW had another committee devoted to the promotion of the work of women police founded in 1914 as the Women Police Patrol Committee and wound up in 1947. Glick, *The NCW: The First One Hundred Years*, pp.125-6

<sup>45</sup> LMA: PSMC minutes, 15 January 1925.

NCW as a feminist body, the PSMC's surveys were strongly focused on securing a better deal for women, whether they be prisoners, separated wives or unmarried mothers.

In the late 1920s and 1930s the PSMC under Mrs. Keynes concentrated much of its attention on the appointment of more women magistrates and women advisory committee members. However, it kept a watching brief on government enquiries (to which many of the committee's representatives gave evidence and on which some NCW members served) and on legislation such as the Children and Young Person's Act. The PSMC also lobbied unsuccessfully for legal changes that would have enabled more women to serve on juries. Mrs. Keynes wrote NCW published pamphlets on both women jurors and women magistrates.

By the late 1930s the committee's chair had passed to Miss Kelly JP, a social worker and Chairman of the Portsmouth Juvenile Court. She appears to have been another very formidable lady, obviously fond of plain speaking.<sup>46</sup> However, I have been unable to find any evidence of her involvement in feminist activity prior to her membership of the PSMC.<sup>47</sup> During her period in charge speakers included Madeline Symons JP, a member of the government's enquiry into court social services, Lady Ampthill JP from the Home Office committee on corporal punishment, and Mr. Turton MP who spoke about the law regarding prostitution. The inclusion of Dennis Carroll's talk about 'the scientific treatment of delinquency' on the agenda in 1937 suggests that the women JPs of the PSMC continued to be in the forefront of the movement for 'modern' penal methods. Certainly this seems to have been Miss

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<sup>46</sup> See, for example, her evidence in 1925 to the Committee on the Treatment of Young Offenders. PRO: HO73/116.

<sup>47</sup> In her evidence to the committee (ibid.) Miss Kelly admitted 'I have not got the correct feminist idea that women police will do everything that is not done at the present time'. However, her pronouncements on matters such as the treatment of women prisoners could be seen as incorporating feminist sentiments, for example in *The Magistrate*, XXXI p.463.

Kelly's position.<sup>48</sup> In evidence to the Treatment of Young Offenders Committee she expressed strong support for psychoanalytic assessment of offenders, the abolition of convictions, the renaming of reformatories and improved probation services.<sup>49</sup>

## **THE MAGISTRATES' ASSOCIATION**

Another project in which both Miss Fry and Mrs. Rackham were centrally involved was the formation and development of the Magistrates' Association (MA). Although open to both men and women, it nevertheless performed an important role in promoting and sustaining networks of women magistrates in the period 1921 – 1939.

It was no coincidence that the first plans for a body bringing together JPs from all over England and Wales were laid at the same time as proposals for the introduction of women magistrates. The initiative for the MA came from penal reformers. In 1919 Cecil Leeson, secretary of the Howard Association, wrote to the Home Office seeking support for the formation of a 'committee' of magistrates to spread information on reforms such as probation. Whilst the Home Office was able to offer guarded support for the scheme, progress was hampered since it was unable to provide Leeson with a list of justices.<sup>50</sup> However, there was no such problem with the first women JPs appointed in 1920 as the names of those on the Lord Chancellor's list were published in the press. Leeson and the Penal Reform League Secretary, Margery Fry, were by then working towards a merger of their societies and they wrote jointly to all the new women JPs. Their initiative in contacting the first women magistrates may well partly account for the high proportion of females among MA members during the organisation's early years.

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<sup>48</sup> She was also a member of the Executive of the Magistrates' Association.

<sup>49</sup> PRO: HO73/116.

<sup>50</sup> PRO HO45/16943.

Once the Howard Association merger with the Penal Reform League was complete, Leeson, together with Margery Fry and Alderman Wilkins of Derby, turned again to their plans for a magistrates' association. At first response from the majority of (male) magistrates was poor but a conference sponsored by the Lord Mayor of London was held on 26<sup>th</sup> October 1920 and a provisional committee was elected. Women were prominent in the association from its inception. According to *The Times* the first event attracted 'a large attendance, which included several women'<sup>51</sup> and Miss Fry and Mrs. Dowson of Nottingham were both elected to the committee (later joined by Miss Tuckwell). The meeting agreed that the objectives of the association would be the 'collection of information calculated to promote the efficiency of the work of magistrates and the diminution of crime, and the maintenance of a permanent office for collating and disseminating such information'.<sup>52</sup> At first Leeson worked half time for the Howard League and half for the MA, Margery Fry having arranged for his part-time salary to be doubled and paid for by the League.<sup>53</sup> The following autumn the inaugural conference took place preceded in the morning by a special meeting of women magistrates, chaired by Gertrude Tuckwell. This was the first of many MA sponsored women's conferences in the interwar years, the timing of which may well have helped to ensure that a high proportion of women attended the organisation's annual meeting which customarily followed.

Not only were individual women such as Miss Fry, Miss Kelly and Miss Tuckwell prominent in the early leadership of the MA but women also made up a

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<sup>51</sup> *The Times*, 27 October 1920, p.9.

<sup>52</sup> *Ibid.*

<sup>53</sup> Huws Jones, *The Essential Amateur*, p.118; Minutes of Evidence to the Royal Commission on Justices of the Peace, 1948, appendix III, para. 2334, Cmd 7463. In 1924 the MA moved to its own premises in Westminster and Leeson became its full time secretary. From then on the MA was able to forge a distinct identity separate from the Howard League.

strikingly high proportion of the association's individual membership in its early years. Of 433 individual subscribers listed in the association's annual report for 1922, 146, approximately one-third, were women. Of course, it was also possible for benches to join collectively (although in the early years few did so), which would have greatly increased the amount of male members, but the proportion of women members is nevertheless remarkable, given how few women magistrates had been appointed in England and Wales at this stage. However, women were not so well represented in the hierarchy of the MA, holding only six out of the twenty-one council places in 1923 and only one place on the executive (held by Margery Fry). Where sub-committees were concerned in 1923 women sat on the poor person's defence, probation and juvenile and the treatment of offenders sub-committees, but not on licensing or finance. This distribution seems to suggest a gendered pattern of responsibilities.<sup>54</sup> Women continued to be fairly well represented in the organisation over the next decade. In 1936, by which time many more women magistrates had been appointed and many more JPs of both sexes had joined the MA, there were six women members on a twenty-strong executive, giving women a quarter of executive places at a time when they numbered no more than one in ten of the lay magistracy.

Furthermore, the MA appears to have been broadly sympathetic to the agenda put forward by feminist women magistrates. One of the first resolutions adopted by its council came from the 1921 women's conference concerning the abolition of sentences of death in cases of infanticide. A separate conference for women members took place annually until at least 1939, with the exception of 1923, when the opinion was expressed that 'it is inadvisable to make such provision as will in any way tend to distinguish between men and women magistrates'. It was decided then to leave the

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<sup>54</sup> The six being Miss Fry, Miss Kelly, Mrs. Rackham, Mrs. Dowson, Miss Tuckwell and Miss Rathbone (MA Second Annual Report, 1923, p.2).

issue of whether there was a women's conference to the women magistrates themselves, and after many letters were received in favour the event went ahead 'the entire arrangements having been undertaken by the women members of the Council'.<sup>55</sup> Clearly there was a demand for a women's conference and the MA was responsive enough to accede to it. Additionally, women JPs were given space in the MA journal *The Magistrate* (initially edited by J. St Loc Strachey) to raise the matters that especially concerned them, including assaults on women and children and the repeal of the solicitation laws, as well as on poor people's defence and penal reform. Most significantly, the MA backed feminist inspired campaigns for the mandatory presence of women JPs in 'indecent' cases, for women police and for the appointment of a woman assistant prison commissioner.

Women JPs had a voice within the MA disproportionate to their numerical strength on the benches. However, until after the Second World War the MA remained a relatively small and unimportant organisation. Stipendiary magistrates, apart from a few mavericks like Claud Mullins, would have nothing to do with it. Lay magistrates were sometimes put off joining by the cost and the correspondence courses developed by the association to train JPs were also said to be 'expensive'.<sup>56</sup> Membership was alleged to be particularly poor in the South West of England.<sup>57</sup> According to Winifred A. Elkin in 1939 only a minority of JPs belonged 'the majority remain cut off from any opportunity of hearing fresh ideas or comparing their methods with those of other courts'.<sup>58</sup> No doubt, that was the case for many women magistrates as well as a majority of men. Yet the enthusiasm among women for the

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<sup>55</sup> MA Annual Reports 1923 p.5 ; 1924 p.5.

<sup>56</sup> GCRO D6156/2, GWMS minutes, 25 February 1947.

<sup>57</sup> *The Magistrate*, April-May 1932, p.586.

<sup>58</sup> *Ibid.* Jan-Feb 1939, p.166.

Magistrates' Association continued to excite comment, such as this from J.P. Eddy QC in 1963.

The aim of the Association has been fundamentally to keep magistrates well informed on matters connected with their duties, and from the earliest days it has been the women magistrates who took the lead in organising conferences for this purpose... In due course, but not without discussion, the men who throughout the centuries had not seemed to regard themselves in need of particular training to fulfil their duties as magistrates, joined in these meetings, but it is noticeable that while only twenty-five per cent of active magistrates at the present time are women, they are commonly in a majority attending conferences.<sup>59</sup>

Of course, it can be argued that women JPs who were less likely to have substantial business or work commitments in this period than their male colleagues had more time to attend meetings. Nevertheless Eddy's comment is still significant. The MA was an integral part of the network of women magistrates, penal reformers and modernisers of the magistracy.

## **LOCAL WOMEN MAGISTRATES' SOCIETIES**

There is evidence of the existence of several local societies of women magistrates in the period between 1920 and 1960, in London, Middlesex, the North East of England, East Kent and possibly Sussex. However, only two, those of Gloucestershire and Hampshire, have left detailed records. It is these two that feature in this section.

Foremost among the local women magistrates' societies founded in the 1920s was the Gloucestershire Women Magistrates' Society (GWMS). As already mentioned, its founding chairman, Miss Sessions, had attended the summer school in Oxford in 1922 and together with Miss Hartland, she called an initial meeting of some of Gloucestershire's women magistrates a few weeks later. It was agreed to meet

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<sup>59</sup> Eddy, *Justice of the Peace*, p.181.



quarterly and all the county's women JPs were subsequently invited to take part in discussions of any subject arising out of their work or any difficulties encountered.<sup>60</sup> Eight women attended the first meeting, but later on, after more women had been made magistrates, the attendance ranged between one and two dozen. Active members formed a representative sample of Gloucestershire's women magistrates, including Lillian Faithfull, the principal of Cheltenham Ladies' College, Miss Pease, a founder of the Women Police Training School in Bristol, and Mrs. Ada Prosser of the NFWW.

Discussion subjects ranged from the more obvious topics of prison conditions, probation, licensing rules and adoption procedures to reporting restrictions and the sterilisation of mental defectives. From 1924 the meetings took place in the convivial atmosphere of a Gloucester café, accompanied by lunch. But the GWMS was not merely a talking shop. Already in 1922 members had visited police cells and they later toured remand homes, approved schools and prisons. In the early years of the organisation they raised funds for a prison piano and for probation officers' expenses. Typically for women used to involvement in the voluntary sector, GWMS members were using their own resources to fill the gaps in statutory provision.

GWMS activities undoubtedly had a feminist orientation. The suffragist secretary, Miss Hartland, was an active participant of the PSMC and therefore part of the national network of feminist magistrates. Under her leadership the GWMS campaigned vigorously for women police, expressed publicly its condemnation of the practice of removing women from court in sex cases and pressed for the appointment of more women magistrates and of women to local advisory committees and to the county's Standing Joint Committee (SJC). The timing of their meetings – which took

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<sup>60</sup> GCRO: 06156/1 GWMS minutes, 30 September 1922.

place in the lunch interval on days when the Quarter Sessions met – ensured that there was a substantial presence of women magistrates when the membership of key committees was decided. This mechanism may well have accounted for the fact that there were women on most of Gloucestershire magistrates' committees and on the SJC.<sup>61</sup>

GWMS meetings appear from the rather bland minutes to have been largely uncontroversial, with the exception of one occasion in 1930 when a member put forward a resolution in favour of the sterilization of the 'mentally unfit'. Eugenicist policies of this nature were widely discussed in the 1920s and 1930s by penal reformers and were enacted in some of the American states to which modern magistrates commonly looked for inspiration, notably in California. However, in Britain eugenicist arguments did not sweep all before them. Even the well-known British psychologist, Dr. Cyril Burt, struck a cautious note: 'in the existing state of our popular opinion, and with the small knowledge that we have both of the inheritance of high-grade mental defect and of the psycho-physiology of the reproductive glands, it would, to my mind be worse than useless to champion such a policy in England'. In any case, he asserted, segregation of such individuals would be just as effective.<sup>62</sup> When the resolution in favour of sterilisation was discussed at the GWMS strong opinions were voiced, both in favour and against, and even the sedate formal minutes cannot disguise the heat of the debate. Interestingly, the magistrates were almost evenly split between supporters and opponents of sterilization, with the latter winning the day by ten votes to nine.<sup>63</sup>

GWMS activities had many reverberations outside their own county. In the 1930s the GWMS organised magistrates' training schools to which women JPs in

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<sup>61</sup> LMA: ACC/3613/1/77 PSMC minutes, 15 May 1930.

<sup>62</sup> Cyril Burt *The Young Delinquent* (University of London Press, 1925, 4<sup>th</sup> edition, 1944) p.320-21.

<sup>63</sup> GCRO: D6156/1GWMS minutes, 14 October 1930 & 14 April 1931.

neighbouring counties and boroughs were invited. The first 'school' took place in Bristol in 1933 and the second four years later in Birmingham. 'I do not know whether magistrates of the opposite sex have ever felt the need for such a school, but I rather gather this is the second to be held in the country – so presumably they haven't...' commented a writer in the *Birmingham Evening Dispatch*.<sup>64</sup> Women from Warwickshire, Worcestershire and Staffordshire attended the event along with those from Bristol and Birmingham and of course Gloucestershire, each wearing a name badge with a coloured ribbon to denote her Bench.<sup>65</sup> Participants listened to talks on matrimonial jurisdiction, on women police, and on the treatment of children committed to the courts, and visited some of Birmingham's judicial and penal institutions, including its juvenile courts. Geraldine Cadbury entertained them to tea at a women's club called the Three Counties. At least eighty women magistrates took part in this event,<sup>66</sup> which was important, not just in training terms, but also for the opportunity it provided for social interaction and networking amongst women JPs.

Gloucestershire women magistrates also became an example to JPs in other counties when their organisation was publicised by the NCW. In May 1930 Miss Hartland addressed the PSMC about the Gloucestershire organisation and copies of her talk were circulated, as was the custom, to all the committee's members, including some in Hampshire who were inspired to form their own society. Although the GWMS was not unique (Lady Hort, one of the founding members of Hampshire's Women Magistrates' Association (HWMA) had belonged to a similar organisation in Middlesex) it was undoubtedly influential, and Miss Hartland was invited to speak at the inaugural meeting of the HWMA.<sup>67</sup> This organisation, which existed from 1931 to

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<sup>64</sup> GCRO: D6156/2, cutting from *Birmingham Evening Dispatch*, 28 September 1937.

<sup>65</sup> Ibid., cutting from *Birmingham Evening Dispatch*, 14 October 1937.

<sup>66</sup> Ibid., cutting from *The Birmingham Mail*, 23 September 1937.

<sup>67</sup> LMA: ACC/3613/1/77 PSMC minutes, 15 May 1930; HRO: 23M57/1; 23M57/5/2.

1954, followed the pattern set by the GWMS, although it appears to have been somewhat less dynamic. The membership lacked the social and political mix of Gloucestershire's society, no doubt reflecting the well-connected social milieu of the Hampshire Bench, but undoubtedly blunting the association's radical edge. Indeed, several members were titled ladies.

In the late 1930s the Hampshire Association had about fifty members and a regular attendance of between twenty and thirty.<sup>68</sup> They met three times a year, with no autumn meeting so that members could attend the Magistrates' Association Annual Conference in London. A guest speaker was invited to every meeting, the guest list including most of the leading lay magistrates of the period including the PSMC chairman, Miss Kelly, and the well-known London JPs Madeleine Symons, Lady Cynthia Collville, Basil Henriques and John Watson; as well as H.E. Norman, the secretary of the National Association of Probation Officers, and many others. Discussion subjects were the usual fare – probation, domestic procedure, juvenile delinquency, licensing and Road Traffic Acts. Although they took some action on the question of the aftercare of women prisoners and supported the introduction of women police in Hampshire, HWMA members appear to have been less pro-active than their Gloucestershire counterparts, although their speakers and discussions formed a similar pattern and were doubtless just as informative. However, in the early 1950s attendance began to dwindle, despite a nominal membership of one hundred, and in 1954 the Association was wound up.

The influence of the GWMS was not confined to women magistrates; increasingly they threw meetings with guest speakers open to men. Indeed, one of the sessions at the Birmingham women magistrates' school in the 1937 was open to the

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<sup>68</sup> HRO: 23M57/1, HWMA minutes of 15 January 1937. This level of attendance was maintained throughout the 1940s.

general public.<sup>69</sup> In the previous year, the editor of *The Countryman* and Oxfordshire JP Robertson Scott visited the GWMS as guest speaker. Subsequently he decided to establish the Quorum Club for magistrates in his own county.<sup>70</sup> Then he recommended in a letter to *The Times* that every county should 'endeavour to have a magistrates' discussion society to be addressed informally by gaol governors, probation officers, psychologists etc.'<sup>71</sup> At a time when no official training was offered to JPs and the Magistrates' Association was still in its infancy, women magistrates such as those in Gloucester offered a paradigm of professional development for lay justices. The Gloucestershire women magistrates became a model of good practice for justices of the peace throughout the land. In the late 1930s, evidenced by the debate that took place in the columns of *The Times*, the ability of lay people to provide an efficient and effective system of summary justice was becoming open to question. By their appetite for training and education, the GWMS and its imitators demonstrated that it was possible for magistrates to become better informed and more professional in their approach. It is clear that women magistrates led the way.

