Queensland’s Contagious Diseases Act, 1868 — ‘The Act for the Encouragement of Vice’ and some Nineteenth Century attempts to repeal it

Part II

by

E. Barclay B.A. (Hons.) *

Early in 1884 the Victorian Parliament had released the final Report of the Royal Commission on Employes in Shops and Factories in that Colony, which among other things, revealed many abuses in the system of regulating those places of employment. These evils, the Report alleged, had ‘been the immediate cause of the ruin and downfall of many of the weaker sex, a fact which can be demonstrated to the most sceptical by a stroll through the streets of this city after dark’. Alarmed by the Victorian report, the Brisbane Courier warned the people of Brisbane that the long hours which forced young women to travel home after nightfall exposing themselves to ‘profligate temptation’ and the low wages which might furnish an excuse for laxity of morals in an effort to increase earnings, were certainly not unknown in Queensland. Moreover, the Annual Reports of the Registrar General provided abundant and unquestionable proof that a large number of girls of all classes had already fallen victim to the seducer. Girls with a wholesome home background might remain unscathed even if tempted, but the Courier suggested that if philanthropic associations of ladies would make systematic investigations into the working and living conditions of young women, they would uncover much hardship and suffering.

The appearance of this editorial marked the beginning of a period of intense public interest in all matters connected with the Contagious Diseases Act. Readers began to bombard the Courier with bitter complaints against those members of society who, having left the paths of virtue themselves, seemed determined to create disturbances in the lives of more law-abiding citizens. Pro Bono Publico, Decency and Justicia all deplored the nuisance arising from the increasing numbers of prostitutes frequenting hotels, while in another anguished howl of rage to the editor Veritas declared that the combined effects of prostitution and drunkenness in the ‘Albert Street Dens’ were absolutely deplorable.

One proprietor allows fights in his backyard between prostitutes, larrkins and drunken men. As long as such things last there will be no need in Brisbane for a boxing saloon.

Police activity against prostitutes and their ‘villainous associates’ increased considerably about this time, and early in 1884 City Police and District Courts were kept busy dealing with charges of riotous behaviour, indecent conduct and vagrancy brought against ‘women of ill fame’ and the ‘frequencers of dens’. Mr. Alexander Stewart, a member of the Presbyterian General Assembly, announced a comprehensive programme in the campaign against the Contagious Diseases Act. This involved two lines of action. One was the formation of a Social Purity Society ‘for the suppression rather than the regulation of vice and immorality by the State’. This Society, formed at a large gathering composed only of men, was dedicated to the removal of the ‘foul blot’ of the Act and to ‘work on the same lines as other kindred societies’.

The other form of attack was to be the circulation of literature on the evils and inequities of the Act to the Members of both houses of Parliament in Queensland. And the first of a long line of deputations and petitions, most of which were similar to the approach from the Presbyterian General Assembly of Queensland, began to reach the Premier and prominent members of the government.

In the opinion of this Assembly the Contagious Diseases (Womens) Act... is unconstitutional, unjust and oppressive, tending to the increase of both immorality and disease and an utter failure to effect moral and sanitary reforms and therefore ought to be removed from our statute book. . . . [The government] should remove the public evil from our streets . . . and should frame laws in lieu thereof as shall more effectually protect the virtuous of both sexes . . . without even appearing to license wrongdoing in any form.

The Premier, Samuel Griffith, admitted to the Presbyterian deputation that there was much to be said on both sides of this question, refused to commit himself or his government to repeal, but promised to submit the whole matter to his colleagues at an early date. He was convinced that the Act, which was now in force in the Municipalities of Brisbane, Cooktown, Maryborough, Rockhampton, Borough of North Rockhampton, Divisions of Toowoong, Woooloongabba, Ithaca and Booroobabbin, did reduce the incidence of venereal disease. Griffith pointed out that the suspension of the Acts in Britain had resulted in a lamentable increase in the spread of the disease. He pondered the question as to whether the evils encouraged under the Act did not counteract the good, a question to which one section of the press was to supply a ready answer. ‘We hold that vice is a greater evil than disease, and that too great a price is paid for physical impunity to supply a ready answer. ’We hold that vice is a greater evil than disease, and that too great a price is paid for physical impunity to one class of sinners, when bought with the infliction of gross injustice on another.’ Clearly the Premier did not agree with these sentiments. He even refused to accept the deputation’s allegations that police harassment of certain girls had prevented their reformation, since he had frequently made inquiries into cases of alleged injustice and had not found one satisfactorily proved.

Not for one moment allowing that Griffith could be correct on that point — for there were many cases of cruel oppression which never saw the light — Mrs. E. Pottie of St. Peters in Sydney addressed the Ladies of Queensland through the columns of the Brisbane Courier stressing that it was ‘the legitimate operation of these Acts, not their abuse, that brings forth our righteous protest’. Mrs. Pottie reviled the legislation which acted on ‘women only’ and was the means of further degrading those who were already ‘fallen’. She may have been given to exaggeration, but her sincerity is obvious.

Women pass through examination at the hands of men fortnightly, an examination so brutal in its nature that the very black women in the country where it has recently been the outcome of a victorious war on the part of the English, rather than submit to it at the hands of the doctors, have been found lately in hundreds at the bottom of wells and at the foot of precipices . . . . And this indignity, girls by the hundreds are regularly subjected to in your own city of Brisbane. . . . And why, yes forsooth why? That men, bad men who break the laws of God and men, may be protected against an evil, a dreadful evil . . . . for the cure of which

*Lecturer in History, Bendigo Institute of Technology.
through the publication of the Pottie letter. For Ashburton Thompson was convinced that the suspension of the English Act, which in his opinion had been given a fair trial, was a disastrous failure, and could not agree that the medical examination was as horrible as it was painted.\textsuperscript{13} William Acton, an English medical man who gained prominence through his investigations into and writings on prostitution and who had had very extensive experience in the examination and treatment of venereal patients both before and after the passing of the English Acts, was also clearly satisfied that the examination was neither harmful nor degrading.\textsuperscript{14} But one modern historian has given this description of the operation.

