BOW STREET POLICE COURT, JULY 9, 1909.

Adjourned Hearing of the Cases against Mrs. Pankhurst and Hon. Mrs. Haverfield.

The very greatest interest attached to the proceedings at Bow Street on Friday last, when the adjourned hearing of the summonses against the women arrested on June 29 was taken before the court. This interest was very much enhanced when it was known that Lord Robert Cecil was appearing on behalf of Hon. Mrs. Haverfield.

The expectation was formed that the constitutional issue would be raised in an important form, and that whatever the immediate decision of the magistrate, an opportunity would be provided for a further discussion upon the point in a higher court. This expectation was fully realised, and supporters of Woman Suffrage are satisfied that for the first time in the history of the agitation the really political nature of their agitation is being understood and appreciated.

It will be remembered that the case was adjourned on Wednesday, June 30, at the request of Mr. Muskett, who asked for time to prepare an answer to Mr. Henle's speech claiming that the police acted in excess of their duty in trying to prevent Mrs. Haverfield entering the House of Commons to present a petition to Mr. Asquith. The proceedings opened on Friday by Mr. Muskett recalling Inspector Jarvis and Chief Inspector Scantlebury, who testified that they were not aware that Mrs. Pankhurst desired to present a petition.

Mr. Muskett then addressed the magistrate. He said that he did not deny that if the police acted in excess of their duty there was no case against Mrs. Haverfield. But though he admitted the right of petitioning the King or the Houses of Parliament, he refused to admit the right of personal presentation to a member of the House of Commons, and claimed that the case of Chaffers v. Goldsmid, which had decided that a private member could not be sued for refusing to present a petition, was applicable, with a slight modification, to the present case.

Lord Robert Cecil then dealt with the whole situation, pointing out that the right to petition the Crown meant the right to petition the source of legislation. He argued that this right involved personal presentation, and showed that the case of Chaffers v. Goldsmid did not apply in the present instance, because that turned upon whether a private member of Parliament could be compelled to present a petition to the House, whereas this case turned on the right to present a petition to a private member.

Mrs. Pankhurst, addressing the magistrate, dealt with the reasonableness of the women's demand, showing that Mr. Asquith had never consented to receive a petition from them. She claimed the right of women who were voteless to exercise the rights which men had undoubtedly possessed before the vote had been extended to them.

A Case to be Stated.

The magistrate reserved his decision until after lunch, and then read a written judgment on the subject, in the course of which he pointed out that, though he recognised fully the right to petition, he considered that a member of Parliament could not be compelled to receive those who desired to petition him. In delivering this judgment, however, he expressed himself quite willing to state a case, if it were desired, for a higher court, as he felt that the issue that had been raised involved an exceedingly important point of constitutional law. In the meanwhile, he passed judgment upon Mrs. Pankhurst and the Hon. Mrs. Haverfield, and, abandoning the old attempt to bind the women over to keep the peace, inflicted a fine upon them of £5 each, or an alternative sentence of one month in the second division. This judgment, however, he explained, would not take effect until after the special case had been tried. A declaration as to her future action being required from her, Mrs. Pankhurst defined her position. This having been accepted, she and the other members of the small deputation of eight were set at liberty pending the hearing of the special case.

It was then further suggested by Mr. Henle that all the remaining cases should be adjourned also. To this Mr. Muskett demurred. It was, however, finally settled that all the ordinary cases of obstruction should be adjourned *sine die* pending the decision of the higher court, while the special cases involving stone-throwing should be tried on the following Monday.

It is understood that the hearing of the special case cannot come on before the summer holidays, and that very likely it will not be taken until November or December of the present year.

FURTHER EVIDENCE IN THE CASE.

At the opening of the proceedings Mr. Muskett asked permission to recall Inspector Jarvis and Chief Inspector Scantlebury. Permission having been given

Inspector Jarvis said he did not see anything in the nature of a petition, nor was any statement made to him by either of the defendants that they desired to present any petition to anybody. Witness produced the handbill published by the Women's Social and Political Union in connection with the demonstration, stating that a deputation of women proposed to see the Prime Minister to lay before him their demand for the Vote.

At the request of Lord Robert Cecil, Mr. Muskett read the whole of this handbill, including the notice at the foot stating the claim of the women to present a petition to the Prime Minister.

Cross-examined by Mrs. Pankhurst, Mr. Jarvis admitted that she had asked him to take in a message to the House of Commons, and he had refused.

Chief Inspector Scantlebury was also recalled, and explained that he was in charge of the House of Commons police, and that he took his orders from the Speaker through the Serjeant-at-Arms. On June 29 the intention of the deputation led by Mrs. Pankhurst to wait on the Prime Minister came to his knowledge, and he communicated the fact to the Serjeant-at-Arms. Later in the day he received certain orders from the Speaker, and when the deputation arrived he handed to Mrs. Pankhurst the letter, which had previously been referred to, from the Prime Minister's secretary. She threw it on the ground, and said, "We are going to assert our rights to enter the House." Witness replied that the arrangements were the same as on the last occasion, and he then withdrew. Mrs. Pankhurst did not say anything about a petition. If she had presented one, witness would have conveyed it to the Prime Minister's secretary, a course he had offered to adopt on former occasions.

In cross-examination, the inspector said he was quite sure he did not hear Mrs. Pankhurst say she was there to present a petition, and he did not notice that each member of the deputation carried a roll of paper. But he went back into the House before Mrs. Pankhurst was arrested, and therefore could not swear to what took place after he had left.

By the Magistrate: As a matter of fact the Prime Minister was not in the House at the time.

Mr. Muskett then addressed the Court.

MR. MUSKETT'S SPEECH.

Sir Albert, I desire, with your permission, as briefly and concisely as may be, to endeavour to answer the legal point raised by my friend, Mr. Henle, on the last occasion. The charge here, as I understand it, is preferred against these two ladies and the other members of the deputation under Section 2 of the Prevention of Crimes Amendment Act, 1885, the words of which are—"the obstruction of the police when in the execution of their duty shall constitute an offence which may be punished with fine not exceeding £5, and, in default, imprisonment"; and in passing, I might just call your attention to the fact that Section 18 of the Police Act of 1839 has a very similar provision in it, to the effect that it is an offence to resist any officer of the Metropolitan Police Force in the execution of his duty, an offence which is punishable in the same way as under the Prevention of Crimes Amendment Act, 1885.

Now, if I correctly appreciate the argument of my learned friend, Mr. Henle, it seems to come to this, that in the circumstances of this particular prosecution, officers of the Metropolitan Police Force may be obstructed, may be assaulted, and the danger of a serious breach of the peace may be incurred without any of the persons responsible for such acts being amenable to the ordinary law of the land. And why does he make that proposition? Because, as he says, the police who effected these arrests were, at the time of so doing, not acting in the execution of their duty. Now, that, upon the face of it, as I think you and everybody else would agree, is a somewhat startling proposition, and the arguments upon which it is based do require somewhat careful and critical examination, and to this task accordingly I propose to set myself, and to be as short as may be under the circumstances.

Of course, I would not dispute, as a matter of law, that if the police officers concerned in these arrests were not acting within the scope of their proper duty, and that resistance were offered to them in making such wrongful arrests, probably this charge could not be

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