## **WOMEN MAGISTRATES AND DOMESTIC PROCEEDINGS**

The final sections of this chapter will examine two of the many issues addressed by groups of women magistrates in the 1930s. The first is the reform of the system for dealing with domestic cases in magistrates' courts. This problem was a focus for concern in the PSMC, and the way the committee handled it amply illustrates its methods, limitations and effectiveness.

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<sup>69</sup> GCRO: D61562, cutting from the *Birmingham Post*, 14 October 1937.

<sup>70</sup> GCRO: D6156/1, GWMS minutes, 9 April 1935 & 30 June 1936.

<sup>71</sup> *The Times*, 23 October 1935, p.15.

The powers of justices to adjudicate on questions such as maintenance of a separated wife or a legitimate or illegitimate child originated in Tudor Poor Law legislation and took their modern form in the Matrimonial Causes Act of 1878 and subsequent statutes.<sup>72</sup> For most of the first half of the twentieth century a divorce continued to be both expensive and difficult to obtain, especially for women. Consequently the magistrates' court became the main forum for the resolution of domestic problems among the poorer section of the community. Meanwhile, probation officers increasingly were called upon to provide conciliation services.

Feminists were naturally concerned that the woman's interests were adequately represented in courts which were still mainly staffed by men, as well as being critical of the existing laws and their application. Among the women JPs who spoke out on this question were Eleanor Rathbone and Margaret Wynne Nevinson, who claimed that 'the Maintenance Orders for wives made in Court work in a very unsatisfactory manner'; wives were not receiving orders when they needed them and even if they did have an order made there was no guarantee that the money would be paid.<sup>73</sup> The latter point was the main aspect of this issue concerning feminist organisations in the 1910s and 1920s. A pre-war survey in Liverpool by women's organisations showed that only a small proportion of maintenance orders were carried out<sup>74</sup>. In 1925 the PSMC joined the National Council for the Unmarried Mother and her Child in urging the appointment of court officers to ensure the collection of child maintenance payments.<sup>75</sup> Meanwhile, the NUSEC promoted an act that established

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<sup>72</sup> Skyrme, *History of the Justices of the Peace*, Volume 2, p.181 & p.387. The 1878 Act gave JPs the power to grant orders of non-cohabitation, maintenance and custody of children where a husband had been found guilty of an aggravated assault upon his wife. Grounds for separation and maintenance were later extended to cases of desertion, cruelty, adultery, habitual drunkenness and wilful neglect.

<sup>73</sup> Nevinson, *Life's Fitful Fever*, p.256-7.

<sup>74</sup> *The Magistrate*, January 1924, p.8.

<sup>75</sup> LMA: PSMC minutes, 26 March 1925.

further grounds for judicial separation, counting it among the legislative successes achieved as a result of the suffrage struggle.<sup>76</sup>

By the late 1920s opinion appears to have shifted slightly towards conciliation and the question as to whether the atmosphere of the ordinary 'police court' was conducive to the resolution of domestic disputes was posed. Reform proposals followed the pattern set regarding juvenile offenders; that domestic hearings should take place in different rooms and/or at different times with limited press access, that women justices should be on the Bench, and that probation officers should have a larger role. In Cambridge there was already a practice that domestic cases were taken at the end of a sitting after the 'ordinary' business had been dealt with while in London the controversial metropolitan magistrate, Claud Mullins, began to experiment with separate sessions in a small room after his appointment in 1931.<sup>77</sup> Supporters of change argued that marital problems were frequently sexual in origin, and that such matters could not be discussed easily in an open courtroom in front of public and press.

The NCW stance on domestic procedure was unequivocal; women magistrates were needed in domestic cases. Significantly, in 1926 a meeting of the PSMC rejected the proposal (analogous to one which had been made with regard to Metropolitan juvenile courts in 1920) that domestic cases be transferred to county courts with the addition of a woman 'assessor'. As Mrs. Hartree put it, 'A woman assessor is a very poor substitute for a woman magistrate'.<sup>78</sup> Clearly she felt that only if women's power and status in the courtroom were equal to men's would their views be taken fully into account. During a Home Office enquiry into the Metropolitan magistrates' courts Geraldine Cadbury and fellow committee member Elizabeth

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<sup>76</sup> 'What the Vote has done' (NUSEC pamphlet, 1926).

<sup>77</sup> Claud Mullins, *One Man's Furrow*, London, Johnson, 1963, p.112-3.

<sup>78</sup> LMA: PSMC minutes, 28 January 1926.

Haldane repeatedly questioned witnesses about whether women JPs should assist the stipendiaries in separation and bastardy cases, as they already did in juvenile courts. Mrs. Cadbury herself was in no doubt: 'I feel that a woman's point of view can only be quite fully expressed by another woman'.<sup>79</sup> Although some commentators questioned whether women magistrates were necessarily sympathetic to other women, leading women JPs such as Miss Haldane and Mrs. Cadbury evidently maintained a straightforwardly feminist stance; women could best understand other women whatever their social background. Gender was perceived to have primacy over both class and age differences.

In 1934 discussion of these matters was provoked further when two bills to reform procedure in matrimonial cases were introduced in parliament, at least one of which had apparently been drafted by Claud Mullins. Both received a second reading but were not entirely acceptable to the government so a committee was set up chaired by Sidney Harris, under-secretary at the Home Office and former head of the Children's Branch.<sup>80</sup> Mullins claimed in his memoirs that he had tried to get a committee of the NCW (presumably the PSMC) interested in his proposals 'without success'<sup>81</sup> but the PSMC minutes belie this. After Mullins' address a sub-committee was established to look at the question of procedure in so-called 'domestic' cases.<sup>82</sup> Five PSMC members put evidence to the committee on behalf of the NCW: Lady Emmott, Dame Georgiana Buller, Miss Hartland, Miss Kelly and Mrs. Keynes. Other women magistrates who gave evidence included Miss Agnes Dawson, representing

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<sup>79</sup> PRO: HO45/13777, Minutes of evidence of Home Office Committee on the Metropolitan Police Courts, para. 845 (11 February 1929).

<sup>80</sup> PRO: HO45/17152 (sub file 695697) memorandum to parliamentary counsel dated 4 December 1936. The committee's remit was to examine the social services in courts of summary jurisdiction, including the role of the probation service. Harris had been involved in the earlier reorganisation of juvenile courts, which had followed similar lines to the domestic court proposals.

<sup>81</sup> Mullins, *One Man's Furrow*, p.110.

<sup>82</sup> LMA: PSMC minutes 18 January 1934 & 13 December 1934.



the LCC, Miss Craven and Mrs. Rackham for the Howard League and Miss Tuckwell on behalf of the Magistrates' Association and the National Association of Probation Officers.

The PSMC consistently insisted that women magistrates should always be on the bench in domestic proceedings. The Home Office Committee agreed, concluding that 'practical experience has amply demonstrated the great value of the contribution which women justices can render in adjudication on matrimonial cases' and recommending that the practice of using women magistrates 'be made uniform'.<sup>83</sup>

The subsequent bill (which became law in 1937) limited domestic courts outside London to a maximum of three justices, including 'so far as practicable, both a man and a woman',<sup>84</sup> a form of words which was chosen to avoid some of the problems that had followed the legislation on juvenile courts but which fell short of the NCW demand. One of the bill's sponsors, Irene Ward MP, spoke to PSMC members about its progress. On that occasion the committee's chairman, Miss Kelly, argued that the bill should be amended to require women magistrates to be present (despite Irene Ward's argument that it would be impossible 'as there was not a sufficient number of women magistrates serving throughout the country') and that there should be improved provision of legal aid to parties involved.<sup>85</sup>

The process of change in procedure in matrimonial cases illustrates the quintessential principles of the PSMC and its members, and their mode of operation. Leading women magistrates were convinced that a fair deal for women in domestic cases would only be achieved if women magistrates were on the bench. They also supported the notion that the 'delicate or unpleasant' details that emerged in such

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<sup>83</sup> Report of the Departmental Committee on the Social Services in Courts of Summary Jurisdiction, 1936, Cmd. 5122, paragraph 30.

<sup>84</sup> PRO: HO45/17152 sub file 695967/11, draft bill.

<sup>85</sup> LMA: PSMC minutes, 11 March 1937.

cases should be heard in private, preferably in a smaller, less formal setting than a courtroom. Their methods may not have been very eye-catching but they were underpinned by a firm understanding of Britain's parliamentary system and the role that organised interest groups could play within it. The problem was analysed, speakers were invited, a sub-committee was set up and evidence was prepared and presented to the government's committee of enquiry. At all stages PSMC members received detailed minutes and reports and thus were educated and informed upon developments. Ideas for better practice, such as separate sessions and courtrooms were disseminated. As they had in the reform of juvenile justice, women magistrates in the PSMC co-operated with their allies, for example with Mullins and Harris, and networked with members of the Howard League and the Magistrates' Association. The qualms of NCW affiliated organisations such as the Mothers' Union, which was concerned that separation and divorce should not become too easy, do not seem to have stood in the way of PSMC activists.

However, the limits of their influence and activity are clear. Firstly, regular committee activity may have only given the illusion that something was being done but its effectiveness is hard to measure after seventy years and from fragmentary evidence. From the Home Office file it would appear that only Mullins was consulted during the preparation of the Summary Proceedings (Domestic Procedure) Bill,<sup>86</sup> and although this may be the result of the 'weeding' of official documents, it nevertheless forms a contrast with the 1920 Juvenile Courts (Metropolis) Act for which representations from both women's societies and individual women survive in the files. Secondly, the PSMC was not a truly radical body. Its parent organisation, the NCW, was always cautious in its approach to controversial matters such as the status

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<sup>86</sup> PRO: HO45/17152.

of marriage. Officially the PSMC could not go as far as Hannah Mitchell, who argued in her memoirs that 'economic freedom for women, and easier divorce, would solve many difficulties',<sup>87</sup> although some members as individuals may have agreed with that sentiment. Significantly, the chairman, Miss Kelly, suggested greater provision of legal aid in separation cases. The approach of the PSMC in the 1930s was fundamentally feminist, but it was also unadventurous, lacking any radical cutting edge. The committee tried to make the existing system more efficient, perhaps more humane, but did not question its basis principles.

### CAMPAIGNING FOR WOMEN POLICE

The second featured campaign of women magistrates is the drive for the appointment of women police officers. The activities of women JPs in this respect have so far received little attention from historians of women police, probably because attention tends to focus on the initial introduction of women police during the First World War, which took place prior to the appointment of women magistrates.<sup>88</sup> There does not appear to have been any really detailed published research on the continuing campaign for women police that took place between the two world wars.<sup>89</sup>

As Helen Jones has pointed out, this matter was 'dear to the heart of a number of women's organisations for whom women police linked the two concerns of morality and employment opportunities'.<sup>90</sup> Demands for women police were made before the First World War by women like Nina Boyle of the WFL who reported on

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<sup>87</sup> Mitchell, *The Hard Way Up*, p.231.

<sup>88</sup> See Levine, 'Walking the Streets' and John Carrier, 'The Control of Women by Women: The Women Police', *Society of Labour History Bulletin*, no.26 (1973).

<sup>89</sup> Joan Lock in *The British Policewoman: Her Story*, London, Robert Hale, 1979, covers the period in a general way but does not particularly focus on the campaign for women police. Douglas's *Feminist Freikorps* (chapter four) is mostly concerned with the career of Mary Allen, leader of the Women's Auxilliary Service and her involvement with Fascism.

<sup>90</sup> Jones, *Women in British Public Life*, p.140.

what she regarded as the shabby treatment of female witnesses in the courts of law.<sup>91</sup> These demands were closely linked to calls for the introduction of women lawyers, jurors and justices.<sup>92</sup> Although, as Philippa Levine points out, ‘there is a substantial and well-documented relationship between campaigns around social purity and wider feminist ambition’<sup>93</sup> the relationship was not without its ambiguities. On the one hand there was concern to help victims of sexual crime and child abuse. On the other hand there was the urge to ‘protect’ young women from sexual danger, which could lead to unwarranted intervention by middle class women into the private affairs of working class women.

However, it was not feminist campaigning but the special circumstances of war that made the appointment of women police more likely. When the opportunity came there were three different groups emerged ready to seize it, all loosely referred to as ‘women police’: Nina Boyle’s group formed in August 1914, a second group headed by Margaret Damer Dawson of the National Vigilance Association, and the Women’s Police Patrols organised by the National Union of Women Workers (later the NCW). Each had a slightly different emphasis. Given Boyle’s militant suffragist links, her uniformed volunteers were the most overtly feminist in intent, ‘a women’s police service to reflect women’s priorities, not to cushion middle-class uneasiness about the state of the streets’.<sup>94</sup> Boyle and Damer Dawson briefly worked together but soon separated when the latter agreed in 1915 to send members of the Women’s Police Service to patrol curfews near military camps under the Defence of the Realm Act. The WPS thereby proved willing to surrender its forces to male authority in return for official recognition, a compromise that Boyle was unwilling to accept.

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<sup>91</sup> Lock, *The British Policewoman*, p.16.

<sup>92</sup> See Chapter One.

<sup>93</sup> Levine, ‘Walking the Streets’, p.40.

<sup>94</sup> Hilary Francis, ‘The WFL and its Legacy’ in June Purvis & Sandra Stanley Holton (eds.) *Voices for Women*, London, Routledge, 2000, p.195.

Moreover, from Boyle's point of view the curfews were an infringement of the liberty of women, apparently based upon the assumption that they were all potential prostitutes.<sup>95</sup> Once more, the ambiguities surrounding the issue of women police are evident.

The NCW patrols were volunteers who 'frequented military camps, ports, parks, public houses and cinemas where opportunities for drunkenness and sexual immorality presented themselves'<sup>96</sup> with only a special armband for identification. Significantly, the NCW initiative was backed by an array of philanthropic and feminist organisations, including the Mothers' Union, the Girls' Friendly Society, the YWCA and the NUWSS, the network of bodies from which many women magistrates were later recruited.<sup>97</sup> Whilst the uniformed WPS worked largely on behalf of the military authorities (for example in munitions factories) the patrols worked with the civilian police establishment. Although the NUWW's relationship with the WPS was initially co-operative, it soon deteriorated and the two organisations remained antagonistic in the 1920s.<sup>98</sup>

Despite the obvious differences between the competing women police organisations, there was understandably considerable confusion amongst the public, who viewed them as one body. Women magistrates also do not appear to have expressed a preference for one type of women police over another, although the close connections many of them had with the NCW might suggest that the latter's organisation was favoured. Although the WPS (later the Women's Auxiliary Service) and the NCW were antagonistic towards each other, there was nevertheless a striking degree of uniformity in their intentions and those of their backers. All factions were

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<sup>95</sup> Douglas, *Feminist Freikorps*, p.17.

<sup>96</sup> Pugh, *Women and the Women's Movement*, p.32.

<sup>97</sup> Lock, *The British Policewoman*, p.22 .

<sup>98</sup> For details of the relationship between the two women police bodies, see Douglas, *Feminist Freikorps* pp.27-8, 60 & 111.

agreed on the necessity for women police and the desirability of their continued deployment in the post-war period, whatever the nuances of the individual approaches. However, while the NCW collaborated with the Home Office in the establishment of the Metropolitan Police Women Patrols in the post war years, the WPS were sued for wearing official looking uniforms.

Once the wartime emergency was over, many police women who had been employed by local constabularies and watch committees found that their services were dispensed with. Most of those that remained were swept away by the spending cuts in the wake of the 'Geddes Axe' in 1921. Supporters of women police were forced onto the defensive and throughout the interwar period feminist organisations and women magistrates fought a rearguard action using whatever influence they had to retain women police where they existed and promote their appointment where they did not. In the House of Commons Lady Astor spoke strongly against the Geddes cuts along with Mrs. Wintringham MP, a Norfolk magistrate and Howard League member. Their pressure on the Home Secretary forced him to leave the matter of the employment of women police to local discretion.<sup>99</sup> This decision inevitably determined that most campaigns for women police would be conducted at a local level (see below). However, supporters, including prominent women magistrates, continued to use any national platforms that were available to them. For example they deployed their arguments in presenting evidence to government inquiries such as the 1925 Departmental Committee on Sexual Offences against Young Persons and the 1924 Bridgeman Committee (both of which made favourable recommendations)<sup>100</sup>

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<sup>99</sup> Pugh, *Women and the Women's Movement* p.118.

<sup>100</sup> The 1924 Report of the Departmental Committee on the Employment of Policemen (Bridgeman Committee) recommended the employment of women officers to take statements from women and children in sex cases (Cmd. 2224 p.13). The Departmental Committee on Sexual Offences Against Young Persons merely recommended that 'suitable and properly trained women' should do this work (Cmd. 2561 p.30-1). Women JPs were members of these inquiries.

and the 1928 Royal Commission on Police Powers. In the 1930s both national and local wings of the NCW continued to organise petitions and deputations to government departments to urge the appointment of women police.