The examinations . . . [which] were done at one a minute . . . were usually conducted in a washroom with cold water . . . were conducted with a speculum and were exceedingly painful, especially when performed by hearty surgeons contemptuous both of their patients and of hygiene . . . [T]he examination aroused fear and disgust among women everywhere.'\textsuperscript{15}

The women of Queensland were no exception and after the publication of the Thompson letter apparently felt that insult had been added to their injuries by this further display of discrimination. A Committee representing over one hundred members of the Ladies Branch of the Social Purity Society forwarded a letter to the Brisbane Courier hoping for publication.

We are aware that you have stated your intention of not opening your paper to any controversy on the subject of Mrs. Pottie’s letter. Since however you have had your own say to the detriment of our cause and have since inserted a letter from Dr. Ashburton Thompson supporting your own view of the case, in common fairness you cannot refuse us space for a single letter explaining our views and objects.\textsuperscript{16}

The Editor relented.

The ladies’ letter added little that was cogent to the arguments, but is did correct a grave error made by most Act supporters, British and Australian, who assumed that women abolitionists had no idea of the squallid, ignomious life led by the majority of public prostitutes. There can be no doubt that there were women in the Colony and elsewhere who did know a great deal about the conditions under which these unfortunate women lived and worked, and who even so, vigorously opposed the Acts. ‘Our president is a woman whose name is revered in Brisbane, having devoted her life entirely, but at least it minimised it. The Editor, who doubted if Mrs. Pottie knew anything of the dark side of life, disagreed with her entirely on the effect of the examination on fallen women. Brisbane streets were full of depraved women who had adopted their disgraceful trade deliberately. Something might be done to punish men, and refuges might be necessary for women, but ‘we must beware that we do not relax in the smallest degree the severity of the doom which falls upon vicious women’. It would be better to try to protect ‘poor, hardwrought, pure girls who will not purchase by their shame immunity from privation and toil than to become sentimental over the supposed injury to the street walker. ‘These girls are lost creatures who while they pursue their infamous profession are lost, and cannot be recovered by any legal or humane means’, he wrote. ‘The S.P.S. S. is not Paramount but is the last of the last resort. The S.P.S. S. is not to be justified partially or by any means whatever. The S.P.S. S. is not to be justified partially or by any means whatever. The S.P.S. S. is not to be justified partially or by any means whatever. The S.P.S. S. is not to be justified partially or by any means whatever. The S.P.S. S. is not to be justified partially or by any means whatever.’

Mrs. Pottie, head of the Brisbane Branch of the Social Purity Society, was the first person to apply to the Brisbane Courier for the right to reply to the letters. Mrs. Pottie knew anything of the dark side of life, disagreed with the Editor, who doubted if Mrs. Pottie did) should be protected from the taint of a public hospital. And what of your Government keeps open a special hospital. And what of the men? They are allowed to go free. . . . Ladies I beg of you to be of one mind in this matter. You have right on your side. . . . Do not listen to those who would try to persuade you that these Acts decrease the evil. . . . The disease thought to be stamped out has increased . . . and deaths among our poor fallen sisters have more than doubled.\textsuperscript{15}

The Brisbane Courier, having opened its columns to their Sydney correspondent, swung immediately into a counter attack by proceeding for the first time to put its own views of the case. Staunchly pro Act, the Courier cautioned every well-intentioned man and certainly every woman not to join the ‘mistaken and pernicious movement’ that was being initiated in Brisbane to press for repeal. The purpose of the Act was not that men might indulge in vice without fear, but that the health and happiness of thousands and hundreds of thousands of children (for the Courier did not despise the use of exaggeration in a worthy cause any more than their disgraceful trade deliberately. Something might be done to punish men, and refuges might be necessary for women, but ‘we must beware that we do not relax in the smallest degree the severity of the doom which falls upon vicious women’. It would be better to try to protect ‘poor, hardwrought, pure girls who will not purchase by their shame immunity from privation and toil than to become sentimental over the supposed injury to the street walker. ‘These girls are lost creatures who while they pursue their infamous profession are lost, and cannot be recovered by any legal or humane means’, he wrote. ‘The S.P.S. S. is not Paramount but is the last of the last resort. The S.P.S. S. is not to be justified partially or by any means whatever. The S.P.S. S. is not to be justified partially or by any means whatever. The S.P.S. S. is not to be justified partially or by any means whatever. The S.P.S. S. is not to be justified partially or by any means whatever. The S.P.S. S. is not to be justified partially or by any means whatever.’

The Editor appended a note to the ladies’ letter explaining his public that it was inserted as the official declaration of the Society. He added, somewhat rashly perhaps, that ‘we have no objection to printing any letter containing facts bearing on the agitation, provided they are fit for publication, not libellous, authenticated by the proper names of the persons concerned and may be printed with the real name of the writer attached.’ Many rushed into print, though the wordy battle largely resolved itself into a clash between the Social Purity Society and their supporters, most of whom were members of the clergy, and Dr. John Ashburton Thompson. Thompson begged the Society to consider that persons who supported the Acts were not prompted by ignoble or timeserving motives. He suggested that staunch anti Act protesters like Brisbane’s Anglican Bishop Mathew B. Hale had not weighed the evidence in the balance of practical experience, as he himself was prepared to do. Thompson insisted that he sincerely desired the object hoped for by both the Bishop and the
Social Purity Society. He disagreed 'only with the means by which they both hope to attain that object.' The Society, unmoved, demanded that:

Though vice may be difficult to diminish and impossible to repress, the state shall not become a partner in it, and further that whatever law shall be directed against the propagation of this disease shall be an equal law and not have in it the cruelty and cowardice of attacking the weak and letting the strong escape. Members and supporters echoed the passionate call of Bishop Hale.