It was natural that women magistrates should be among the more prominent campaigners for women police. Firstly, in the run-up to the appointment of the first women JPs feminist organisations had consistently promoted the necessity for women police alongside magistrates. In June 1919 the NCW held a public meeting at its annual conference in Leicester on 'women as patrols, police and magistrates, to serve on juries and in police court work'.<sup>101</sup> The WFL also bracketed the demands together in conference resolutions.<sup>102</sup> Secondly, biographical research has revealed that many women JPs belonged to child-saving organisations such as Leagues of Mercy and to bodies concerned with the moral welfare of girls, such as the Girls' Friendly Society, as well as feminist societies. These were the very organisations whose way of thinking favoured the appointment of women police. The National Federation of the WI, an organisation in which several women magistrates held office, also backed the campaign.<sup>103</sup>

The several local campaigns for women police across the country in the interwar years met with mixed success. This examination will concentrate on a few examples in which women magistrates were particularly prominent but it is highly probable that there were many more. Much more research needs to be done on local campaigns for women police. However, it is evident that 'the need for women police' was a regular theme at meetings of feminist societies (particularly WCAs) and at gatherings of women JPs throughout the interwar years. In most cases the speakers

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<sup>101</sup> The Women's Library: Helena Normanton Papers Box 5/1, Handbill.

<sup>102</sup> For example at their Bournemouth conference in 1919, *The Vote* 30 May 1919 p.202.

<sup>103</sup> A meeting of the WI's National Federation agreed in 1935 that 'wherever possible under the Children and Young Person's Act the taking of statements from and questioning of girls ... should be in the hands of women police...'. *The Times*, 16 May 1935, p.13.

were connected to the NCW women police patrols (which had at least some recognition from the authorities) rather than the WAS, although 'Commandant [Mary] Allen' did address members of the Council of Women Magistrates in the north east of England.<sup>104</sup> Miss Hartland of the GWMS also made speeches on the subject in different parts of the country.

In Gloucestershire the women magistrates had the great benefit of a sympathetic Chief Constable, Major F. L. Stanley Clarke, who swore in six women constables in 1919 and supplied them with motorcycles so that they could easily move around the county.<sup>105</sup> Local authorities in the county were also supportive. When the posts were threatened by the Geddes committee recommendations, local councils such as Cheltenham agreed to fund them instead. Yet the Gloucestershire women magistrates were not quiescent, rather they made energetic use of the channels of influence open to them. When Major Clarke retired Miss Hartland and Miss Winterbotham (a former mayor of Cheltenham) were elected to the committee formed to find his successor, thus ensuring that candidates were questioned as to their opinions on the appointment of policewomen.<sup>106</sup> As mentioned above, Miss Hartland also assisted in campaigns in other areas, addressing supporters of women police far and wide. In 1928 she spoke to a 'crowded meeting' in Exeter and in 1934 at another organised by the Cambridge WCA on 'the work of women police in rural districts'.<sup>107</sup>

In Middlesex, where there is evidence of the existence of a women magistrates' society in the 1920s, women JPs also successfully worked within their county's institutions to promote the appointment of women police. In 1928 Miss

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<sup>104</sup> *The Vote*, 3 December 1926, p.383.

<sup>105</sup> Lock, *The British Policeman*, p.152-3; *The Vote*, 8 March 1929.

<sup>106</sup> GCRO: 06156/1: GWMS minutes of 5 January & 6 April 1937.

<sup>107</sup> *The Vote*, 10 February 1928; CCRO: RS84/91 Cambridge and District Women's Citizens Association Executive Committee.



Smee JP, founder of the Acton WCA and former mayor of Acton,<sup>108</sup> proposed at a meeting of the Middlesex SJC that women police be employed to take statements from children in assault cases. Her resolution, supported by other women JPs at the meeting, was carried unanimously.<sup>109</sup>

In other areas the campaign met with less success. In Tunbridge Wells, where two of the three women police officers had been dismissed in 1919 while a third was placed on reserve only to be discharged after the Geddes axe, the town's NCW branch mounted a campaign of protest led by the Branch's president (and wife of the local MP) Mrs. Spender Clay JP. Both the watch committee (who were in charge of the borough's police) and the chief constable of Kent were approached but to no avail.<sup>110</sup> In 1931 the Surrey SJC, which was planning to appoint thirty-five extra policemen, refused to receive a deputation from the county's Women's Institutes claiming that 'neither the organisation nor the duties of the constabulary lend themselves to the help of women police'.<sup>111</sup> In Liverpool Miss Margaret Beavan JP, a former Lord Mayor, moved a resolution of the City Council calling for women police to be appointed. According to Miss Beavan, 'those who opposed such a step might be delightful people, but they were a little Victorian in their ideas'. Significantly, she argued 'we are not promoting the matter as feminists but in the interests of justice'.<sup>112</sup> However, despite Miss Beavan's eloquent advocacy and her high profile in the city, the Liverpool watch committee rejected the proposal.

In Hampshire even the outbreak of the Second World War failed to secure the desired appointments. In 1943 the following resolution was recorded in the HWMA minute book:

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<sup>108</sup> For a profile of Miss Smee, see 'Our Women Mayors no. XVI', *The Vote* 30 October 1925.

<sup>109</sup> *The Magistrate*, July 1928, p. 254.

<sup>110</sup> CKS CH94/5. Mrs. Spender Clay was the sister in law of Nancy Astor.

<sup>111</sup> *The Magistrate*, August 1931, p.527.

<sup>112</sup> *The Vote*, 10 January 1930, p.11.

The Hampshire Women Magistrates' Association deplores the decision of the SJC to postpone the appointment of women police and earnestly begs that the matter may be reconsidered at an early date.

Perhaps some progress was at last made after this petition. In 1945 it was reported that the county now had ten women police officers; two each in Winchester and Aldershot, three in Bournemouth and one each in Basingstoke, Eastleigh and the Isle of Wight.<sup>113</sup> In Tunbridge Wells too, uniformed policewomen only returned to the town in 1944,<sup>114</sup> by which time the local force had merged with the county constabulary. The experience of total war appears to have done more to achieve the objectives of feminists than years of sustained campaigning, although its impact was by no means immediate.

The efforts of some women JPs and their organisational networks to secure the appointment of policewomen in the period 1920-1945 is illustrative of their determination to pursue their cause despite the unfavourable economic climate and in the face of indifference and a great deal of hostility. Former suffragists, such as Miss Hartland, were undoubtedly aware that changes in public policy sometimes took years to achieve but they appear to have been undaunted and far from quiescent. Women magistrates made use of their own organisations and the network of women's societies such as the NCW and WCAs to mobilise support for women police. Where possible, they used their participation in formal power structures such as county standing joint committees and local councils to lobby for change, making use of women's stronger presence in local than in national government at this time.<sup>115</sup> Although not always a successful, this strategy was logical as well as inevitable given that key decisions on police deployment were still taken at county, and sometimes

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<sup>113</sup> HCRO: 23M57/1 HWMA minutes dated 11 January 1943 & 9 April 1945.

<sup>114</sup> CKS CH94/5.

<sup>115</sup> However, it may be the case that women councillors were relatively under-represented on the key watch committees. This is an area that requires further research.

borough, level. The extent of their success naturally varied, with some localities more receptive to the case they argued than others. While the case of Gloucestershire might indicate that an exceptionally well-organised body of women magistrates could be remarkably successful in pressing for women police, a similar organisation in Hampshire failed in comparison. It therefore seems likely that different political contexts in the two counties and different attitudes among key personnel (such as the Chief Constable) account for the varying degrees of success. Women JPs with national prominence, such as Geraldine Cadbury and Mrs. Wintringham, meanwhile pursued the issue at the national level. In campaigning for women police, women justices demonstrated a clear commitment to a feminist agenda, as they had in their approach to the treatment of women prisoners and witnesses and in their struggle for the appointment of more women magistrates. They championed the cause, not as individuals, but as members of a network of organisations running the gamut from moral welfare societies to penal reform groups and feminist bodies.

### **THE IMPACT OF WOMEN MAGISTRATES' NETWORKS**

Thanks to their extensive organisational and informal networks, partly inherited from the pre-1918 suffrage campaign, and partly created by themselves and their allies, the first generation of women magistrates were able to place their mark firmly on the judicial system that they joined. Their impact was principally, but not exclusively, felt in their promotion of conferences, summer schools and other forms of training for magistrates in conjunction with penal reformers and other male allies. However, their networks were also mobilised to campaign for a series of causes that women magistrates held particularly dear, including changes to court procedures for

juveniles and in domestic cases, for the presence of women magistrates in 'indecent' cases and for the appointment of women police.

It would be far too crude to argue that only women magistrates were interested in education and training. In the Magistrates' Association in particular they were able to work with sympathetic men such as Basil Henriques, Leo Page and Cecil Leeson. More often than not male speakers were invited to address meetings of women magistrates on the latest approaches to the administration of justice, suggesting a remarkable reliance upon the male 'expert', although male attendance to listen seems to have been less evident. Nevertheless, it is surely no coincidence that moves to educate JPs gained ground just at the time when women were first appointed to the country's benches and the relatively higher attendance of women magistrates in conferences and training sessions continued to attract comment even in the post war era. As late as the 1970s such events were allegedly filled with women JPs 'with nothing else to do' who 'in places form almost a club of conference-going magistrates'.<sup>116</sup>

The stereotype of women justices as leisured ladies with little else to do appears to have lingered on, although a glance at the curriculum vitae of some of the women featured in this study suggests that even in the 1920s and 1930s there were not a few women who devoted great amounts of time and energy to their public roles, not least to their position as magistrates. Significantly, although many of these women were based in London and other large cities such as Birmingham, the active woman magistrate was not a purely metropolitan phenomenon. Shire counties such as Gloucestershire, Hampshire and Kent and smaller boroughs such as Gateshead, Cambridge and Cheltenham all had more than their fair share of committed women

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<sup>116</sup> Burney, *Magistrate, Court and Community*, p.209.

JPs. Their dedication was reflected in the findings of the Royal Commission of 1948, which found that women were less likely to be absentee justices than men. In the counties 12.6% of male justices had attended no sittings in a twelve-month period as against 7.2% of females. The figures for boroughs were 8.7% and 4.6% respectively. Of those who did attend, women made more regular appearances than men.<sup>117</sup> While the majority of the dedicated, in common with most female – and male - magistrates, were middle class and comfortably off, a few were working class women, for example the elementary school educated Mrs. Prosser of Gloucester. Politically they came from all the parties and none, although it is likely that they shared the ‘liberal’ or ‘progressive’ approach to penal problems that was so consistently promoted by speakers at magistrates’ gatherings.

In an inversion of the theory of ‘critical mass’, women JPs seem to have had more impact in the interwar era when they were relatively few in number than in post war times, despite the increase in their numbers after 1945. This may have been because of the decline in and disappearance of most of their organisations, with the exception of the NCW and some WCAs, in the 1950s and 1960s. Numbers appear to have been less significant than networks. The HWMA folded in 1954 after a dramatic fall in attendance at meetings. ‘It is felt that the Association has perhaps outgrown its usefulness’, the minutes recorded. One member expressed her feelings in a letter. She agreed that there was no longer any need for the HWMA but pointed out that it had been of great value to her when she was first made a magistrate. ‘I feel I owe almost everything I know about magisterial work to the Association and would like to express my grateful thanks’, she wrote.<sup>118</sup> In Gloucestershire, the GWMS was still a

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<sup>117</sup> Report of the Royal Commission on Justices of the Peace, Cmd.7463, 1948, p.7.

<sup>118</sup> HRO: 23M57/9.

dynamic body in the 1940s when Clare Spurgin became a magistrate<sup>119</sup> and it appears to have survived the death of some founder members and Miss Hartland's retirement as Hon. Secretary reasonably well. In 1946 the GWMS organised a 'mock trial' at Gloucester's Shire Hall to educate the public in the intricacies of the criminal justice system.<sup>120</sup> The Society's end came in 1957 when it was disbanded and replaced by a branch of the Magistrates' Association.<sup>121</sup> Membership of the WFL also dwindled in the post-war years until it was wound up in 1961 and NUSEC branches had long since disappeared into the Townswomen's Guilds.

Indeed, of the organisations profiled in this chapter only the NCW and some WCAs retained their pre-war vitality in the 1950s and 1960s. The PSMC continued to meet and was capable of some energetic lobbying in favour of changes to the law on women jurors in the early 1960s under the leadership of Salford magistrate Charis Frankenburg.<sup>122</sup> However, exceptions such as Mrs. Frankenburg notwithstanding, Pugh's view that 'it was during the 1950s that the failure of interwar feminism to recruit a large body of young leaders became apparent'<sup>123</sup> seems to be justified in the case of organised feminist women magistrates. It was not so much in the 1920s and 1930s that British feminism reached its 'nadir', as in the 1950s and early 1960s.

In the interwar years newly appointed women magistrates had been 'the new girls' on the bench, a ready made audience predisposed to soak up as much information about their new role as they possibly could. Although many of them were already mature in years and relatively well educated, citizenship was a novelty to them and they were prepared to practice it actively and to the full. Their organisations

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<sup>119</sup> Spurgin, *My Journey*, p.68.

<sup>120</sup> GCRO: D6156/2 GWMA minutes, 7 July 1946; cutting from *The Gloucester Citizen*, 10 October 1946.

<sup>121</sup> No more details were available on the Society's end at the time of research as the relevant file is closed until 2007.

<sup>122</sup> Frankenburg, *Not Old Madam*, *Vintage*, p.166.

<sup>123</sup> Pugh, *Women and the Women's Movement*, p.284.

developed ad hoc training programmes delivered in Summer Schools and at conferences forty years before the official government programme was launched. Additionally, the leading figures in women's organisations gave evidence to and sat upon most of the official government committees of enquiry established in this period: according to Mary Stocks JP they were the 'statutory woman'.<sup>124</sup> Inside and outside of official bodies and through their networks they lobbied and campaigned for the causes for which they cared. In 1920 Cecil Leeson and Margery Fry had expressed a hope that 'the appointment of women as magistrates ... will mark the beginning of a new spirit in our criminal administration'.<sup>125</sup> It appears that they were not disappointed.

However, there were ways in which women magistrates undoubtedly maintained the status quo in the criminal justice system. Despite the blandishments of the penal reformers some remained resolutely traditional in their outlook. Some women JPs even expressed support for the corporal punishment of juvenile offenders, although many opposed it. Typically, the PSMC held a debate at which both sides of the argument were put.<sup>126</sup> Even within the MA there were contrasting views over birching. Mrs. Titt of Manchester was reported as asking delegates to a conference of Lancashire juvenile justices to 'visualise an underfed, half starved, half clothed child being beaten by a big, burly, well fed and well clothed policeman'. Ellinor Fisher, a JP from Hull, rejected the notion that such a child would receive a birching. Moreover she argued that 'a few suitable cases dealt with birching would provide a

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<sup>124</sup> Stocks, *My Commonplace Book*, p.165. The NCW seems to have been an important source of supply of statutory women for government inquiries.

<sup>125</sup> WUMRC: MSS 16C/4/2.

<sup>126</sup> A joint meeting of the PSMC and the NCW's legislation committee met to discuss this issue in 1939. Mrs. Tate MP spoke in favour of corporal punishment and Miss Craven JP of the Howard League against. No vote was recorded. LMA: ACC/3613/03/002/A PSMC minutes, 19 April 1939.

great deterrent to others'.<sup>127</sup> Her views were hardly 'politically correct' in the late 1930s, but she represented a strand of opinion among JPs.

More critically, the willingness of women magistrates to train and learn on the job may well have helped to modernise the lay magistracy in a period when it was coming under increasing scrutiny, thanks in part to the entry into court of the middle class motoring offender. One example of the many criticisms voiced came in 1927 when the paper *John Bull* attacked 'slipshod justice'.<sup>128</sup> Throughout the 1930s there were similar attacks in the press, often accompanied by a plea for the replacement of lay magistrates with stipendiaries. Such a policy was fiercely resisted by the Home Office on grounds of cost, but politicians from all sides continued to make the case for reform.<sup>129</sup> Supporters of the lay magistracy, such as Leo Page and Robertson Scott pointed to the success of the Magistrates' Association and the Gloucester Women Magistrates' Society as examples of the way in which JPs could become more professional, better educated and, hopefully, less liable to make idiosyncratic judgements. Women magistrates, through their willingness to learn and develop, had pointed the way to a new, better trained and more reliable magistracy for the future. With some notable exceptions, male magistrates appeared to have lagged behind. The lay magistracy may well have survived into the second half of the twentieth century, not merely because of financial considerations (stipendiaries had to be paid salaries of around £2000 each in the 1940s) but also because the first generation of women JPs (and their male allies) had demonstrated that lay people could learn and adapt to new approaches.

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<sup>127</sup> *The Magistrate* Sept/Oct.1936 p.1052 & January 1937, p.1114.

<sup>128</sup> PRO HO45/20390, cutting from *John Bull* dated 8 January 1927.

<sup>129</sup> For example Harold Laski argued in *Grammar of Politics* (London, George Allen and Unwin, 1925) that it was a 'mistake to entrust a general jurisdiction to persons of whom no experience in the law is required (p.561). Twenty years later a Conservative Party sub-committee suggested the substitution of lay justices with stipendiaries.



## CONCLUSION

Now that we have secured possession of the tools of citizenship, we intend to use them not to copy men's models but to produce our own.<sup>1</sup>

This comment by Eleanor Rathbone in 1938 encapsulates the attitude of interwar feminists towards the role of women in the magistracy. More than in any other new sphere of citizenship, more than in Parliament, the legal profession or even on juries, women JPs had been able to utilize 'the tools of citizenship' in the three decades after 1919. By the late 1940s probably more than four thousand women had been made magistrates. Although they enjoyed nowhere near numerical equality with men, substantial progress towards equal citizenship had been made. To argue this point is not in any way to subscribe to a 'Whig' interpretation of history, but rather to give proper credit to the efforts of feminists and their allies who had campaigned so hard to make women a real presence on the bench. Although there was some resistance to the introduction of women JPs, particularly from stipendiary magistrates, the feminists' task was made a lot easier in this context because the magistracy was a voluntary, unpaid activity for most. Women were therefore afforded the opportunity to put citizenship into practice and to work out its implications for themselves.