'The Acts are an insult to Christianity. . . . Down with such laws!' Other abolitionists tried different methods to attract attention to their cause. Three thousand five hundred and twenty-one women of Queensland petitioned the Speaker and Members of the Legislative Assembly seeking the repeal of the Contagious Diseases Act — that 'dark blot on our statute book', that 'unjust, degrading, demoralizing failure'. The Brisbane City Council devoted almost the whole of one meeting to a discussion of the Contagious Diseases Acts and the related problems of prostitution and the regulation, or better still, the suppression, of houses of ill fame. No alderman was satisfied with the Act, and all but one of the councillors called for the repeal of the legislation which was 'disgracefully administered' and 'did more harm than good'. The mayor, John McMaster, a foundation member of the Society for Social Purity, was especially concerned with the fate of fallen women, those unfortunate 'pariahs without personal liberty or personal rights'. Another abolitionist, Alderman Robert C. Payne, managed to include a gibe at doctors 'who did not always tell the truth'. Even the Brisbane Courier though not retracting from its previous stand on repeal — for the Act though imperfect, was better than nothing — had mellowed enough to regret that the law was directed only against women.

In the midst of this sound and fury the cold realities of the spread of venereal disease in Queensland and the expense involved in providing proper hospital accommodation for victims of this disease swelled by an influx of railway workers, faced the problem of greatly overtaxed hospital facilities. The Police Magistrate, at his wit's end, appealed to the Colonial Secretary, for extra accommodation for syphilitic patients, stressing the urgency of the requirement. He informed Griffith that despite the proclamation of the town under the Contagious Diseases Act in 1876, and the 'large number of Venereal Disease cases there', no lock ward had been provided for Cooktown. The general hospital accommodation situation had deteriorated to such an extent that one venereal patient had been sent to the Lock Hospital at Rockhampton. Griffith acted at once, and within three days of the despatch of the magistrate's letter, had ordered a ward to be erected as suggested. The completion of the £250 ward took a somewhat longer time, but the accommodation was ready for use in May of the following year.

Given the intense public interest in the controversy over the Act, it was hardly surprising that the Contagious Diseases legislation should have become the subject of a lengthy debate in the Queensland parliament in November 1884. Nor was it strange that the action should be initiated by Henry Jordan whose experiences of almost eight years as Registrar General had put him firmly in the anti Act camp. Tactful and wise, Jordan did not press for more than had been gained by the British abolitionists in 1883. In fact his motion in the Queensland Assembly was the same as that which had gained acceptance in the House of Commons the previous year. Confessedly embarrassed by the delicacy of the subject, Jordan was nevertheless determined to speak plainly and, if necessary, at length on the question. Like the earlier Parliamentary opponents of the legislation, Jordan argued strongly in defence of personal liberty, that particular heritage of the English which was violated by the working of this measure. He expressed his abhorrence of the system of police espionage which was implicit in the Act. He declared his belief, backed by reports of the medical officers in the army 'that the constitutional disease had increased during the last sixteen years in Britain under the operation of these Acts'. In an attempt to appeal to the proper pride of the gentlemen of the House, Jordan also pointed out that even the one or two other British Colonies which had passed the Act had since discarded or repealed it. Canada, for example, had such an Act, but had never ventured to put it into operation since 'the Canadians would not have it'. Even in India, where the measure had been deemed essential for the protection of the Imperial army, the Act was now 'dead'. Most damning of all, no other Australian Colony had even considered it necessary to bring itself under the heinous system which was established by the Contagious Diseases Act. Jordan did not deny that venereal diseases existed, nor that they might even be rife in Queensland. Nor did he dispute the need to cure it by all means — except by violence and the violent interference with the liberty of the person. Concluding his appeal, Jordan asked Members of the House to bring itself under the heinous system which was established by the Contagious Diseases Act. Only in this way could Queensland be purged of the 'unjustice,
cruelty and wrong' which had been done by the passing of the Act sixteen years before.37

Most of the Members who spoke after Jordan agreed with him. Salkeld deplored the one-sided action of the Act.40 Others, like Simon Fraser, stressed the dangers of legislation which seemed, by medical examination, to give a passport to cleanliness. Quoting Professor Lee, a British medical opponent of the Act, Fraser warned that even the strictest examination was no protection whatsoever against venereal disease, but was "a delusion, a mockery and a snare".41 William Brooks also spoke of the growing protest of medical men in Britain and the United States, which he considered showed the utter futility of retaining the Act on the statute book. He told the House that no fewer than eight hundred physicians and surgeons when meeting together in Britain had recorded their 'solemn protest against the application of the Contagious Diseases Act to the women of (that) country ... on religious, moral, social and sanitary grounds'42 and this is only one of a number of similar declarations quoted by Brookes. Given the overwhelming mass of professional and public opinion against the law, Brookes found it contemptible that certain doctors in Queensland continued to carry on their obnoxious work for paltry salaries under the Contagious Diseases Act.43 Macfarlane asked members of the House to condemn with him the inequalities of life which saw 'the daughters of our working classes torn away from their homes to fill brothels, and to be forced to undergo examinations to keep them in a fit state for the gratification of those in the higher ranks of society'.44

But despite the indignation over the Act which had 'been smouldering a long time in the breasts of the men and women of Queensland'45, the measure did not lack a number of friends in the Legislative Assembly. Prominent among them was Griffith. Convinced as he was of the sincerity of the Act's opponents, he nevertheless determined to sway the vote against the motion. Dr. Hobbs, he warned the House, had predicted 'deplorable consequences' should the Act be repealed. Detailing the precautions which society took to isolate sufferers from smallpox, cholera or typhoid — diseases which were looked upon with great horror — Griffith proceeded to dilate on the venereal scourge which was infinitely worse than any of these. Nothing, in Griffith's opinion, must stand in the way of the public health of the whole community.

It is said that [the Act] is an infringement of the liberty of the subject. Of course it is, and so is every law relating to the public health; but we have for many years adopted the principle that in matters of public health the comfort of the individual must yield to the good of the public. I do not think any exception can be claimed in the case of a person engaged in an unlawful occupation. On these grounds I am unable to support [Mr. Jordan]. I give him credit for the greatest sincerity, and I know that many members in the House agree with him. I know that in what I have said I am opposing the opinions ... of a great number of men, and a great number of women too, in this colony. ... But I considered it my duty to express my opinion on the subject ... I could not shirk the responsibility of saying what I consider to be the true view of the matter. I shall vote against the resolution, which, if carried, would, I am sure, not tend to the physical health of the people or in any degree to the improvement of their morals.46

There were waverers in the House that day, and one of them at least was convinced by the Premier's 'convincing facts and arguments'.47 The voting was close, the matter being decided on the Speaker's casting vote, but Jordan's resolution was passed. However, the Queensland Government did not suspend the working of the Act.

The agitators did not suspend their campaign either. The Social Purity Society, never swerving from the pledge taken at its foundation, continued to be the most severe critic of the legislation and the Government which upheld it. The Society and its supporters and the Editor of the Brisbane Courier continued their battle in the daily press.48 Public meetings were held in Brisbane to gauge opinion in the city, always with positive results for the abolitionists, and these, as a rule, were followed by deputations to the Premier in further efforts to have the Act repealed.49

But the Society and its supporters were not the only antagonists of the Act. The Queensland Figaro to which no one could look for an 'evangelical disquisition', a journal which was edited by men hardly likely to be affected by the 'morbid sentimentality' of which the members of the Purity Society were accused,50 strongly attacked the Government in its own particular style, calling for the repeal of the Act as a matter of urgency.

The authorities know all about the harlotry of Brisbane ... know all about it, because they are parties to the shameful compact that carries on our harlotry. Every misguided man who deals with the vice-venom that runs through this community, is dealing with a government nominee. ... The government that defends the Act declares that the reason for the Act is that the government should be witness to bargains conceived and wrought in shame and vice. ... As long as this infamous compact exists the State will never be able to truly grapple with the social evil ... Gaze and shudder ye wise legislators, ... and having seen ... say will you continue to embrace the harlot with a hypocritical arm. Gaze and shudder at the picture ye legislators and say whether your temple of legislation is a place of honor or a masked battery of aid to whoredom. Gaze and shudder at the picture all ye who keep the life in this serpent that paints the forbidden fruit as a thing desirable to possess and maps out the Contagious Diseases Act as a chart designed to protect virtue instead of the hellish snare it is. Then ... can you find a clear straight-forward doctrine written in your conscience that this Contagious Diseases Act ought to be?51
Protests of all kinds and from all sides were to continue until the rescission of the proclamation of the Act in Brisbane, and even after. They are too numerous and too repetitive to be recorded here. But the year 1886, which saw the repeal of the British Acts, was also a year of special effort by the abolitionists in Queensland. Once again Jordan moved for repeal in the House using arguments similar to those used in 1884, while Griffith repeated his performance as the chief advocate for the retention of the Act. The result of the vote was also the same as that for 1884, with the casting vote of the Speaker again being given for the Ayes. Following another packed public meeting in Brisbane, a deputation from the Social Purity Society approached the Premier, but to no avail. Indeed the thing which made the year remarkable was the very large number of petitions for the repeal of the Contagious Diseases Act which were received by the Legislative Assembly of Queensland. Over forty five petitions containing thousands of names were sent from all parts of Queensland, including Ravenswood, Howard, Burram, Isis and Upper Logan as well as the larger centres of Townsville, Ipswich, Toowoomba and Bundaberg and the proclaimed towns, Cooktown, Maryborough, Rockhampton and Brisbane and environs. Most of the protests were from churches and church organisations, but several were from 'the residents of towns', two separate petitions arrived from the women of Queensland, one from two thousand women of Ipswich, and one from four thousand eight hundred and nine men residents of Brisbane. A brief examination of two of the requests gives a good example of the petitions as a whole, and also reveals the differences of approach adopted by the men and women petitioners. For whereas the chief concern of the churchmen seems to have been the 'blemish on our State' caused by the assumption of the position by that State that prostitution is a social necessity, in direct contravention of the Divine laws*, the women petitioners were concerned that the disease had not in fact decreased, that innocent women were alleged to have been molested under the law, that the death rate had more than doubled among fallen women where the Act was in force, and that irreparable wrong was done to women by the very fact of the Act's existence.7

Protests of this sort continued through the 1890s. In the period of especially depressed economic conditions, young girls being thrown out of work were alleged by the Society for the Prevention of Cruelty to be 'literally forced onto the streets to earn their living'. Indeed this Society was producing reports of an increase in vice and the social plague among the young girls of Brisbane, reports so disgusting that the Courier could only hope that the cases were very much exaggerated. Appalled, the Courier abandoned its former position to confess —

We receive the male offender without a frown, we ostracise the female and grind her womanhood beneath the millstone of our laws... and the shameful injustice does not interfere with our complacency... Oppressor and oppressed are alike debased so long as these conditions are perpetuated.

But Queensland abolitionists did not struggle alone in this dark period, for in spite of the repeal of the Acts in Britain, concerned Englishwomen and men still waged a battle for 'the Abolition of State Regulation of Vice' worldwide. In Brisbane special meetings of the Social Purity Society Women's Branch continued to be held 'to arouse the interest, sympathy and practical helpfulness of Christian women'. In 1897, gaining encouragement from the British reaffirmation of the Declaration of the First Congress of British, Continental and General Federation for the Abolition of Government Regulation of Prostitution, the various protesting groups combined in an impressive deputation to the Acting Premier and Home Secretary Horace Tozer. Tozer gave the deputation no firm answer, and he held out no real hope for repeal. Although he claimed no special knowledge of the Act, he understood it to have been a success. He pointed out that 'Sir S. W. Griffith would not have allowed the Act to stand unless he saw the absolute necessity for it'. Tozer's promise to submit the matter to the Central Board of Health of the Colony must have had a hollow ring for the deputation. For in 1895 this Board, which was set up to advise the Government on all matters pertaining to health, had come out firmly on the side of the legislation, one member remarking that the Act was 'one of the most beneficial ever introduced in Queensland'. In 1897 the Board's reply, no longer the opinion of only one member, was the same. A sub-committee of the medical members of the Central Board of Health, meeting to consider the Home Secretary's request, decided unanimously 'from their practical professional experience... that the repeal of the Act of 1868 would be most inadvisable in the interests of the public health'.