However, this achievement was won at a cost, namely the acceptance of the viewpoint that women were different to men and that they had a special mission and special expertise to utilise in court, for example in understanding child offenders and the intricacies of marital disputes. This view of women as 'other' was exactly what

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<sup>1</sup> Eleanor Rathbone, quoted in *Law, Suffrage and Power*, p.167.

liberal, equal rights feminism had set out in the late nineteenth century to oppose, preferring, instead, to emphasise the common humanity of women and men.

As Rathbone suggested, the early women JPs began to produce their own model of what a magistrate should be. A new category, the 'woman magistrate', was created.<sup>2</sup> Although, in general, women magistrates were not socially distinct from their male counterparts, they sometimes had a different approach to the work. I have argued that this was not because of fundamental differences between the sexes, but because their socialisation and prior experience was profoundly gendered. Women magistrates as a whole probably had more experience of 'hands on' social work and less of business than the men. Their knowledge of social welfare undoubtedly influenced their approach to the job. In a few cases, they had been able to exert influence over policy (for example, on the treatment of young offenders) even before they were formally made magistrates. They were also often more time-rich and were able to grasp the opportunities for education and training that were beginning to be offered to JPs. Indeed, I have argued that women and their organisations, including feminist ones, were instrumental in the creation of these opportunities.

Through their enthusiasm for training, leading women magistrates were able to develop the kind of quasi-professional competence that the Home Office was keen to encourage among JPs. They made use of probation orders, followed up cases and inspected penal institutions. Moreover, they encouraged their fellow JPs – male and female – to do likewise. Therefore they were able to undermine pre-conceived notions, for example, that women were incapable of acting judicially or were too emotional to function effectively on a bench. This was crucial to the needs of the State, as it was necessary to maintain the flow of volunteers to do the work of the lay

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<sup>2</sup> As Denise Riley pointed out, 'the more that the category of woman is asserted... the more its apparent remoteness from "humanity" is underwritten'. Denise Riley *'Am I That Name?' Feminism and the Category of 'Women' in History*, London, Macmillan, 1988, p. 13.

magistrate. Thus women were active participants in the modernisation of the magistracy. Their model ironically became the pattern for all JPs. This process of change began with the 1948 Royal Commission on Justices of the Peace Report and the subsequent 1949 Act.

As I mentioned in the final chapter, the role of the laity in the criminal justice system was under attack by the late 1930s from critics on both the right and the left. Magistrates were attacked for being too inconsistent, too strict, too lenient, too old and too party political. Yet we still have the same system today, albeit with different selection procedures, a compulsory training regime and mandatory retirement.<sup>3</sup> The debates that were, in many cases, instigated or encouraged by women magistrates in the interwar period, paved the way for these vital changes that ensured the survival of the amateur, lay JP into the second half of the twentieth century. However, the debate still reverberates today. On 17 January 2001 *The Guardian* carried an article by Andrew Sanders advocating the replacement of lay magistrates by full time district judges. The chairman of the Magistrates' Association predictably opposed this suggestion, claiming that it would cost £30 million in salaries alone.<sup>4</sup> It is clear that volunteers, half of whom are now women, who are willing to undertake the duties of a citizen without financial reward, are a valuable resource to the State.

Naturally, it is not possible to generalise about such a large group of people as the early women magistrates. They were not a single category, but a group fractured by class divisions, urban-rural differences, age and political attitudes. However, my research has revealed that there was a core of active, influential women, many of whom had a track record in the women's movement, who consciously made the

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<sup>3</sup> In February 2000 I joined a discussion group of JPs at the Labour Party's Spring Conference in Blackpool. I was struck by the similarity of many of the points raised with ones I had read in the sources from over fifty years ago.

<sup>4</sup> *The Guardian*, 17 January 2001; 23 January 2001.

magistracy the main focus of their feminist energy in the period after women's admission to citizenship. Their networks, including the formal women's organisations of the day, ensured that their ideas were carried further afield. The evidence adduced in this thesis challenges any theory of feminist decline and quiescence in the interwar years. It also argues for a reassessment of the role of the National Council of Women in this period, a body that has generally been underestimated or marginalized as a feminist force. It should, though, be borne in mind that this conclusion is based largely on the activities of only one committee (the PSMC), which was just a small part of a large and complex organisation.

It is clear, however, that there were limits to the ability of women – even feminists, whose awareness of legal inequality had been heightened by the suffrage struggle – to effect change within the justice system or to 'make' a new type of magistrate. Although the numbers of women magistrates (both in absolute terms and as a proportion of the total) were far higher than in either the legal profession or in Parliament, they remained very much a minority amongst justices of the peace in the period under study, their numbers rising to about 3,700 in 1948 as against 13,100 men.<sup>5</sup>

Their numerical inferiority was not the main limitation on their effectiveness. Indeed, the theory of 'critical mass' does not seem to have applied, in that women JPs seem to have had more impact in the early years, when their presence on the bench was a novelty, than in the period after 1950 when their numbers increased. Far more important limitations derived from the contemporary discourses of gender and the ways in which these altered over time. For example, while the first generation of

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<sup>5</sup> . Royal Commission on Justices of the Peace, Cmd. 7463, HMSO, 1948, p.4. The figures quoted are for England and Wales and are the result of a survey undertaken by the 1946 Royal Commission (with a response rate of about 85%). Only the 'active' list figures are given. Up to that point no definitive list of magistrates was kept.

women magistrates often had the understanding that they had to fight every step of the way for recognition as representative women in a man-made system, those that followed took their place in a system that had already adapted as a result of the presence of women. The latter sometimes reacted with a denial of any gender difference. In 1944 some members of the NCW Public Service and Magistrates' Committee actually felt that it was 'undesirable to draw any distinction whatever between men and women magistrates' when responding to a proposal from the NWCA for the publication of a pamphlet on women magistrates.<sup>6</sup> It is unlikely that such a sentiment would have been expressed at an NCW meeting in the 1920s (and certainly none was recorded).

The other limitations on change derive from the resilience of traditional British institutions, such as the lay magistracy, which ensured that the administration of justice in the twentieth century remained shaped by the forces of both patriarchy and capitalism. The largely middle and upper class women magistrates of the interwar period were perhaps unlikely to take up arms against the latter, but their seizure of the opportunities of citizenship could have been utilised to mitigate the impact of the former. Feminists were aware of gender inequality and injustice in the system, although they tended to see this in relation to women as victims rather than as perpetrators of crime. What they did not seem to have resolved was the meaning of 'equal', whether it meant 'same as' or whether it involved a more complex concept of fairness and justice between separate sexes. Hence they would argue both that women should be appointed to the bench in equal numbers with men *and* that women had a special place in adjudicating cases where women and children were concerned. Their attack on 'patriarchy' (they would not have used the term) was articulated

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<sup>6</sup> LMA: ACC/3613/01/079 PSMC minutes, 16 November 1944.

within the contemporary perspectives of both equalitarian and 'new' feminism. Few women magistrates – even feminists - of this period seem to have questioned the ideological underpinnings of the justice system or their role within it. Thus they created, not so much a new model of citizenship, but a modification of the existing one. Perhaps, after all, 'prudent revolutionaries'<sup>7</sup> is an apt description of feminists of this period, but particularly of those who entered public life as JPs.

All history is written with the present partly in mind, and this thesis is no exception. If interwar Britain had been as fond of the prefix 'post' as society today, no doubt women then would have been told that they were living in a 'post-feminist' world. Yet many of them would have continued to believe that there was still work for the women's movement to do to attain fully the ideal of equal citizenship.

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<sup>7</sup> Harrison, *Prudent Revolutionaries*.

## APPENDICES

**APPENDIX A**  
**CHRONOLOGY OF EVENTS 1919-1949**

- 1919      **Sex Disqualification (Removal) Act**  
**Appointment of Lord Chancellor's Advisory Committee**
- 1920      **First women JPs sworn in (January)**  
**Announcement of Lord Chancellor's List (July)**  
**Magistrates' Conference (October)**  
**NUSEC conference for women JPs (December)**  
**Juvenile Courts (Metropolis) Act**
- 1921      **New juvenile courts established in London**  
**Inaugural Magistrates' Association meeting (September)**
- 1922      **NUSEC Women Magistrates' Summer School at Oxford**  
**Establishment of Gloucester Women Magistrate's Society**
- 1924      **Report of Committee on the Employment of Policewomen**
- 1925      **Criminal Justice Act – requiring justices' probation committees**  
**Report of Committee on Sexual Offences Against Young Persons**  
**NUSEC Summer School**  
**Southport case**
- 1926      **Compilation of NCW list of women JPs**  
**Mrs. Green case**
- 1927      **Report of Committee on the Treatment of Young Offenders**
- 1928      **Committee on Metropolitan Police Courts & Juvenile Courts**
- 1929      **New NCW list of Women JPs compiled**  
**Reorganisation of Metropolitan Juvenile Courts**

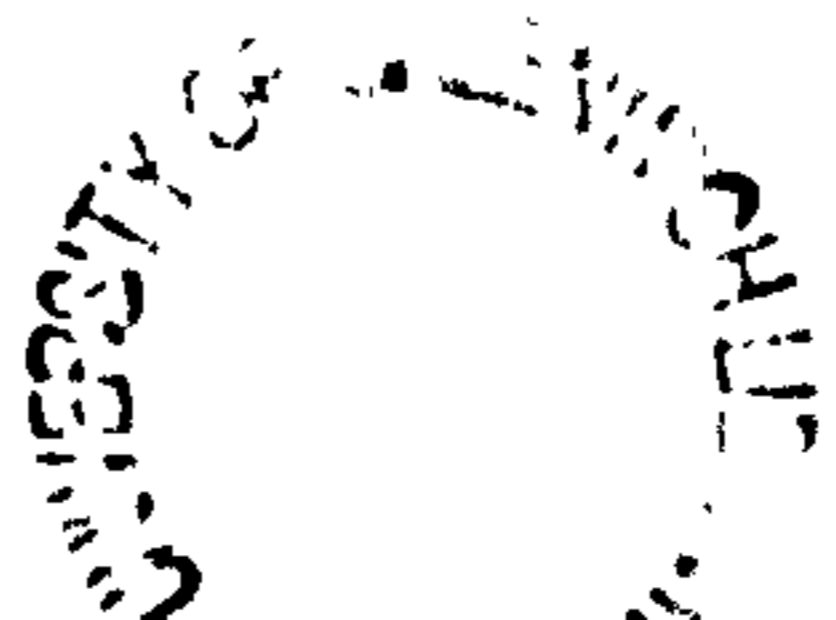


- 1930 NCW Deputation to Lord Chancellor to request more women JPs  
 Publication of Mrs. Keynes' pamphlet  
 Poor Prisoners' Defence Act
- 1931 Home Office Committee on Persistent Offenders  
 Hampshire Women Magistrates Association established
- 1933 Children and Young Person's Act  
 GWMS Women Magistrates' School at Bristol
- 1934 Appointment of Committee on Social Services in Courts  
 Rules for Juvenile courts drawn up
- 1935 Howard League Conference on the future of magistrates' courts
- 1936 Report of the Committee on Social Services in Courts  
 Issue of birching of juveniles raised  
 Lay chairmen introduced into London's juvenile courts
- 1937 GWMS training school for women JPs at Birmingham  
 Summary Procedure (Domestic Proceedings) Act
- 1938 Report of the Departmental Committee on Corporal Punishment
- 1939 Outbreak of war – disruption of conferences etc.
- 1941 Justices (Supplemental List) Act
- 1945 Appointment of first woman metropolitan (stipendiary) magistrate
- 1946 Appointment of Royal Commission on Justices of the Peace
- 1948 Report of Royal Commission on Justices of the Peace  
 Criminal Justice Act (use of birching discontinued)
- 1949 Justices of the Peace Act

**APPENDIX B  
THE LORD CHANCELLOR'S LIST**

Name	Title	Bench	Hosp	County	PLG	Cllr	Res	N.I	Food	Trib	Women	Pris	Pon	Agric	Ed
Amphill	Lady	Bedfordsh.	1												
Mount	Mrs.	Berks.	1		1										
Sutton	Miss	Reading				1									1
Gregory	Miss	Bucks			1										
Newton	Lady	Cambs.	1	1											
Keynes	Mrs.	Cambridge			1	1									
Baker	Mrs.	Cambridge			1		1					1			
Harrison	Miss	Cambridge													1
Manning	Mrs.	Cambridge						1	1	1					1
Rackham	Mrs.	Cambridge			1	1					1				
Fox	Miss	Cornwall		1											
Bolitho	Mrs.	Cornwall			1								1	1	
Chance	Lady	Cumberld													1
Fyfe	Mrs.	Carlisle							1						1
Shakerley	Lady	Cheshire	1		1						1				
Paget	Mrs.	Chester													
Laird	Mrs.	Birkenhead				1						1			1
Moore	Mrs.	Birkenhead	1				1	1		1	1				1
Graham	Mrs.	Stalybridge				1							1		
Lampton	Lady	Durham		1											
Tooke	Miss	Gateshead			1			1					1		1
Shafto	Mrs.	Dur. City													
Ferguson	Mrs.	Darlington			1						1				
Blacklock	Mrs.	Sunderland							1	1	1			1	
Richardson	Mrs.	Sunderland	1												1
Acland	Mrs.	Devon		1											
Mildmay	Mrs.	Devon													
Simpson	Mrs.	Plymouth			1	1									
Ilchester	Lady	Dorset	1	1											
Devonshire	Duch	Derbyshire		1											
Ann	Lady	Derby boro	1												
Hawken	Mrs.	Essex				1					1				
Petre	Lady	Essex		1											1
Lamb	Mrs.	Southend			1								1		
Green	Mrs.	Colchester						1	1		1				1
Pease	Miss	Glos.			1										
Faithfull	Miss	Glos.													1
Hicks	Mrs.	Glos.							1	1					
Webb	Mrs.	Bristol			1										
Proesser	Mrs.	Gloucester						1		1	1				
Selbourne	Lady	Hants									1				
Baring	Lady	Hants						1					1		1
Firmstone	Mrs.	Winchester			1	1						1			
Kelly	Miss	Portsmouth											1		
Sandwich	Coun	Hunts.	1											1	
Coote	Mrs.	Hunts.				1								1	
Bradford	Mrs.	Herts			1	1									

Name	Title	Bench	Hosp	County	PLG	Cllr	Res	NI	Food	Trib	Women	Pris	Pon	Agric	Ed
Brook	Mrs.	Herts								1	1				
Dunne	Hon	Herefords	1	1											
Foster	Mrs.	Herefords			1						1				
Streatfield	Mrs.	Kent													
Tennant	Mrs.	Kent													
Camden	Lady	Kent	1	1											
Wallis	Miss	Lincoln City									1				1
Wharhurst	Mrs.	Lincoln City									1		1		
Morris	Mrs.	Leics county									1				
Bond	Mrs.	Leics City													1
Irwin	Mrs.	Leics City			1										
Adler	Miss	London				1					1				1
Bentham	Miss	London				1		1			1		1		
Bondfield	Miss	London									1				
Byles	Lady	London										1			
Booth	Mrs.	London													
Crout	Miss	London				1									
Courtney	Mrs.	London													1
Davidson	Mrs.	London									1				
Emmott	Lady	London									1				
Erle	Lady	London						1	1	1					
Fawcett	Mrs.	London									1				
Fry	Miss	London										1			
Gray	Miss	London													1
Ganley	Mrs.	London									1		1		1
Ogilvie Gordon	Mrs.	London						1			1				
Jersey	Lady	London	1												
Kerrison	Cllr	London			1	1								1	1
Lane- Claypon	Dr.	London													
Lewis	Mrs.	London					1								
Lowe	Mrs.	London											1		1
Lyttleton	Hon	London													
McMillan	Miss	London													1
Montagu	Hon.	London													1
McKenna	Mrs.	London											1		
Nevinson	Mrs.	London			1										
Phillips	Miss	London									1				
Phipps	Mrs.	London				1					1				
Runciman	Mrs.	London									1				
St Helier	Lady	London				1	1	1							
Scharlieb	Dr.	London													
Talbot	Lady	London													
Creighton	Mrs.	Middlesex									1				1
Chard	Mrs.	Middlesex			1	1					1		1		
Macarthur	Miss	Middlesex									1				
Hodd	Mrs.	Middlesex			1			1			1				
Cartwright	Miss	N'hamptons			1	1			1	1			1		1
Beattie	Miss	N'hampton boro	1					1					1		
Walker	Miss	N'hampton						1		1					