Two years later, when the top medical men in Europe had moved to the position that 'the progress of science has shown that these inspections [of prostitutes] are and must be extremely fallacious', some local authorities, some doctors, the police and the government were respectively asking for, recommending and seriously considering the extension of the proclamation of the 1868 Contagious Diseases Act to more areas throughout the Colony. For while many abolitionists with great experience with the problems of prostitution and venereal disease were adamant that the Act must go, there were still many who had equal if not greater contact with those affected by the law, and who were convinced of the efficacy of it. However it is quite apparent that these opinions were based on a 'principle' most abhorrent to the abolitionists. Effectiveness of the Act in the eyes of its police and medical supporters depended on its proven ability to keep prostitutes clean for hire.

In the hope that the Act would indeed fulfil this very purpose, the Mackay Municipal Council, gravely concerned at a large influx of Japanese prostitutes, wrote to the Queensland Government early in 1899, asking that their city be proclaimed under the Contagious Diseases Act. The situation in Townsville was, if anything, somewhat worse, as the Government Medical Officer reported to the Commissioner of Police. The amount of syphilis in that town was very large and was increasing and the doctor felt that immediate steps should be taken to arrest the progress of venereal disease. One of the worst problems in the northern towns was the proclamation of Rockhampton and Brisbane. 'Women unable to obtain a certificate in these places come north to practise...
in Townsville and spread disease here'. A clear case could obviously be made out for proclamation of the whole of Queensland under the Act.44 But the Government which refused to repeal the Contagious Diseases Act, also declined to extend it, in spite of reports favourable to proclamation from its Police Officers in Brisbane, Mackay, Townsville and Rockhampton, and suggestions from the Government Medical Officer in Brisbane and the Central Board of Health that all the ports of Queensland should be brought under the working of the Act.

The Government had several problems to deal with in these areas. J. F. G. Foxton, Home Secretary, was concerned that the breakdown of the working of the Act in the proclaimed towns of Maryborough and Cooktown might be repeated in Townsville and Mackay, bringing the Act and the Government into disrepute. The question of cost was also a very real consideration, especially in the face of the refusal of the local hospitals to cooperate with the Government on the grounds of lack of accommodation and shortage of staff.77 But another real difficulty for the Government, one which was to play a decisive part in the Government's thinking on the extension of the Act, was the resistance from 'a certain section of the community' to proclamation of a new area. Dr. Hare, the Inspector General of Hospitals and Sanitary Institutions, reported on visiting Townsville 'that there was in existence a strong “social purity” element ... who were fully prepared to fight against the local working of the Act', should it be proclaimed.75 Hare was so impressed by the strength of this feeling that he cautioned the Government against extending the Act to communities which expressed a strong desire for it. No such leniency was to be extended to Brisbane however. Hare was convinced of the need to prevent prostitutes who worked in Brisbane escaping into the surrounding 'suburbs'. No practical difficulties were in the way here. The Act was already in force in the capital, the Lock Hospital was set up, and only the boundaries had not been defined.76 This was attended to with some haste since it had already been suggested by other Governmental advisors, and all Shires and Divisions immediately adjoining Brisbane were brought under the working of the Act in 1900 in spite of strong abolitionist agitation.77 Indeed it was in Brisbane, the headquarters of the most vocal protestors, that the nineteenth century pressure for repeal and opposition to extension had the least success, if measured in immediate terms.

Repealers did not despair and protestations went on with renewed vigour into the twentieth century, long after the recision of the proclamation of Brisbane. By 1906 the anti Act campaigners were able to record considerable progress based largely on the efforts of nineteenth century protestors. For in that year, in spite of the consistent refusal of the Queensland Branch of the British Medical Association to support the abolitionists78, the annual deputation to the Home Secretary was able to muster two prominent Brisbane doctors to the cause, both of whom, after careful study, were convinced that the Act was useless, ineffectual and no safeguard against the spread of disease.79 Most importantly, for the first time in a long history of confrontations with Government Ministers, the repealers saw some hope of success. For in that year the Home Secretary, Peter Airey, acknowledged not only the strength, numbers and sincerity of the abolitionists, but also admitted the practical results of their continuing protests. Indeed, in spite of the British Medical Association's recommendation that the Act should be more rigidly enforced,75 Airey admitted that in the face of public opinion such an extension would be impossible.78

Government decisions could not be made solely on these grounds however. Indeed the situation had changed very little from that of the late nineteenth century, and the uncertainties facing the responsible Minister regarding the Act's extension and its continued proclamation in Brisbane were in many respects very considerable. Protestors on familiar lines continued, but concrete examples of the ravages made by syphilis and gonorrhoea also reached the Home Secretary's Department at frequent intervals. These came mainly from doctors and police officers working in various parts of the state who were deeply and personally concerned in the fight against venereal disease. The Commissioner of Police, asked for particulars of the working of the Contagious Diseases Act, reported that on 30th September, 1907, there were 135 registered prostitutes in the City of Brisbane and Suburbs; 45 were registered during the 12 months ended 30th ultimo, and during the same period 1744 medical examinations were made, 33 women were sent to the Lock Hospital, 16 were sent to gaol for neglecting to appear for examination, 23 left Brisbane, 7 were relieved of examination, and 3 died. . . . These women came principally from factories, restaurants, hotels, wine-shops, and from the homes of intertemporal parents. About 20% of them hail from the Southern States; about 30% from the United Kingdom, France, and America. A small percentage of those who come under the provisions of the Act, on being compelled to register, leave the city, and go to service. Some of them make good servants and do well.

In Rockhampton, the number of women registered in May 1906 was 13, the occupation of most of whom was given as "domestic servant". The largest number registered at Rockhampton has been 21, and between 1889 and 1906, the figures vary between 12 and 14 as the average. The Commissioner saw no reason to cease proclamation of the Act in either Rockhampton or the capital.79 Similarly, in view of his experience, the Medical Officer of Thursday Island gave his opinion that the repeal of the Act would be a serious error.80 Dr. C. C. Baxter-Tyrie reported that if there was a town where the absence of an Act to regulate prostitution was productive of the most baleful effects on the present and rising generation it was Cairns. One woman alone, a Japanese prostitute named 'Playmate', was held to be responsible for a large amount of the syphils and gonorrhoea which was 'rampant'. Yet she continued to ply her trade unchecked and untrammeled, together with twenty or thirty other prostitutes well-known to the police.81 Other medical men became disgusted with the recurring deputations of women — "good women" — desirous of raising the moral tone of Queensland by demanding the repeal of the Act. Such deputations should be made to see the tragic results of venereal disease, the blind children and adults too if necessary, and be told 'There is my answer to your petition'. Dr. C. M. Davidson of Rockhampton, who made this particular suggestion, was convinced of the 'immense advantages' of the Act. He declared that it was the exception to the rule that venereal diseases contracted from registered women, Davidson estimated that 90% of the disease spread about in Rockhampton was distributed to victims by amateurs.82

It was this same conclusion, reached by the Commissioner of Public Health, Dr. B. Burnett Ham, which with his other observations, was to lead eventually to the Act's recision in Brisbane and to a frantic search for some more reliable remedy than the not-quite-ever-discarded legislation. Ham's report was more full, but in essence, not very different from the Queensland Council of Churches' Schedule of Reasons for the Repeal of the Contagious Disease Act, Queensland, 1868, a pamphlet presented to Arthur Hawthorn by the Council at a deputation shortly after his elevation to the Home Secretoryship in 1907.83 The Commissioner's Report also reflected a great many of the claims which had been made by anti Act protestors, beginning with those who had opposed the legislation in the Queensland Parliament in 1867. And it was a combination of the well-documented reasons presented by the Council of Churches, the impressive eloquence of Dr. A. Jefferis Turner at the deputation, and the facts disclosed in a paper presented by Professor Anderson Stuart to the Royal Society of New South Wales supporting repeal, added to the long history of general anti Act protest, which induced Hawthorn to call for Ham's opinion on the legislation late in September 1907.84 Because the report and abolitionist claims correspond so closely, a resume of most of its clauses has been included here.

The Commissioner, who favoured repeal, pointed out that all prostitutes were never reached by the Act; that the medical certificate was used, quite erroneously, as a kind of passport to...
lull the public into false security; that the Act did not reach the man who was at least as great an offender as the woman; that the number of women undergoing examination did not include the very person who was admitted to be the most dangerous — the young woman, often a mere girl; that another ‘dangerous factor’, the servant girl class, was not reached; that a Contagious Disease Act was not enforced in any other Australian State and that it could not be maintained that such legislation was peculiarly necessary to Queensland; that as at present administered the Act was totally ineffective and that it certainly could not be shown that syphilis had diminished to any extent as the result of that administration; that to be effective, the Contagious Diseases Act must be applied to all large centres of population throughout the State — an impossible task — and an action which ‘would imply the State sanction of vice’ — an untenable position for the State — an impossible task — and an action which ‘would imply the State sanction of vice’ — an untenable position for the State. From figures of registered prostitutes which Dods had had prepared it could easily be seen that nothing like the proper number come under the operation of the Act’.**

Four years later, just prior to the Government revocation of the proclamation of Brisbane under the Act, a copy of Ham’s report was forwarded to the Home Secretary to support and strengthen the women are examined once a fortnight so that the weekly average must be doubled to arrive at the total number examined. Dods therefore suggested that the proclamation of Brisbane be cancelled.**

Elkington had little to add, but did consider that:

1. If every prostitute were, by some new method, cured, all would be reinfected within a month or two after they resumed their trade;
2. That concealment of the condition is not infrequently possible by the use of applications such as adrenalin, despite careful clinical examination;
3. That it is impossible to say with certainty when an infected female becomes non-infectious;
4. That the young unregistered “amateur” is a far more potent source of infection than the experienced "professional" prostitute.

In Elkington’s opinion no valid reason could be urged in favour of continuing the operation of the Act in Brisbane.** The decision to rescind the Contagious Diseases Act in the Cities of Brisbane and South Brisbane, Towns of Hamilton, Ithaca, Toowong and Windsor, Shires of Coorparoo and Stephens, and as much of the Shire of Balmoral as lies to the west of Bulimba Creek was taken on 24 August 1911 without the benefit of Parliamentary Debate, and another storm fell quickly upon the Government’s head. According to the Brisbane Courier the nullification of the Act in Brisbane — it was still in force in Rockhampton — had ‘a hole and corner aspect which [was] not pleasant to contemplate.** What parliament has repeatedly declined to do the Home Secretary [John George Appel] has performed with the simple stroke of the pen’.** The British Medical Association passed a resolution regretting ‘the repeal of the provisions of the Contagious Diseases Act as regards the Metropolitan area believing that even if the Act had not been stringently enforced it was yet productive of good results’.** And the furore in Parliament which finally erupted during the debate on the Health Act Amendment Bill exceeded anything which had occurred in that place in the nineteenth century.**