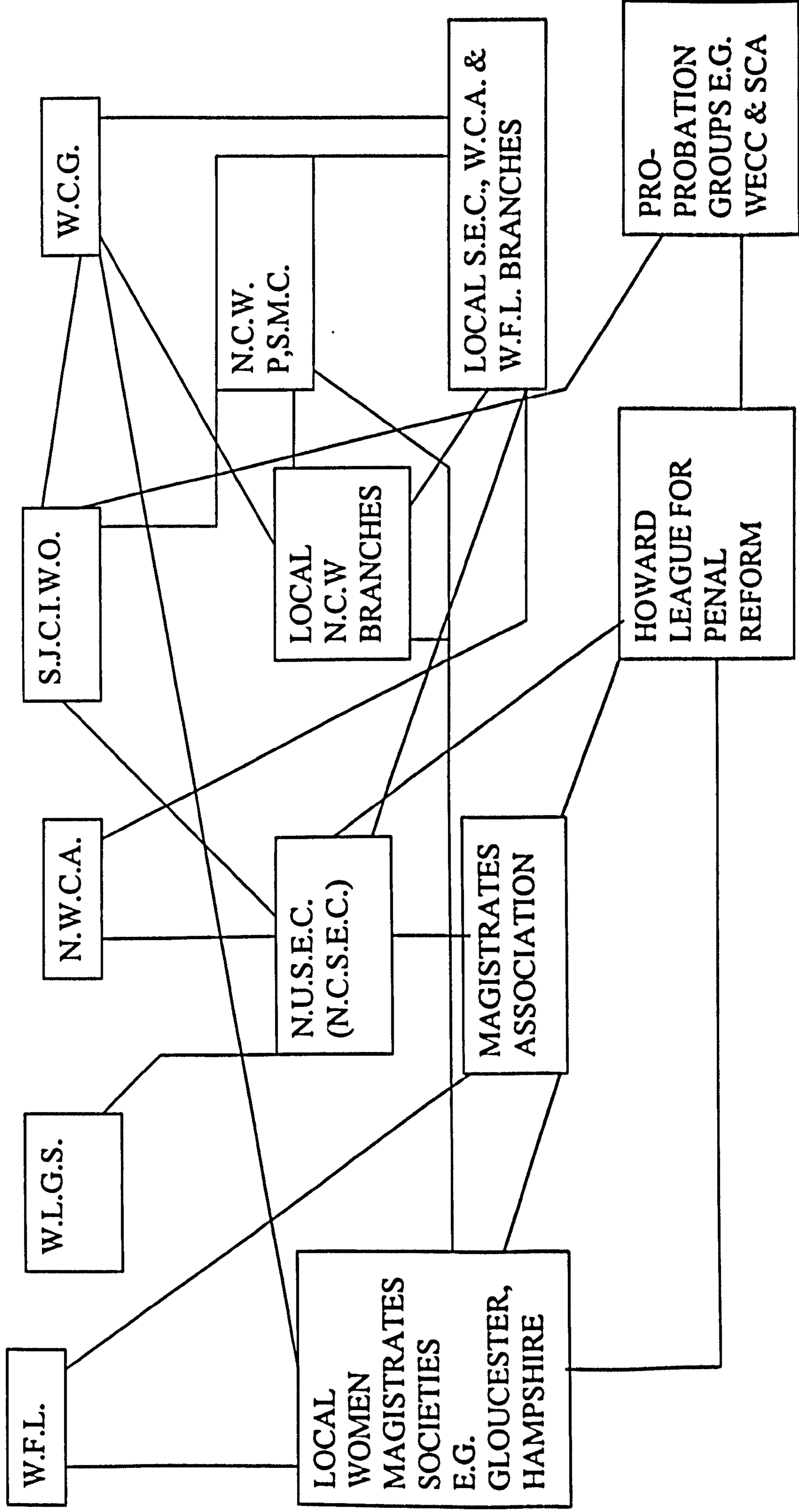
Name	Title	Bench	Hosp	County	PLG	Clr	Resc	N.I	Food	Trib	Women	Pris	Pen	Agric	Ed
Donaldson	Mrs.	Peterboro													
Suffield	Lady	Norfolk											1	1	
Battersea	Lady	Norfolk													1
Stuart	Mrs.	Norwich				1									
Harper	Mrs.	Nottingham			1										
Dowson	Mrs.	Nottingham										1			1
Ball	Mrs.	Nottingham													
Portland	Lady	Nottingham		1											
Pease	Miss	N'umberland			1	1									1
Straker	Mrs.	N'umberland	1										1	1	
N'umberland	Duch	N'umberland	1												
Allendale	Coun	N'umberland													
Burnett	Miss	Tynemouth					1	1							
Gibbon	Mrs.	N -U - Tyne			1										
Harcourt	Lady	Oxfordshire	1												
Penrose	Miss	Oxford City													1
Grundy	Mrs.	Oxford City			1	1			1				1		
Fumiss	Mrs.	Oxford City													
Hurle	Mrs.	Somerset				1									
Lutterall	Miss	Somerset	1		1									1	
Spender Clay	Mrs.	Surrey	1												
Egerton	Miss	Surrey			1										
Pease	Mrs.	Surrey			1				1				1		1
Wood	Lady	Suffolk											1		
Bird	Mrs.	Ipswich			1					1	1		1		1
Jeffries	Miss	Ipswich			1		1					1			1
Turner	Mrs.	Lowestoft								1	1				
Campion	Hon	Sussex													1
Denman	Lady	Sussex									1			1	
Martindale	Miss	Brighton													
Smith	Mrs.	Brighton			1										
Kenyon	Miss	Hastings			1				1						1
Milnes-Gaskell	Lady	Salop													
Harlech	Lady	Salop		1											
Morris	Mrs.	Staffs			1										
Wedgwood	Mrs.	Staffs													
Kempthorne	Mrs.	Lichfield			1		1				1				
Callear	Mrs.	W'hampton						1					1		
Stephenson	Miss	Wilts	1			1		1							1
Radnor	Coun	Wilts											1		
Hobhouse	Lady	Wilts	1			1								1	
Wilson	Miss	Wilts									1				
Sawyer	Mrs.	Swindon			1										
Parker Brooke	Mrs.	Warks													
Cadbury	Mrs.	B'ham					1				1	1			
Priestman	Mrs.	B'ham										1			
Givens	Mrs.	Coventry			1					1			1		
Cropper	Miss	W'morland					1								1
Beesly	Mrs.	Worcs													1
Johnston	Mrs.	Worcs							1				1		

Name	Title	Bench	Hosp	County	PLG	Cllr	Res	N.I	Food	Trib	Women	Pris	Pen	Agric	Ed
Hunter	Mrs.	Worcs								1					
Smith	Lady	Worcs		1											
Knott	Mrs.	Worcs	1						1						
Wilson	Dr.	Sheffield					1								
Stephenson	Mrs.	Sheffield													1
Barton	Mrs.	Sheffield				1			1		1				
Arnott	Mrs.	Leeds						1		1					
Gott	Mrs.	Leeds													
Talbot	Mrs.	Leeds			1										
Kitson	Miss	Leeds			1						1				
Thorpe	Mrs.	Wakefield	1		1				1				1		
Firth	Lady	Halifax		1											
Lightowler	Mrs.	Halifax			1	1									
Taylor	Mrs.	Halifax			1										
Arnold	Mrs.	Bradford				1									
Duff	Mrs.	Bradford										1			
Carling	Mrs.	Bradford											1		
Hitchen	Mrs.	Bradford			1										
Turner	Mrs.	Bately											1		
Siddon	Miss	H'ersfield			1										
Gray	Mrs.	York			1						1				
Mercer	Mrs.	York						1	1						
Hampton- Illingworth	Mrs.	West Riding	1			1			1				1		
Smith	Lady	West Riding				1									
Sykes	Lady	West Riding	1												
Partington	Mrs.	Derbyshire				1									
<b>TOTAL</b>	<b>172</b>		<b>23</b>	<b>13</b>	<b>45</b>	<b>31</b>	<b>10</b>	<b>17</b>	<b>15</b>	<b>14</b>	<b>39</b>	<b>10</b>	<b>28</b>	<b>11</b>	<b>37</b>

## KEY

- Hosp - Hospital committee or Red Cross voluntary work
- County - 'County' work
- PLG - Poor Law Guardian
- Cllr - Local councillor
- Res - 'Rescue' work
- N.I. - National Insurance Committee
- Food - Food Control Committee (wartime)
- Trib. - Member of Tribunal e.g. profiteering; munitions
- Women - Members of women's organisation(s)
- Pris. - Prison visiting, voluntary probation work
- Pen. - Pensions Committee
- Agric. - County Agricultural Committee
- Ed. - Teaching, Education committee, school manager, youth work

**APPENDIX C**  
**NETWORK OF WOMEN MAGISTRATES' AND ALLIED ORGANISATIONS, 1920 - 1945**



APPENDIX D: EARLY WOMEN MAGISTRATES									
SURNAME	FIRST NAME	APPT	COMMISSION	PARTY	REF	BORN	REMARKS		DIED
COOPER	SELINA	1924	NELSON	LAB	1	1864	PLG, NUWSS		1946
FAWCETT	MILLICENT G.	1920	LONDON	LIB U	2	1846	MBR LC'S CTE, NUWSS ETC		1929
RATHBONE	ELEANOR	1920	WEST DERBY	IND	3	1878	MP. PRES NUSEC, MA COUNCIL		1946
FRY	SARA MARGERY	1920	LONDON	LAB	4	1874	PENAL REFORM L., MA EXEC		1958
RHONDDA	MARGARET	1920	MONMOUTH	LIB	5	1883	EX WSPU. PRES WCA		1958
HARRISON	JANE	1920	CAMBRIDGE		6	1850	NEWNHAM LECTURER		1928
MACARTHUR	MARY	1920	MIDDLESEX	LAB	7	1880	NFWW etc., d. 1920		1920
BONDFIELD	MARGARET	1920	LONDON	LAB	8	1873	MP, MINISTER		
DICKENSON	SARAH	1923	MANCHESTER	LAB	9	1868			1954
TURNER	ELIZABETH	1920	BATELY, YORKS	LAB	10		WCG		
NEVINSON	MARGARET WYNNE	1920	LONDON	LIB	11	1860	WFL, PLG		1932
MITCHELL	HANNAH			LAB	12	1861	PLG, WFL		
TATE	MAVIS		MIDDLESEX	CON	13	1893	NCW MP 1931-45		1947
RUNCIMAN	HILDA	1920	LONDON	LIB	14	1869	M.P. MINISTER'S WIFE		
TUCKWELL	GERTRUDE	1919	LONDON	LAB	15	1861	WTUL ETC, MA EXEC, LC CTE		1951
TENNANT	MAY	1920	KENT	LIB	16	1869	MA COUNCIL, EX FACTORY INSP		1946
MARKHAM	VIOLET	1920	CHESTERFIELD	LIB	17	1872	MBR L C'S CMTE ON WM JUS		1959
CAMPBELL	SYBIL	1945	METROPOL.		18	1889	1st WOMEN STIPE. GIRTON		1977
KINGSMILL JONES	MARY LATCHFORD	1920	MANCHESTER	CON	19		MAYOR; 1948 ROYAL C. CLLR.PC		1968
WEBB	BEATRICE	1919	LONDON	LAB	20	1858	MBR LC'S CTE, RETD BENCH 1927		
HALDANE	ELIZABETH	1919	LONDON	LIB	21	1862	MBR LC'S CTE, MA EXEC		1937
LLOYD GEORGE	MARGARET	1919	PORTHMADOC	LIB	22	1866	MBR LC'S CTE PM'S WIFE		1941
CREWE	LADY	1919	LONDON	LIB	23		MBR LC'S CTE m. LD LIEUT		
LONDONDERRY	LADY	1919	CO. DURHAM	CON	24	1878	MBR LC'S CTE, W'S LEGION, SUFF.		1959
WARD	MRS. HUMPHRY (MARY)	1919	HERTS	LIB U	25		MBR LC'S CTE.		1920
CREIGHTON	LOUISE	1920	MIDDLESEX		26	1850	NCW FOUNDER		1936
MCMILLAN	MARGARET	1920	LONDON	ILP	27				
PEASE	MARGERY (MARY)	1920	SURREY	LAB	28	1861	m. E. PEASE, WLL, CLLR, PC		1950
SELBORNE	LADY MAUD	1920	HANTS	CON	29		NCW HUSBAND MIN AG 1915-16		
KEYNES	FLORENCE	1920	CAMBRIDGE		30	1861	PRESIDENT NCW, CLLR, MOTHER JMH		1958
PARKER BROOKE	MRS. RUTH	1920	WARKS		31		MOTHER RUPERT BROOKE		1930
OGILVIE GORDON	MARIA	1920	LONDON		32		PRESIDENT NCW, WCA		

ERNLE	LADY	1920	LONDON		33			
GANLEY	CAROLINE SELINA	1920	LONDON	LAB	34	1879	LCC, LOCAL CLLR., MP	
PHILLIPS	MARION	1920	LONDON	LAB	35	1881	LAB WOMEN'S OFFICER; NUWSS	1932
CADBURY	MRS. BARROW (GERALD)	1920	BIRMINGHAM		36	1865	NCW, MA EXEC, HOWARD LEAGUE	1941
SPENDER-CLAY	PAULINE	1920	SURREY	CON	37	1880?	NCW, MP'S WIFE, NEE ASTOR	
SCOTT	MRS		OLDHAM	CO OP	38		CO-OP GUILD	
BURNETT	MAUD	1920	TYNEMOUTH	LIB/IND	39		WLGs, CLLR LATER MAYOR	
LUTTERALL	MAY	1920	SOMERSET		40		PLG	
CAMDEN	LADY	1920	KENT		41			
LAMPTON	LADY ANNE	1920	DURHAM		42			
NORTHUMBERLAND	DUCHESS OF	1920	N'BERLAND	CON	43		RED CROSS	
LYTTLETON	MRS. ALFRED (EDITH)	1920	LONDON	CON	44		SUFFRAGIST, VICTORIA LEAGUE	
EMMOTT	LADY	1920	LONDON	LIB	45		PRES.NCW,NUWSS,m MP,MA COUNCIL	
SACKVILLE-WEST	VITA (MRS. NICHOLSON)	1947	KENT		46		NOVELIST ETC	
STOCKS	MARY	1930	MANCHESTER		47	1891	NUWSS	1975
YEARN	MRS		OLDHAM	LAB	48		WCG	
RACKHAM	CLARA DOROTHEA	1920	CAMBRIDGE	LAB	49	1875	WCG, M A EXEC. NUWSS PC CLLR	1965
DEANE STREATFIE	LUCY ANNE EVELYN	1920	KENT		50		FACTORY INSP, NUWSS, WI	
SMITH	MRS E J	1920	SUSSEX	LAB	51		WFL, PLG	
TOOKE	JEANETTE M	1920	GATESHEAD	IND	52	1869	PLG, WFL, MA COUNCIL	
HUSBAND	AGNES	1920	DUNDEE	LAB	53		SCHOOL BOARD, WFL	
KENYON	RUTH	1920	SUSSEX		54		PLG	
PATERSON	MARY	1920	EDINBURGH		55		1ST FACTORY INSP SCOTLAND	
WILSON	MONA	1920	WILTSHIRE		56	1872	HEALTH INS COMMISSION	1954
STRACHEY	HENRIETTA,MRS ST LOE	1921	SURREY		57		NCW RED CROSS	
NOBLE	SARAH		SOUTH SHIELD	LAB	58			
MARTINDALE	LOUISA	1920	SUSSEX		59	1873	DOCTOR, NUWSS	1966
RICE	HELEN SARAH	1920	KENT		60		HUSBAND ALSO JP	
PUCKLE	EMILY ALICE	1920	KENT		61		VAD. LATER MRS. STATHER HUNT	
WHITEHEAD	LEILA ISABEL	1920	KENT		62		SISTER SIR G WHITEHEAD	
DEED	MATILDA	1920	KENT		63		GIRTON, VARIOUS CTES	
HILLS	HELEN GEORGIA	1922	KENT		64		BROTHER ALSO JP	
HOBBS	HARRIET	1922	KENT	LAB	65	1884	CO-OP	
BATEMAN	EMILY BERYL	1922	KENT		66	1879	ED. CHELTENHAM, m. A JP	
STEARNE	MABEL EMILY	1924	KENT	LAB	67	1881	CO-OP	
WARD	LILLIE JANE	1925	KENT		68		m. a JP, d. LORD DOVEDALE	



BEACON	MAY	1925	KENT	LAB	69	CO-OP	
WEIGALL	RACHEL	1922	RAMSGATE		70	COUNTY FAMILY, MOTHER PLG	1879
HARDCASTLE	ALICE	1927	KENT		71	d. EARL GOSCHEN, WCA; MU	1868
BOMFORD	LORNA	1927	KENT		72	CLLR	1883
CHAMPNEYS	EDITH	1927	KENT	LAB	73		
BAKER-BEALL	SARAH	1927	KENT		74	CLLR, PLG	1869
MACKLEY	ALICE MARIA	1927	KENT	LAB	75	CO-OP	
MILLAIS	LADY MARY ST LAWREN	1929	KENT		76	CLLR, PAC	
WEEKES	ETHEL SARAH	1929	KENT	CON	77	CLLR, VOL. WORK	
PLUMPTRE	CELIA CONSTANCE	1932	KENT		78	WI, MU.	
REED	MARION BESSIE	1932	KENT	LAB	79	WCG	
MILES	GRACE	1932	KENT		80	PLG, VOL. WORK	
HARRIS	LADY ADA	1920	KENT		81	m. LORD HARRIS	
CROUT	MABEL	1920	LONDON	LAB	82	CLLR, LAB AGENT	
ADLER	HENRIETTA	1920	LONDON	LIB	83	LCC. WECC. NCW	1950
BRAKE	LILIAN	1936	KENT		84	HEAD GIRLS' SCHOOL	
FAYERMAN	FLORENCE	1938	KENT		85	CLLR, T'BRIDGE WCA	
MONTAGU	HON. LILIAN	1920	LONDON	LIB/LAB	86	GIRLS' CLUBS, WIC, NCW, JLWS	
HUDSON LYALL	DAME BEATRIX MARY	1920	LONDON	CON	87	LCC,WCA, PRIM L.	
SCHARLIEB	DR. MARY	1920	LONDON		88	MD; MBR R.C. ON V.D.	1930
DENMAN	LADY GERTRUDE	1920	SUSSEX		89	WI, BIRTH CONTROL CAMPAIGNER	1954
COLVILLE	LADY CYNTHIA	1929	LONDON		90	Da LD CREWE, TG., MA COUNCIL	1968
BENTHAM	ETHEL	1920	LONDON	LAB	91	LAB NEC, MP, NUWSS, CLLR	
MANNING	LEAH (ELIZABETH)	1920	CAMBRIDGE	LAB	92	MP. NUT PRESIDENT,WFL	1977
MOSES	MIRIAM		LONDON		93	CLLR., GIRLS, CLUBS	
BETHUNE BAKER	EDITH	1920	CAMBRIDGE		94	NUWSS, NCW, AMSH, OPEN DOOR C	
BOND	EDITH (MRS. CHARLES)	1920	LEICESTER		95	NCW, NAPO, MAG A COUNCIL	
COOMBE TENNANT	MRS. WINEFRED	1920	GLAMORGAN	LIB	96	NUWSS; PC	
LOWE	EVELINE	1920	LONDON	LAB	97	LCC, WLL	1956
KERRISON	EDITH	1920	WEST HAM	LAB	98	WLL, PLG, CLLR	
JERSEY	LADY MARGARET	1920	LONDON	CON	99	ANTI-SUFFRAGE, HOSTESS	1945
SMEE	MISS	1922	MIDDLESEX		100	CLLR, MAYOR, NUSEC	
SYMONS	MADELEINE	BY 1926	LONDON	LAB	101	NFWW,CTE ON PROB.1936,MA EXEC	
WEDGEWOOD	MRS. CECIL (LUCIE)	1920	STAFFS		102	NUSEC	
KELLY	MISS	1920	HAMPSHIRE		103	NCW, MA EXEC	
CRAVEN	CICELY		ST ALBANS		104	SEC, HOWARD LEAGUE; NCW	