But there were many abolitionists who were overjoyed at the news of the proclamation. Foremost among them was the Women’s Christian Temperance Union of Queensland. It is appropriate, in the absence of the Social Purity Society, whose members had apparently been drafted into more orthodox protestant groups, that this association which had been prominently abolitionist from the commencement of the public debate on the Contagious Diseases Act should be taken as an example.** The Union did not forget to mention their own long and considerable contribution to the fight for repeal, as they were certainly entitled to do, but they did not neglect to take the ‘first opportunity of thanking the government for its action’.** Their spokeswoman, Mrs. Annie Carvosso, was also one of the first, this time in her capacity as Honorary Secretary to the National Council of Women of Queensland, to protest against the proposed amendments on the control of Contagious Diseases.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Women Registered</th>
<th>Average Number of Women Examined per Week in June</th>
</tr>
</thead>
<tbody>
<tr>
<td>1901</td>
<td>108</td>
<td>32</td>
</tr>
<tr>
<td>1902</td>
<td>103</td>
<td>22</td>
</tr>
<tr>
<td>1903</td>
<td>102</td>
<td>42</td>
</tr>
<tr>
<td>1904</td>
<td>97</td>
<td>41</td>
</tr>
<tr>
<td>1905</td>
<td>110</td>
<td>45</td>
</tr>
<tr>
<td>1906</td>
<td>90</td>
<td>47</td>
</tr>
<tr>
<td>1907</td>
<td>96</td>
<td>45</td>
</tr>
<tr>
<td>1908</td>
<td>107</td>
<td>45</td>
</tr>
<tr>
<td>1909</td>
<td>94</td>
<td>35</td>
</tr>
<tr>
<td>1910</td>
<td>86</td>
<td>31</td>
</tr>
</tbody>
</table>

William Kidston
being included in the new Health Bill, because they appeared to threaten the newly won concession."

And this quickness of action, fierce determination to be heard, and carelessness of adverse criticism from those who appeared to condone an evil was in the tradition of the nineteenth century protest against the hated legislation or any possibility of its return. The protests and the protestors of that and later times were all too often marked by a narrowness of view and a bitterness of spirit which actually led some men and women abolitionists to ask seriously 'Is it right to heal Venereal Disease?' For if vice is made safe from disease, it will increase by leaps and bounds." This was their tragedy. Their triumph was that in the face of the strongest opposition from the highest source, the abolitionist movement did not flinch from the self-appointed task to promote and keep on promoting 'a claim for the rights of all men and women to the liberty.'

ENDNOTES

2. Brisbane Courier, 11 February 1884
3. Pro Bono Publico, Decency and Justicia to Editor, Brisbane Courier, 13, 18, 19 February 1884 respectively
4. Veritas to Editor, Brisbane Courier, 14 February 1884
5. Brisbane Courier, Reports 19, 20, 21, 26 February and 3, 10, 15, 18 March 1884
6. Queensland Evangelical Standard, date unknown. (Q. S. A. COL/A934, in-letter 10972 of 1911)
7. Brisbane Courier, 10 March 1884
8. Brisbane Courier, 10 March 1884
9. Queensland Parliamentary Debates, XLIII, 1884, p. 208
10. Queensland Evangelical Standard, Sub-editorial 22 August 1884
11. Brisbane Courier, 10 March 1884
12. Mrs. E. Pottie to the Ladies of Queensland, letter published in Brisbane Courier 10 March 1884
13. Brisbane Courier, Editorial 10 March 1884
14. Brisbane Courier, 28 July 1884
15. J. Ashburton Thompson to Editor, Brisbane Courier, 6 August 1884
18. Committee of the Social Purity Society (Ladies' Branch) to Editor, Brisbane Courier, 15 August 1884
19. As for endnote 18
21. As for endnote 18
22. As for endnote 18
23. J. Ashburton Thompson to Editor, Brisbane Courier, 26 August 1884
24. Secretary, Social Purity Society to Editor, Brisbane Courier, 3 September 1884
25. As for endnote 6
26. 'Petition from the Women of Queensland against the Contagious Diseases Act', Votes and Proceedings of the Legislative Assembly of Queensland, 1884, III, p. 1167
27. Brisbane Courier, 30 September 1884
28. Brisbane Courier, Sub-editorial, 11 September 1884
29. Police Magistrate, Cooktown to Colonial Secretary, 12 September 1884 (Q.S.A. COL/A416, in-letter 1366 of 1884)
30. As for endnote 29, Colonial Secretary's notation of 15 September 1884
31. Police Magistrate, Cooktown to Colonial Secretary, 26 May 1885. (Q.S.A. COL/A416, in-telegram 1366 of 1885)
33. Brisbane Courier, Editorial 27 July 1887
34. Q.P.D., XLIV, 1884, p. 1523
35. Q.P.D., XLIV, 1884, p. 1527
36. Q.P.D., XLIV, 1884, p. 1524
37. Q.P.D., XLIV, 1884, p. 1524-5
38. Q.P.D., XLIV, 1884, p. 1524
39. Q.P.D., XLIV, 1884, p. 1527
40. Q.P.D., XLIV, 1884, p. 1544
41. Q.P.D., XLIV, 1884, p. 1543
42. Q.P.D., XLIV, 1884, p. 1534
43. Q.P.D., XLIV, 1884, p. 1535
44. Q.P.D., XLIV, 1884, p. 1531
45. Q.P.D., XLIV, 1884, p. 1533
46. Q.P.D., XLIV, 1884, p. 1531
47. Q.P.D., XLIV, 1884, p. 1531 and 1549
48. Refer contemporary daily press, particularly E. Moore, Bishop M. B. Hale and Observer to Editor, Brisbane Courier, 13, 26 November 1884 and 12 September 1885, 2 August 1886. Also refer Brisbane Courier 10 September 1885, 16 December 1885, 1 January 1886, 31 July 1886, 3 August 1886 and 27 July 1887
49. For example, E. Moore and J. McMaster to Colonial Secretary, 6 October 1885. (Q.S.A. COL/A439, in-letter 7472 of 1885)
50. Q.P.D., XLIV, 1884, p. 1540
51. Queensland Figaro, 17 October 1885
76. Refer Index to Q.V.P., 1886, III, p. 13