GREEN	MRS. ELIZABETH	1920	ESSEX	LAB	105		NCW, NUSEC, MA COUNCIL		
READING	LADY STELLA		DEAL - CINQUE	NONE	106	1894	FOUNDER WVS, LIFE PEER		1971
READING	LADY EVA		LONDON	LIB/CON	107	1895	NCW PRESIDENT 1957-9		1973
ANDREWS	ELIZABETH	1920	GLAMORGAN	LAB	108	1882	WCG, PLG		
LAMB	MINNIE	1920	SOUTHEND		109		SALVATION ARMY, PLG		
GRAY	MRS EDWIN (ALMYRA)	1920	YORK		110		CHAIR, NCW PS& MAG CTE		
NUNBURNHOLME	LADY MARJORIE CECILIA		E RIDING	YORKS	111		NCW PRESIDENT 1933-35; NVA		
EARENGEY	FLORENCE	BY 1926	LONDON		112		NCW PRESIDENT 1949-51, WFL		
HOME PEEL	MRS				113		NCW PRESIDENT 1941-43		
LEFROY	MURIEL		B'MOUTH?		114		NCW PRESIDENT 1951-53, SOLICITOR		
TRUSTRAM EVE	LADY FANNY JEAN	1928	LONDON	CON	115		LCC; NCW PRESIDENT 1931-33, SUFF		1934
BYLES	LADY SARAH	1920	LONDON	LIB	116		PENAL REFORM LEAGUE		
COURTNEY	JANET	1920	LONDON		117	1865	AUTHOR, ANTI SUFF, MA COUNCIL		
STEPHENSON	KATHERINE	1920	WILTSHIRE		118	1874	COUNTY CLLR		
BOOTH	FLORENCE	1920	LONDON		119	1861	SALVATION ARMY		
BLACKLOCK	JANE ELLEN	1920	SUNDERLAND	LAB	120		WCG, WLL		
DONALDSON	LOUISE	1920	PETERBORO	LAB	121		CHURCH LABOUR L, MA COUNCIL		
MCKENNA	PAMELA (MRS REGINALD)	1920	LONDON	LIB?	122		STATE CHILDREN'S ASSOC.		
GRAY	FRANCES	1920	LONDON		123		HEAD ST PAUL'S SCHOOL		
PHIPPS	JESSIE (MRS. WILTON)	1920	LONDON		124	1855	LCC, WI		1934
ST HELIER	LADY MARY	1920	LONDON		125		LCC		
LANE-CLAYPON	JANET	1920	LONDON		126		MD, DEAN KINGS COLL		
LEWIS	RUTH (MRS J HERBERT)	1920	LONDON		127		RESCUE ASSOC		
TALBOT	MARY, LADY EDMUND	1920	LONDON	CON	128				
DAVIDSON	MRS. RANDALL	1920	LONDON		129				
PEASE	ROSA	1920	GLOUCESTERS		130		PLG, WOMEN POLICE TR. SCHOOL		
WOOTTON	BARBARA	1926	LONDON	LAB	131	1897	LIFE PEER		1988
ARYTON - GOULD	BARBARA		LONDON	LAB	132	1886	M.P., WSPU, UNITED SUFFRAGISTS		1950
NORMAN	LADY PRISCILLA	BY 1922	LONDON		133		NCW; ADOPTION CTE		
HARTREE	EVA		CAMBRIDGE		134		MAYOR, NCW PRES 1935-7; ODC		
MATTHEWS	LADY ANNETTE	1929	TUN WELLS		135		NUWSS, NUSEC, NCW; EX PLG		
DASHWOOD	ELIZABETH	c.1923-5	DEVON		136	1890	AUTHOR (E.M. DELAFIELD); W.I.		1943
CADBURY	ELIZABETH		B'HAM	LIB	137	1858	NCW PRESIDENT 1905-7		1951
WINTRINGHAM	MRS MARGARET	BY 1921	LINCOLNSHIRE	LIB	138	1879	NUWSS, W.I., M.P., MA COUNCIL		1955
BARKER	MISS L. C. (LILIAN)		BUCKS/LONDON		139	1874	GOVERNOR, AYLESBURY BORSTAL		1955
ANDERSON	DR. LOUISA GARRETT		BUCKINGHAM	CON	140	1873	WSPU & NUWSS		1943

PEASE	HELEN (MRS MICHAEL)		CAMBRIDGES	LAB	141		WILPF; CPRE; NEE WEDGWOOD	
PEASE	HELEN (MRS EDWARD)		CO.DURHAM		142		W.I.; EDUCATION CTE	
PEASE	MRS. DORA		CORNWALL	CON	143		PLG	
PEASE	MISS MAUD		BEDFORDS		144		NATIONAL TRUST; RHS	
HARTLAND	MISS ETHEL MARY	1922	GLOUCESTERS	LIB	145	1875	SUFFRAGIST; SEC GLOS W MAG	
WINNEN	ELIZA	BY 1921	LONDON	LAB	146		WCG; TEMPERANCE SPEAKER	
WALTERS	GERTRUDE	BY 1922	LONDON	LAB	147		WOOLWICH CLLR; TEACHER	
CHAPMAN	ANNA	BY 1922	LONDON		148		CLLR; SELF NOMINATED	
GARDENER	ROSE (MRS. DUNN)	BY 1922	LONDON	CON	149		PLG, CLLR, MA COUNCIL	
EVANS	MRS. FLORENCE	BY 1922	LONDON		150		LADIES' CTES	
SNOWDEN	MRS. ETHEL	1928	LONDON	LAB	151		WILPF; NUSEC; LAB NEC;	
BULLER	GEORGIANA (DAME)	1928	EXETER		152	1883	RED CROSS, VAD; MA COUNCIL NCW	1953
SHAKESPEAR	ETHEL (DAME)	BY 1922	B'HAM		153	1871	NCW, GEOLOGIST, MA COUNCIL	1946
MARTINEAU	CLARA	BY 1922	B'HAM		154		DEPT CTE ON SEX OFF. 1925 CLLR	
SCURR	JULIA	BY 1922	LONDON	LAB	155	1873	CLLR; UNITED SUFFRAGISTS; m.MP	1927
BURNETT	MRS.		BARROW		156		CHR, WPP; VAD; NCW NOMINATED	
DOWSON	MRS. HELENA		NOTTINGHAM	LIB	157	1866	WCA, NUWSS, NCW PATROLS. MA COU	1964
WINTERBOTHAM	MISS CLARA	1924	CHELTENHAM	LIB	158		CLLR; NCW NOM; MAYOR; GWMS	
COLLINGTON	MRS. HARRIET		COVENTRY		159		SOCIAL WORKER; NCW NOM.	
ROTHERHAM	MISS HELEN		COVENTRY		160		SOCIAL WORKER; NCW NOM.	
SCAMPTON	MISS MARY		COVENTRY		161		EDUCATION CTE; NCW NOM	
NORTHROP	MISS ANNIE		HARROGATE		162		EX TEACHER; ED CTE NCW NOM	
LYNDON	MRS. CHARLOTTE		HAMPSHIRE		163		PLG, CLLR, DEFECTIVES' VISITOR	C.1936
HANDFORD	HON. MRS MARY		NOTTS		164		LOCAL NCW PRESIDENT	
ANDERSON	MISS MARY		HULL		165		NCW; PLG ETC.	
SUMMERS	MRS. ADA		STALYBRIDGE		166		MAYOR. FIRST WOMAN JP	
HARPER	MRS. CAROLINE		NOTTINGHAM		167		PLG. WCA. NCW NOM.	
ROLLESTON	LADY MAUD		NOTTS	CON	168		SUFF. W POLICE ASSOC. NCW NOM	
HOLLAND	MISS MARY		STAFFS		169		PLG; CLLR; W.I. NCW NOM.	
WALKER	BEATRICE		DEWSBURY		170		ED CTE. LOCAL NCW PRESIDENT	
HIGHFIELD JONES	MRS. ELIZA		WOLVERHTON		171		ORG. WPP. NCW NOMINATED	
PEARSON	BEATRICE		WOLVERHTON		172		MBR LEA; NCW NOMINATED.	
MATHEW	ANNA	BY 1922	LONDON	LAB	173		LCC	
HITCHCOCK	MRS. BEATRICE	1925	GLOUCESTERS	LAB	174		WI; GWMS CHAIR	
KING	LUCY MABEL		GLOUCESTERS	LAB	175		UNEMPLOYMENT CTE	
LEWIS	ADA		GLOUCESTERS		176		GFS; DPAS; WAR PENSIONS CTE	

PHILLIMORE	MISS ETHEL			GLUCESTERS	177		COUNCIL, SCHOOL & HOSP CTES	
RATCLIFF	MISS CONSTANCE	1925		GLUCESTERS	178	1877	RED CROSS, VAD	
VERNON	MRS LAURA GLADYS	1929		GLUCESTERS	179		WI; WRNS; L OF NU; ED. NEWNHAM	
PROSSER	MRS. ADA	1920		GLUCESTER LAB	180		NFWW; WCG NAT PRES; GWMS	
SESSIONS	EDITH	1921		GLUCESTER	181		CHR GWMS; CLLR; BWTA; QUAKER	
KER	MISS F.			GLUCESTERS	182		COPTED ED CTE	
ARMOUR	MRS.			GLUCESTERS	183		VAD; CLERGY WIFE	
ATLAY	HON. VIOLET	1930		GLUCESTERS	184	1879	MU; CHURCH ASSEMBLY	1952
FAITHFULL	MISS LILIAN MARY	1920		GLUCESTERS	185	1865	PRINCIPAL, CHELT L.C.	1960
BARTON	ELEANOR (MRS)	1920		SHEFFIELD LAB	186	1872	PC; CLLR, WCG	
ROBINSON	MRS. AMY	1921		SOMERSET	187		m. DEAN OF WELLS; SISTER 185	
LEACH	ETHEL	1921		GT YARMOUTH	188		PLG; CLLR, MAYOR	
COATES	MRS. SCHOLFIELD(ALICE)	C.1921		MIDDLESBORO	189	1881	PRESIDENT WFL	1975
SMITH	LADY ADAM	C.1921		LONDON	190		PLG; CLLR; WFL MEMBER	
HILL	JUDITH	BY 1922		LONDON	191		LCC	
BENWELL	MRS. LILIAN	1921		LONDON	192		HACKNEY CLLR	
BADDERLEY	LADY FLORENCE	1921		LONDON	193		m. LORD MAYOR	
BONNER	HYPATIA BRADLAUGH	1922		LONDON	194	1858		
CARTWRIGHT	BEATRICE (MISS)	1920		NORTHANTS	195		PLG; CLLR, MAYOR, SUFFRAGIST	
DRAPPER	BEATRICE	1921		LONDON	196		DEPTFORD CLLR, MAYOR	
AMPTHILL	LADY MARGARET	1920		BEDFORDS	197	1874	RED +; ON CORP PUN CTE 1937-8	
WILSON	DR. HELEN	1920		SHEFFIELD	198	1874	NUWSS, AMSH	
CHANCE	LADY JOSEPHINE	1920		CUMBERLAND	199	1859	NUWSS	
STUART	MRS. LAURA	1920		NORWICH	200		NUWSS; TOTAL ABSTINENCE UNION	
WORSLEY-TAYLOR	LADY AUDREY			BLACKBURN	201		WI	
HARTLEY	MISS C	1923		SOUTHPORT	202		FORMER MAYOR	
RIMMER	MISS KATE	1923		SOUTHPORT	203		CLLR	
SHIPMAN	MRS	1923		SOUTHPORT	204		SOCIAL WORKER, NAT CITS UNION	
ALDERTON	MRS	BY 1922		COLCHESTER	205		NUSEC, CLLR, MAYOR, PC	
MARK	MRS ELIZABETH	1923		STOCKTON	206		WCA	
PARKINSON	MRS IDA ALICE	1924		WIGAN	207		m.MP, TEMPERENCE WORKER	
DOVE	MISS JANE FRANCES	1921		BUCKS	208	1847	HEADMISTRESS, CLLR, SUFFRAGIST	1942
EVE	MISS MAUD	1922		LONDON	209		MAYOR, CLLR.	
WHITTON	MISS HELEN	1925		WEST DERBY	210		WFL	
HAWKEN	MRS	1920		ESSEX	211		CLLR, WM PATROLS, MA COUNCIL	1929
BEAVAN	MISS MARGARET	BY 1922		LIVERPOOL	212		MAYOR, CHARITY WK, MA CO.:PC	1931

MACKIE	MRS	MAIDSTONE	213	MA COUNCIL	
BELL	LADY FLORENCE	N. RIDING	214	AUTHOR, WIFE LD LIEUT.	
SPURGIN	CLARE	GLOUCESTERS	215	CLLR. MA COUNCIL, MA EXEC.	1851
FRANKENBURG	CHARIS	SALFORD	216	WCA, NCW.	1897
SPENDER	MRS. MARY	KENT	217	HOSPITAL WORKER	1892
VIAN	MISS MARIAN	KENT	218	PLG, ED. CTE, CHARITY WORKER	
MANN	MRS. AMY GERTRUDE	KENT	219	B.A., WCA, RSPCA, NSPCC ETC.	
NEAME	MRS. MAUD	KENT	220	VAD, GUIDES, HOSP CTE, SCHOOL GOV	
PATON	MISS ETHEL	KENT	221	PENSIONS MIN., GIRL GUIDES	
GARDINER	MRS. DOROTHY	CANTERBURY	222	WCA;LMH.; ED. CTE, m. CANON	
ATWELL	MISS MINNIE	DEAL - CINQUE	223	SUFFRAGIST, WELFARE WORKER	
BEAUCHAMP	COUNTESS LETTICE	DEAL - CINQUE	224	SISTER DUKE WESTMINSTER	
COTTEW	MISS SUSANNAH	DEAL - CINQUE	225	WLA; RSPCA;BUAV,LPCS	
NASMYTH	MRS. DOROTHEA	DEAL - CINQUE	226	DOCTOR; ED SOMERVILLE & RFH	
GORE	MRS. EDITH	FOLKSTONE	227	ED CTE, GIRLS' CLUB, PAC.	
JUSON KERR	MRS.	DEAL - CINQUE	228	WFL	1928
ROYCE	MRS. E.L.	SPALDING	229	RD CLLR; WIFE MP	
BERRY	MRS. EMMA	LANCS	230	CLLR, HOSP B., SCH MAN., M.U.	
LLEWELLYN PRICE	MRS.	WREXHAM	231	PLG	
GRESSWELL	MRS.	SOUTHPORT	232	WFL	
WICKS	MRS. ALICE	GATESHEAD	233	PLG,CLLR	1861
TEMPERLEY	MISS MARGARET	GATESHEAD	234	SUFFRAGIST, WELFARE WORKER	
ALLEN	MRS FRANCES DIANA	GATESHEAD	235	WESLYAN SOCIAL WORKER	1862
JOWITT	MISS LETTICE	GATESHEAD	236	SETTLEMT WKR; SIS LC; QUAKER	1878
KEELING	CHARLOTTE	LONDON	237	RED +, PLG, SCHOOL MANAGER	
HYDE	MRS. KATHLEEN	DENBIGHSHIRE	238	FORMER CLLR., GIRLS' CLUBS	
JONES	MRS. ELEANOR H.	DENBIGHSHIRE	239	PLG, PROBATION OFFICER	
DAVIES	MRS. J.H.	MONT.	240	CLLR, MAYOR, VAD, HUSB. JP	
WAINWRIGHT	MRS. E. E.	MANSFIELD	241	NUWSS, CLLR, PLG, MAYOR	
NEAL	MISS MARY	WEST SUSSEX	242	WSPU, HOW L, GIRLS' CLUB WKER	1860
CLARKSON	MABEL	NORWICH	243	NCW, CETS	
GIRLING	HENRIETTA	LONDON	244	CLLR, PLG 'MAYORESS'	
CUSDEN	PHOEBE	READING	245	PLG, WFL	
ROBERTSON	MRS DEWAR (JEAN)	LONDON	246	CLLR, CH. VISITING Js HOLLOWAY	
LIGHTOWLER	MRS. MIRIAM	HALIFAX	247	CLLR, PLG	
DAWSON	MRS. AGNES	LONDON	248	LCC, WFL, NUWT	