52. Q.P.D., L, 1886, pp. 1046-51
53. Q.P.D., L, 1886, p. 1055
54. E. Moore to Colonial Secretary, 13 September 1886. (Q.S.A. COL/A480, in-letter 7081 of 1886)
55. Refer Index to Q.V.P., 1886, III, p. 13
56. 'Petition from Mackay Kirk Session and Committee of Management of Mackay Presbyterian Church', Q.V.P., 1886, III, p. 559
57. 'Petition from 2000 women of Ipswich', Q.V.P., 1886, III, p. 557
58. Brisbane Courier, 27 July 1893
59. Brisbane Courier, 9 September 1892
60. As for endnote 59
61. The Shield, XIV, 145 (1913)
62. Brisbane Courier, 19 June 1897
63. Brisbane Courier, 24 August 1895, reporting Dr. Thompson's remarks at a meeting of the Central Board of Health, 23 August 1895
64. Brisbane Courier, 3 July 1897, reporting the Minutes of a meeting of the Central Board of Health, 2 July 1897
66. Acting Sergeant George Dillon to Inspector of Police, Roma Street, 18 May 1899. (Q.S.A. COL/A934, in-letter 13211 of 1900 filed with in-letter 10972 of 1911)
67. Town Clerk, Mackay to Home Secretary, 29 March 1899. (Q.S.A. COL/A934, in-letter 4396 of 1899 filed with in-letter 10972 of 1911)
68. Ernest Humphrey, Government Health and Medical Officer, Townsville to Commissioner of Police, 9 December 1900. (Q.S.A. COL/A934, in-letter 19566 filed with in-letter 10972 of 1911)
69. Commissioner of Police to Under Secretary, Home Secretary's Department, 5 June 1899. (Q.S.A. COL/A934, in-letter 7566 of 1899 filed with in-letter 10972 of 1911)
70. Honorary Secretary, Townsville Hospital Committee to Home Secretary, 12 September 1899. (Q.S.A. COL/A934, in-letter 1899 filed with in-letter 10972 of 1911)
71. Dr. F. E. Hare, Charitable Institutions Office to Home Secretary, 8 November 1900. (Q.S.A. COL/A934, in-letter 17149 of 1900 filed with in-letter 10972 of 1911)
72. As for endnote 72
73. As for endnote 72
74. Crown Solicitor to Under Secretary, Department of Justice, 2 July 1900. (Q.S.A. COL/A934, Justice in-letter 4488 of 1900 filed with in-letter 10972 of 1911)
75. Honorary Secretary, British Medical Association to Home Secretary, 8 September 1906. (Q.S.A. COL/A934, in-letter 10972 of 1906 filed with in-letter 10972 of 1911)
76. Refer The Observer 10 October 1906, particularly for remarks of Dr. Jefferis Turner
77. As for endnote 75
78. As for endnote 76
79. Commissioner of Police to Under Secretary, Home Secretary's Department, 4 October 1907. (Q.S.A. COL/A934, in-letter 10634 of 1907 filed with in-letter 10972 of 1911)
80. Dr. J. L. Wassell, Government Medical Office, Thursday Island to Under Secretary, Home Secretary's Department, 30 September 1907. (Q.S.A. COL/A934, in-letter 10661 of 1907 filed with in-letter 10972 of 1911)
81. Dr. C. C. Baxter-Tyrie, Government Medical Office, Cairns to Home Secretary, 28 September 1907. (Q.S.A. COL/A934, in-letter 10525 of 1908 filed with in-letter 10972 of 1911)
82. Dr. C. M. Davidson to Home Secretary, 27 November 1908. (Q.S.A. COL/A934, in-letter 13563 of 1908 filed with in-letter 10972 of 1911)
83. A. J. Griffith to Home Secretary, 27 August 1907. (Q.S.A. COL/A934, in-letter 9123 of 1907 filed with in-letter 10972 of 1911)
84. The Telegraph, 31 August 1907
85. Commissioner of Public Health to Under Secretary, Home Secretary's Department, 27 September 1907. (Q.S.A. COL/A934, in-letter 10380 of 1907 filed with in-letter 10972 of 1911)
86. Note the difference between the Commissioner of Police's figures for September 1907 (135) and Dods' figure (96). Even presuming Dods' figures were for the June of each year, it is unlikely that the numbers would fluctuate to such a great extent in three months. All the figures available, and they are few, seem to suffer from this unreliability
87. Dr. J. E. Dods, Government Medical Officer, Brisbane to Under Secretary, Home Secretary's Department, 30 September 1907. (Q.S.A. COL/A934, in-letter 10972 of 1911)
88. Commissioner of Public Health to Under Secretary, Home Secretary's Department, 27 August 1911. (Q.S.A. COL/A934, in-letter 7341 of 1911 filed with in-letter 10972 of 1911)
89. Brisbane Courier, Sub-editorial 28 August 1911
90. Honorary Secretary, British Medical Association to Home Secretary, 16 October 1911. (Q.S.A. COL/A934, in-letter 9681 of 1911 filed with in-letter 10972 of 1911)
91. Q.P.D., CIX, 1911-12, pp. 879-90 and also CX, 1911-12, pp. 2777-96S
92. For example, refer Brisbane Courier, 9 September 1911 for a vote of thanks from the Queensland Baptists Association Annual Assembly
93. Mrs. A. Carvosso to Home Secretary, 7 September 1911. (Q.S.A. COL/A934, attached to in-letter 8175 of 1911 filed with in-letter 10972 of 1911)
94. Mrs. A. Carvosso to Home Secretary, 6 October 1911. (Q.S.A. COL/A934, in-letter 9512 of 1911 filed with in-letter 10972 of 1911)
95. The Shield XIV, 145 (1913), p. 72