HORT	LADY HELEN	C.1922	MSEX/HANTS		249		WCA. SEC HWMA	1945
PERKINS	MRS. ELIZABETH		HAMPSHIRE		250		WI. GUIDES. CHAIR HWMA	
ARBUTHNOT	LADY CONSTANCE	1926	HAMPSHIRE		251		RED + MU PRES. DBE	1936
HOARE	MISS MARY	1928	BASINGSTOKE		252		NCW. VAD INT MENTAL WELFARE	
HULSE	LADY		HAMPSHIRE		253		PLG. CHAIR HWMA	1937
RAWSTONE	MRS. MADELEINE		HAMPSHIRE		254		PLG	
BARING	LADY	1920	HAMPSHIRE		255		ED CTE. PENSIONS CTE	1934
FIRMSTONE	MISS EMILY	1920	WINCHESTER		256		PLG. CLLR. PRISON VISITOR	C.1940
HARRIS	MRS. MARY		LONDON	LAB	257		NALT. WIL. DSc	
MERZ	MISS TERESA	BY 1922	NEWCASTLE		258		SOCIAL WORKER. NCW.	
BRACKENBURY	KATE SWIFT		BEDFORDS		259		RED + VAD	
LUDLOW	LADY ALICE		BEDFORDS		260		WAR HOSPITAL WORK	
LEGGE	MRS. MAUD		ABINGDON		261	1870	RED + VAD CLLR	
MORRELL	MRS. EMILY ALICIA		MAIDENHEAD	CON	262		ED CTE. MU	
MOUNT	LADY HILDA	1920	MAIDENHEAD		263		COUNTY CLLR. m MP	
RAILTON	MRS.		BERKSHIRE		264		MU. PRISON VISITOR HOLLOWAY	
HOPSON	EDITH ANN		NEWBURY		265		HON PROBATION OFFICER 19 YRS'	
MUSSON	MISS HELEN		READING		266		EX HEADMISTRESS. ED CTE	
SUTTON	EDITH MARY		READING		267		MAYOR. ED CTE	
GREGORY	MISS CS	1920	BUCKINGHAM		268		PLG	
KNAPP	MRS.		BUCKINGHAM		269		HOSPITAL WORKER	
PARKER	MRS. KATHERINE		BUCKINGHAM		270		PLG	
SLESSOR	LADY		BUCKINGHAM		271		VOL WORK. HOUSING CTE m LCJ	
GREENE	EVA		BURY ST ED	CON	272		CLLR. LNU	
STEWART BROWN	MRS. NESSIE		LIVERPOOL	LIB	273		NUWSS. WFL. CLLR. NCW. WIL	
BAMBER	MRS. MARY		LIVERPOOL	LAB	274		TRADE UNIONIST CLLR	
MUSPRATT	LADY HELENA	1926	LIVERPOOL	CON	275		RED + CLLR. SISTER IN LAW 273	
JAMES	MISS MARY	1920	LONDON	IND	276		PLG	
STEPNEY-GULSTO	MISS ANNIE	BY 1934	CARMS.		277	1883	BRCS COUNTY PRESIDENT	
GIBBIN	MRS. JEANNIE	1920	NEWCASTLE	LAB	278	C.1875	PLG. MENTAL DEFICIENCY VISITOR	
KITSON	MISS BEATRICE	1920	LEEDS		279		PLG. WCA. WI.WLGS	
METCALFE	MRS.	BY 1924	TYNEMOUTH		280		SOCIAL WORKER. ED CTE	
BAZELEY	MISS A. E.	BY 1925	DEVON		281		PLG. VAD. CENSOR'S OFFICE	
HARDY	MRS. FLORENCE	1924	DORCHESTER		282	1879	HOUSING SOC. CHAIR	1937
COATES	LADY CELIA		N. RIDING		283		NCW. d. LD CREWE. SISTER 90	
TAYLOR	MISS MILLICENT		BUCKINGHAM		284		CLLR. BRCS. WI. 'GUARDIANS CTE'	

TRUEMAN	LADY SUSAN		CHESHAM			285		BRCs. MU. WI. LEAGURE OF MERCY	
ADEANE	MRS. MADELINE	BY 1922	CAMBS			286		BRCs. C.CLLR GUIDES. ASM.H.m.LD L	
COCHRANE	MISS CONSTANCE		CAMBS			287		MBR ROYAL SAN INST RURAL CLLR	
ELIN	MRS. HENRY		CAMBS	CON		288		NEE CHAMBERLAIN	
EMERY	MRS. EDITH		CAMBRIDGE	LAB		289		RAILWAY GUILD. PLG. WCG	
NORTH	LADY VALERIE KEPPEL		CAMBS	CON		290		ELY BOARD OF ED.	
CLARKE	MRS. ANNIE HILDA		CAMBRIDGE			291		WI. LNU	
SHARMAN	MRS. FANNY MARY		ELY	CON		292		WI. GUIDES. VAD. NURSING ASSOC.	
BELLYSE	MISS EDITH ANNE	BY 1922	CHESHIRE	CON		293		ED CTE. GFS. WI. MU	
DUTTON	MISS AGNES		CHESHIRE	LIB		294		DISTRICT NURSING ASSOC	
GREG	MRS. JEANIE EMILY		CHESHIRE	LIB		295		WAR PENSIONS CTE m.HENRY GREG	
HAWORTH	MRS. J. (MARION)	BY 1922	MANCHESTER			296		NCW, SOCIAL WORKER, YWCA	
MIRCHELL	MRS. ALICE		CHESHIRE	LAB		297		PAC, LAB WOMEN'S SECTION	
MERCER	MRS.		BIRKENHEAD	LAB		298		CLLR, MAYOR. LNU. PC	
DICKSON	MRS. ELIZABETH		CHESTER			299		COUNCIL OF SOCIAL WELFARE	
FROST	LADY DORA		CHESTER			300		MAYORESS, PAINTER	
GERRARD	MRS. GWENDOLEN		CHESTER	CON		301		VAD	
ROWBOTHAM	MRS. MARY		MACCLESFIELD	LAB		302		PAC. WCG	
HIGSON	MRS. ELIZABETH	BY 1922	STALYBRIDGE			303		WCA. PAC. CT OF REFEREES	
SKUSE	MRS. MARY ANN	BY 1922	STOCKPORT	LAB		304		RAILWAY GUILD. SOCIAL WORK.	
SOUTHGATE	MRS. MATILDA	BY 1922	LONDON			305		CLLR	
TITT	MRS. ALICE		SALFORD			306		WFL	
SAMUEL	MISS IDA	1925	LONDON			307		PLG, CLLR	
TOMES	MISS AMY	BY 1926	LONDON			308		LCC ED CTE	
TABOR	MISS MARGARET		ESSEX			309		ED WORK. SISTER OF 49	
DENHOLM	MRS. THELMA	1941	SURREY/DURHAM			310		TEACHER. MBR 1946 ROYAL COM.	
LUNN	MRS.		WEST YORKS.			311		WIFE OF MP	
MELLISH	MRS.		CAMBRIDGE			312		CLLR CHR PLGS	
BENN	LADY GWENDOLEN	BY 1934	SURREY			313	1881	LNU. BWTAU. VOL WORK	
HOLMAN	MRS. AMY	BY 1934	MIDDLESEX			314		NCW PS&MC SEC. d. OF JP	
LOVIBOND	FRANCES ELIZABETH		WILTSHIRE			315		WAR WORK. FRSA. Q MARY'S NG	
ROBINSON	LADY EVELINE MAUD		NOTTINGHAM	CON		315		FARMER	
ROLL	MISS MAUD		SUSSEX			316		RD CLLR: WI	
ST. ALPHONSE	MISS PAULINE MARY		LONDON			317		TG CHAIR. PRACTICAL PSYCH CLUB	
MACINNES	MISS DORA		CUMBERLAND			318		CC ED CTE	
PARKER-NESS	MISS		LONDON			319		BORO CLLR	

KENDALL	MRS. MARY		WEST YORKS.	LAB	320	TRADE UNIONIST CHAIR OF PLGS
FOSTER	MISS DOROTHY		CORNWALL		321	NURSE WAR WORK
MAGOR	MRS. GILLIAN	1926	CORNWALL		322	GFS. ED CHELT LADIES COLL.d.CANON
VARLEY	MISS BERTHA J.		PENZANCE		323	HEADMIS.ED CTE.LNU. FOLK D. SOC
FOSTER CLARKE	MRS. HENRIETTA		MAIDSTONE?		324	SCH GOV. HOSP & VOL WORK
MAUGHAN	SYBIL		CUMBERLAND		325	WAR PENSIONS CTE GIRL GUIDES
RUSSELL	MRS. MARGARET		CUMBERLAND	LAB	326	WCG WIL HOSP BOARD
BAILLIE	LADY MAUD		DERBYSHIRE		327	UD CLLR d. DUKE DEVONSHIRE
FITZHUGH	MRS. KATHERINE	BY 1922	DERBYSHIRE		328	SUFFRAGIST PLG LAND ARMY etc.
INGLEFIELD	LADY		DERBYSHIRE		329	HOSPITAL PRES. WI. PARISH CLLR
PARTINGTON	MRS. MARY ALICE	1920	DERBYSHIRE	LIB	330	WAR WORK.PLG. NSPCC. MAYOR
ANN	LADY SOPHIA	1920	DERBYSHIRE		331	HOSP & VOL WORK
UNSWORTH	MRS. JESSIE	BY 1922	DERBYSHIRE		332	WCG . SUFFRAGIST. INS CTE
BATTEN	MISS ELSIE EMMA		DEVON		333	PLG/PAC. NURSING ASSOC
BUTTERIS	MRS. ELIZABETH		DEVON		334	BRCS MEDAL. UD CLLR
CALMEDY-HAMLYN	MISS MARY	1920	DEVON		335	WOMEN'S AG B. DARTMOOR P.S.
EVANS	MRS. ELEANOR		FLINTSHIRE	CON	336	BRCS. BOY SCOUTS
GRIGG	MRS.	BY 1922	DEVON		337	VP PLYMOUTH BRCS
STRICKLAND	MRS. JANE E.	1929	HASTINGS	LAB	338	WFL. NSPCC. WEA. ED CTE
PRIESTMAN	MRS.MARION	1920	B'HAM		339	QUAKER, VOL COURT VISITOR NCW
FURNESS	MRS. SANDERSON	1920	OXFORD	LAB	340	MBR MIN HEALTH HOUSING CTE SUFF
GRETTON	MRS. MARY	BY 1922	OXFORDSHIRE		341	B.LITT (OXON) AUTHOR
HANCOCK	MRS.		DEVON		342	ASST MASTER FOX HDS
LAZENBY	MISS. K M		DEVON		343	EDUC CTE
PEEK	LADY AUGUSTA	BY 1922	DEVON		344	
PENHALE	MRS. FANNIE		DEVON		345	SEC TREAS COTT HOSP, MRCVS
PHILLIPS	MRS. JUANITA	1922	DEVON		346	MAYOR,ALDERMAN,CC,WI,ODC, NCW
TREFUSIS	THE HON ADA	BY 1922	DEVON		347	SOCIAL WK, PRISON VISITING
VICARY	MRS. ELEANOR MARGARET		DEVON		348	DISTRICT NURSING, CO-OPTED COUNTY CTES
CLARK	MRS SARAH BLANCHE JULIETTE		DORSET		349	GUARDIAN
HOLDEN	MRS ELLEN URSULA		DORSET		350	1ST CHMN DORSET FED WI
MARSDEN	MISS WINIFREDE		DORSET		351	VAD COMMANDANT, CLLR, WI.
PATERSON	MISS C H J		POOLE		352	CLLR, CHMN CONSERV ASSOC, CHMN NCW
PEASE	MISS ELLA	1920	NORTHUMBERLAND		353	PLG, CLLR,EDUC
SHAFTO	MRS	1920	ESSEX		354	CHARITY WORKER
COLEMAN	MRS. P		ESSEX		355	UDC CHMN, GG.



CRAWSHAY	MRS. C E			ESSEX						LEAGUE OF MERCY VICE PRES, WI	
JAMES	MISS CLARA GRACE			ESSEX						CLLR, PLG, ORGANISER WTU 1890	356
KEIGHLEY	MISS N			ESSEX						EDUC CMT MEMBER	357
MALEY	MISS ELSIE ESTHER			ESSEX						PUBLIC ASST CMT	358
WILLIAMS	MRS BLANCHE WINSLAND			ESSEX						CC, LEAGUE OF MERCY.	359
NEWTON	LADY	1920		CAMBS						BRCS	360
FOX	MISS	1920		CORNWALL						COUNTY	361
BOLITHO-ROBINS	MRS	1920		CORNWALL						PLG, PENSIONS	362
FYFE	MRS	1920		CARLISLE						WEA	363
SHACKERLY	LADY	1920		CHESHIRE						BRCS, PLG, MU	364
PAGET	MRS	1920		CHESHIRE						WELFARE WORKER	365
LAIRD	MRS	1920		BIRKENHEAD						CLLR, PRISON WORKER	366
MOORE	MRS	1920		BIRKENHEAD						WMN'S ORG NAT INS, ADULT ED	367
GRAHAM	MRS	1920		STAYLYBRIDGE						CLLR	368
FERGUSON	MRS MARGARET	1920		DURHAM						WCG, PLG, NFWW	369
HUNT	DAME CATHERINE			COLCHESTER						DBE, ALD.	370
PARSONS	MRS DAISY			WEST HAM						CLLR, DEP MAYOR	371
TAYLOR	MISS EMILY ALICE			GLOUCESTERSHIRE						SUNDAY SC SUPT, CHOIRMASTER	372
WALLIS	MISS LENA	1920		LINCOLN						NCW GIRLS CLUB	373
WHARHUST	MRS HANNAH	1920		LINCOLN						MU, CHURCH WORK	374
MORRIS	MRS MAUD	1920		LEICESTER						WI	375
IRWIN	MISS CATHERINE	1920		LEICESTER						PLG	376
CHARD	MRS BARBARA	1920		MIDDLESEX						PLG, CLLR, WOMENS ORG	377
HOOD	MRS ELEANOR	1920		MIDDLESEX						PLG, SJCIWO	378
SUFFIELD	LADY EVELYN LOUISE	1920		NORFOLK						WI, GG, HOSP WK, CC CANDIDATE	379
BATTERSEA	LADY	1920		NORFOLK						LEAGUE OF MERCY	380
STUART	MRS	1920		NORWICH						CLLR	381
BEATTIE	MARY	1920		NORWICH						HOSP/BRCS, L OF N RELEIF WORKER	382
WALKER	MISS	1920		N'HAMPTON						NFWW	383
ALENDALE	LADY	1920		NORTH'LAND						HOSP CTES	384
RICHARDSON	MRS	1920		SUNDERLAND						BRCS EDUC	385
ACLAND	MRS ELEANOR	1920								"COUNTY"	386
YOUNGHUSBAND	MISS EILEEN	BY 1934		LONDON						NAGC TUTOR LSE CHM JUV CT	387
MILDMAY	LADY ALICE	1920		DEVON						PUBLIC SERVICE	388
SIMPSON	MRS	1920		PLYMOUTH						PLG, CLLR	389
ILCHESTER	LADY	1920		DORSET						BRCS, HOSP WORK	390
											391

PETRE	LADY	1920	ESSEX			392		COUNTY AGRICULTURE	
HICKS	MRS ELLEN	1920	GLOS			393		FOOD CTE TRIBUNAL	
WEBB	MRS	1920	BRISTOL			394		PLG	
BRADFORD	MRS EMMELINE	1920	HERTS			395		CLLR, PLG	
SANDWICH	LADY ALBERTA	1920	HUNTS			396		COUNTY AGRICULTURE	
COOTE	MRS	1920	HUNTS			397		CLLR	
BROOK	MRS	1920	HERTS			398		WOMENS TRADE COUNCIL	
DUNNE	HON MRS GRACE	1920	HEREFORD			399		BRCS, COUNTY	
FOSTER	MRS ALICE	1920	HEREFORD			400		PLG, WI	
STRAKER	MRS ALICE	1920	N'UMBERLAND			401		HOSP CTES	
HARCOURT	LADY MARY	1920	OXFORDSHIRE	LIB		402	1875	VIC LEAGUE, L OF MERCY, ANTI SUFF	1961
PENROSE	MISS	1920	OXFORD			403		PRINCIPAL OF SOMERVILLE	
GRUNDY	MISS MABEL	1920	OXFORD	CON		404		CLLR, PLG	
HURLE	MRS NORAH	1920	SOMERSET			405		CLLR	
MORRIS	MRS	1920	STAFFS			406		PLG	
KEMPTHORNE	MRS HESTER	1920	LICHFIELD			407		PLG, CLLR, NCW	
CALLEAR	MRS CAROLINE	1920	WOLVERHAMPTON			408		NAT INS, PENSIONS CTES	
MILNES-GASKELL	LADY	1920	SALOP			409		EDUCATION, CHARITY WORK	
HARLECH	LADY	1920	SALOP			410		RED CROSS, NSPCC, GG	
WOOD	LADY	1920	SUFFOLK			411		PENSIONS CTE, L OF MERCY	
JEFFRIES	MISS MARGARET	1920	IPSWICH			412		PLG, RESCUE WORK, PRISON VISITOR	
BIRD	MRS CAROLINE	1920	IPSWICH			413		PLG, GCG, CLLR	
TURNER	MRS	1920	LOWESTOFT	LAB		414			
EGERTON	MISS D	1920	SURREY			415		PLG	
CAMPION	HON MRS	1920	SUSSEX			416		CHARITY WORKER, GFS	
HOBHOUSE	LADY	1920	WILTSHIRE			417		CLLR, HOSP WORK	
SAWYER	MRS HELEN	1920	SWINDON			418		PLG	
GIVENS	MRS HENRIETTA	1920	COVENTRY			419		PLG	
CROPPER	MISS M W	1920	WEESTMORLAND			420		RESCUE, ED, HOSP, WI	
BEESELY	MRS	1920	WORCS			421		EDUCATION	
JOHNSON	MRS SEBERIA	1920	WORCS			422		TRADES COUNCIL	
HUNTER	MRS AMY	1920	WORCS			423		PUBLIC BODIES	
SMITH	LADY BARBARA	1920	WORCS			424		D. 9TH EARL OF COVENTRY, HUNT, FARMING	
KNOTT	MRS	1920	WORCS CITY			425		BRCS	
SMITH	LADY MABEL	1920	W. RIDING			426		CLLR	
ARNOLD	MRS	1920	BRADFORD			427		CLLR	

CARLING	MRS	1920	BRADFORD					WAR WORK	
GOTT	MRS BERYL	1920	LEEDS					NCW, MAYORESS, D. OF A REV	428
STEPHENSON	MRS FRANCES	1920	SHEFFIELD					MAYORESS	429
ARNOTT	MRS EDITH HARRIET	1920	BEVERLY					TRADE UNION	430
TALBOT	MRS	1920	LEEDS					PLG	431
THORPE	MRS	1920	WAKEFIELD					PLG, HOSP WORK	432
TAYLOR	MISS ALICE	1920	HALIFAX					PLG	433
HITCHIN	MRS	1920	BRADFORD					PLG	434
SIDDON	MRS	1920	HUDDERSF					PLG	435
MERCER	MRS JEANNE	1920	YORK					WCG	436
SYKES	LAD	1920	W. RIDING					HOSP	437
GREENE	MRS. EVA		BURY ST ED	CON				CLLR MAYOR	438
KINGDON	MISS IDA ALICE	BY 1922	S. MOLTON	LIB				WI	439
DARESBUARY	LADY FRANCES		WARRINGTON	CON				CON CTL CMTE HOSP VISITING. HUNT	440
ELLISON	MRS. MAUD		LEICS					INFANT WELFARE	441
FERRERS	LADY MARY JANE		LEICS	CON				CHARITY WORKER	442
MUNRO	MRS. SHEILA		LEICS					CHM COUNTY WI	443
FORTEY	MISS E.R.		LEICESTER					CLLR B.Sc	444
FRISBY	MISS EMILY		LEICESTER					CLLR	445
WARNER	MRS. IDA		LEICESTER					PLG CLLR INS CTE	446
BERRY	MISS CATHERINE		SALFORD					CLLR	447
YEARSLEY	MRS		WEST DERBY					NSPCC SOCIAL WORK COUNCIL	448
BEAKBANE	MISS F.	1920	LIVERPOOL	CON				ONE OF FIRST WOMEN APPT	449
BILLINGE	MRS.		LIVERPOOL					WCG	450
CONWAY	MISS T.		LIVERPOOL					NUT	451
DAVIES	MRS. ESTHER		LIVERPOOL	CON				FRIBA	452
ELLIOTT	MRS. A.		LIVERPOOL					PAC	453
OPENSHAW	LADY MURIEL		PRESTON	CON				GFS	454
PIMBLETT	MRS. ALICE		PRESTON					CLLR, MAYOR	455
SMITH	E.H.		BRISTOL					ALDERMAN, NCW	456
SIVETER	MRS. JULIA	1921	GLOUCESTER					PLG CLLR. ED. GWMS	457
CLOWES	MRS. EDITH		HEREFORDSH					RED CROSS	458
KEVILL-DAVIES	MRS. DOROTHY		HEREFORDSH	CON				NURSING SOC	459
BLOUNT	MISS M.	1924	HERTS					VAD. CC	460
CURTIS	MISS FLORENCE		HERTS					RDC	461
PAYNE	MRS. ALICE		HERTS					JUVENILE ADVISORY CTE	462
									463

VILLIERS	MISS S. A.	BY 1922	HUNTS		464	NURSING SOC	
GROVE	MRS. CLARE	BY 1922	HUNTS		465	SCHOOL GOVERNOR	
TAYLOR	MISS EMILY SOPHIA		MIDDLESEX		466	ALDERMAN	
TAYLOR	MRS. EMMELINE	BY 1922	KESTEVEN		467	ALDERMAN	
LANE	MISS MARY		LINCOLN CITY		468	CLLR NCW MA	
ANDERSON	MRS. ELSIE		LONDON		469	CLLR PLG	
DORMER	MRS. ELIZABETH	1925	LONDON		470	PLG ALDERMAN	
DRURY	MRS. ROSE MATILDA		LONDON		471	CLLR	
HARE	MISS MARGARET		LONDON		472	PLG CLLR SCH MANAGER	
HENDIN	MRS. CLARA		LONDON		473	GOV LOCK HOSP	
HORN	MISS MARGARET		LONDON		474	CHIL WELFARE, NCW	
HORNER	LADY FRANCES		LONDON		475	D. OF MP	
HUGHES	MISS MARY		LONDON		476	PLG. D. OF THOS HUGHES	
JONES	MISS AUDREY		CARDS		477	CLLR. DAUGHTER OF BISHOP	
LAMBERT	MRS. ETHEL		NORFOLK		478	CLLR	
BROWN	MRS. M.A.		CHESTER		479	ALDERMAN	
CAMPBELL	MRS. JANE	BY 1922	LINCS		480	PLG CLLR	
HOOPER	MRS. CHARLOTTE		LINCS		481	RDC, WIFE OF REVEREND	
HORNSBY	MRS. KATE	BY 1922	LINCS		482	PLG, MATERNITY CTE	
NEVILLE	MISS MARIA	BY 1922	LINCS		483	MAYOR	
RAWNSLEY	MRS. ELEANOR		WESTMORLAND		488	GFS m. CANON	
SCHOFIELD	MRS. GRACE	BY 1922	LINCS		489	LNU, SCHOOLMANAGER	
THOMPSON	MISS HARRIET		SUFFOLK	LAB	490		
CRACROFT-AMCO	MRS. EMILY	BY 1922	KESTEVEN		491	CHM WI	
GREENALL	MRS. SUSANNAH	BY 1922	KESTEVEN		492	BRCS WI FED CHM	
PENTLAND	THE LADY		LONDON		493	DAUGHTER OF MARQUIS. DBE	
SHUTE	MRS. ELIZABETH		LONDON		494	BRITISH LEGION	
VARRAN	MRS.	1924	LONDON		495	SOCIAL WORK	
VICKERS	HON KATHARINE		LONDON	CON	496	CLLR, INFANT WELFARE	
ALEXANDER	MRS. ELEANOR		MIDDLESEX		497	VAD	
BAKER	FLORA MAY		MIDDLESEX		498	CLLR, ALDERMAN	
BARNES	MRS. G.		MIDDLESEX		499	CLLR, ALDERMAN	
EDMONDS	MRS. E.		MONMOUTH		500	GIRL GUIDES, WI, NURSING, LNU	
BETT	MRS. MARGARET		NORFOLK		501	BRCS	
CARR	MISS MARY		NORFOLK		502	VAD, WAR PENSIONS, HOSP WORK	
CHAMBERS	MRS. A.		NORFOLK		503	EX TEACHER	

COZENS-HARDY	MISS MARY			NORFOLK			504		PUBLIC WORK	
GIBSON	MRS. E.M.			NORFOLK			505		BRCS, LOCAL PRESIDENT WI	
GODFREY	MISS E.			NORFOLK			506		CLLR	
MANN	MRS. LENA			NORFOLK			507		PLG, RDC CLLR	
NEALE	MRS. L.V.			NORFOLK			508		PLG. SCHOOL MANAGER	
OVERMAN	MRS. MARY			NORFOLK			509		PAC, RDC, MU, VICE-PRES WI	
PEACOCK	MRS. HELEN			NORFOLK			510		WI	
COXON	MRS.			GT YARMOUTH			511		MAYOR	
TREVELYAN	LADY			N'UMBERLAND			512		WI, CPRE EXECUTIVE	
HAMILTON	MRS. MARGARET			BERWICK			513		COUNTY COUNCILLOR	
FIFE	MRS. MARGARET			N. RIDING			514		DISTRICT CLLR	
HARROWING	LADY			N. RIDING			515		COMPANY DIRECTOR, HOSP CTE	
PEASE	MRS. E.			N. RIDING			516		BRCS, COUNTY WI VICE PRES.	
STOBART	MRS.			N. RIDING			517		WI YORKS EXECUTIVE	
TURTON	LADY			N. RIDING			518	1859	CLLR	1934
FISHER-SMITH	LADY	BY 1922		HALIFAX			519		BIBLE SOC, RNLI, BWTS, NSPCC	
BLAMIRE	MARY	BY 1922		HUDDERSF			520		YWCA, SOCIAL WORK	
PRINCE-SMITH	LADY MAUD			KEIGHLEY	CON		521		NSPCC, SSFA, WAR PENSIONS	
SUTCLIFFE	MRS. MARGARET	BY 1922		E. RIDING			522		NCW, SSFA	
WRIGHT	MRS.	BY 1922		E. RIDING	CON		523		CHM LOCAL CONSEVATIVES	
KAY	LADY			W. RIDING			524		BWTA, MAYORESS	
LAWSON-TANCREE	LADY	BY 1922		W. RIDING	CON		525		NCW, HOSPITAL COMMITTEE	
NUSSEY	MISS H.M.			W. RIDING			526		WETHERBY RDC, PAC	
UNWIN	MISS MARY			W. RIDING			527		CLLR.	
ADAMSON	MRS.	BY 1922		N. RIDING			528		BRCS, DIST. COMM. GIRL GUIDES	
CHARLTON	MRS. FRANCES			N. RIDING			529		SCHOOL GOVERNOR, NURSING ASS.	
COCKRANE	MISS EDITH	BY 1922		N. RIDING	CON		530		WI. COURT OF REFEREES	
FIELD	MRS. OLIVE	BY 1922		N. RIDING			531		HUNT (HARRIERS)	
FISHER	MRS. ELINOR			KINGSTON U HULL			532		NSPCC, PRISONERS' AID, NURSERY	
CONNON	RHODA A.			LEEDS	LIB		533		FRIENDLESS GIRLS, NAT WLF	
COATES-HANSEN	MRS. MARION			MIDDLESBRO			534		PLG. PAC, CLLR	
TINDALL	MISS AUGUSTA			SCARBOROUGH	CON		535		WOMEN'S CON ASSOC CHAIR	
BAILEY	MRS. C.R.H.			SHEFFIELD			536		MAYORESS	
LONGDEN	MRS. A.E.			SHEFFIELD			537		CLLR	
WILSON	MRS. M. D.			SHEFFIELD			538		MAYORESS	
HARRISON-HALL	MRS. ISABELLA			OXFORD	CON		539		CLLR, DAUGHTER OF JP	

PRITCHARD	MRS. MABEL H.	1927	OXFORD		540	CLLR. MBR SUFFRAGE SOC.	
BRAITHWAITE	MRS. JANET	1923	OXFORDSHIRE		541		
CARLING	DR. ESTHER		OXFORDSHIRE		542	MD. WI. SCHOOL GOVERNOR	
GILLETT	MRS. BEATRICE	1920	BANBURY	LIB	543	COUNTY CLLR, MAYOR. QUAKER	
WARD	MRS. ALICE		BANBURY		544	CLLR	
MORGAN	MISS GWEN	BY 1922	BRECONSH		545	CLLR, MAYOR	
REES	MRS. A.R.		BRECONSH	CON	546	CHR LOCAL WI	
LEWIS	MISS MARY	BY 1922	CARDS		546	BRCS	
JONES	MARGARET		TAMWORTH		547	VICE CH TG, CLLR, LNU	
LLOYD PRICE	MISS G.M.		CARMS.		548	CLLR	
DRINKWATER	DR. KATHERINE	BY 1922	DENBIGHSHIRE		549	BMA, ADVISORY CTE, DOG BREEDER	
EVANS	MRS. MARTHA		GLAMORGAN		550	GIRL GUIDES, CLLR	
FENWICK	MRS. MARY		DENBIGHSHIRE		551	DISTRICT COUNCIL	
KENYON	BARONESS		FLINTSHIRE		552	COUNTY CLLR	
NICHOLAS	LADY FLORENCE	BY 1922	GLAMORGAN		553	BRCS, RNLI, YWCA	
BERKIN	MISS MARIA	BY 1922	PEMBS		554	PLG, GG, CHURCH WORK, UNIV GOV.	
CHAMBERS	MISS BEATRICE	BY 1922	PEMBS		555	MENTAL HOSP CTE	
BOWEN	LADY FLORENCE	BY 1922	PEMBS		556	LINEN LEAGUE CHM, NURSING ASSOC	
HIGGON	MRS. C.O.	BY 1922	PEMBS	CON	557	BRCS, PLG, GIRL G. NURSING ASSOC	
ALLEN	MRS. GLADYS		PEMBROKE		558	WI	
BRASSEY	COUNTESS		E. SUSSEX		559	BRCS	
COURAGE	MRS. GERTRUDE		W.SUSSEX	CON	560		
GREENFIELD	MRS. M.G.		W.SUSSEX		561	CLLR, PUBLIC ASST CTE	
LILE	MISS ANNIA		HASTINGS		562	EDUCATION & PUBLIC ASST WORK	
BROCKLEBANK	MRS. A.		RUTLAND	CON	563	WI	
WILLIAMS	LADY J.		SALOP		564	EDUCATION CTE, LNU	
FOXCROFT	MISS HELEN		SOMERSET		565	AUTHOR	
REES-MOGG	MISS CATHERINE		SOMERSET		566	GUARDIANS CTE	
ROBINSON	MISS MABEL		HAMPSHIRE		567	ALDERMAN. MAYOR	
TAUNTON	MRS. ELLEN		BIRMINGHAM		568	CITIZENS ASSOC.	
WILLS	MISS GWEN		SOMERSET		569	NURSE, SOCIAL WORKER & SPEAKER	
WISE	MISS A.V.		SOMERSET		570	DISTRICT NURSING ASSOCIATION	
BRODIE	MRS. ANTOINETTE		HAMPSHIRE		571	BRCS	
CONWAY	MRS. FLORA		HAMPSHIRE		572	CONVALESCENT HOME	
FIRTH	MRS. ANN		HAMPSHIRE		573	m.JP, d.JP, HWMA	
GIBSON	MRS. MARY		HAMPSHIRE		574	HWMA. ED. AUTHORITY	

HANDCOCK	MRS. EDITH			HAMPSHIRE		575	COUNTY COUNCILLOR
KINGSMILL	MISS CONSTANCE			HAMPSHIRE		576	CITY EDUCATION CTE
PRIOR	MRS. ALICE		LAB	HAMPSHIRE		577	CO-OP, NCW, NSPCC
ROBERTS	MRS. M			LYMINGTON		578	BOROUGH CLLR
CHANDLER	MRS. ELIZABETH			NEWPORT IOW		579	ALDERMAN
HOLLAND	MRS.			STAFFS		580	PAC, PERSONAL SERVICE LEAGUE
WARDLE	MRS. ELIZABETH			STAFFS		581	COUNTY LEADER GG
WOODHOUSE	MRS. FLORENCE			STAFFS		582	EX HEADMISTRESS, EDUCATION CTE
WOODHOUSE	MISS M.	1929		BIRMINGHAM		583	HEADMISTRESS, GIRL GUIDES
CRESSWELL	MRS. GERTRUDE			WALSALL		584	CLLR, SCHOOL GOVERNOR
CRANBROOK	COUNTESS			E.SUFFOLK		585	DOG BREEDER
MARTIN	MISS BEATRICE			E.SUFFOLK		586	VICE CHAIR COUNTY WI
MARTIN	MRS.			BEDS		587	CLLR
SHORT	MISS M.			E.SUFFOLK		588	ALDERMAN, CLLR
BRAITHWAITE	MRS. MARY			W.SUFFOLK		589	SCHOOL GOVERNOR, ARTIST
ATKINSON	MISS EVELYN			SURREY		590	GUARDIANS CTE
CROOKENDEN	MRS. EDITH			SURREY		591	PLG, RURAL DISTRICT CLLR
DOUGLAS	MISS F.			SURREY		592	URBAN DISTRICT CLLR
MIDDLETON	COUNTESS			SURREY/LONDON		593	ADVISORY COMMITTEE, ED CTE
WHITEHEAD	MRS. GERTRUDE			SURREY		594	ED CTE
POWELL	MRS. MARY	BY 1922		REIGATE		595	CLLR, CHILD WELFARE CTE
TREVETHICK	MRS. HENRIETTA			RICHMOND		596	MD
TIBBITS	MRS. LUCY			WARWICK		597	COUNTY COUNCILLOR
WADE	MRS. LYDIA			WARWICK		598	PRESIDENT AGATHA STACEY HOME
CHATWIN	MRS. ISABEL		CON	BIRMINGHAM		599	INFANT WELFARE COMMITTEE
DYKES	MRS. ELLEN			LEAMINGTON		600	COUNTY COUNCILLOR
BRADFIELD	MISS ELSIE			WILTSHIRE		601	PLG, PAC
COVENTRY	LADY MURIEL			WILTSHIRE		602	COUNTY COUNCILLOR, PLG

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