

## NEO-MALTHUSIAN EPHEMERA AND THE CLANDESTINE TRADE IN CONTRACEPTIVES

ON THE 12TH OF DECEMBER 1888 Justice Windeyer, Senior Puisne Judge of the Supreme Court of New South Wales, delivered his classic judgement in the case of the Crown versus William Whitehouse Collins.<sup>1</sup> For Collins, a freethinker, the judgement was the culmination of a campaign begun in May of the same year, when he threw the gauntlet down before the authorities by announcing his intention to lecture on and sell copies of Annie Besant's *Law of Population*.<sup>2</sup> He was summonsed and appeared on the 30th of May before Mr Addison SM, who found him guilty and fined him £5 with costs. Collins appealed to the Supreme Court on two grounds: firstly that the indictment did not set out the obscene passages, and secondly that the book was not obscene. The first point of the appeal was based on the English case of *Reg. vs Bradlaugh and Besant* (1877), where the work was held to be obscene but the conviction was laid aside on the technical grounds that the indictment had not included the obscene passages as required by the precedent *Reg. vs Hicklin* (1868). Thus the basis of the Collins appeal was partly technical. It was the second point of appeal - that the book was not obscene - which engaged Justice Windeyer. Essentially Windeyer decided that a frank and open discussion of birth control was socially desirable and therefore should not be suppressed. If a social good, birth control literature could hardly be designed to deprave and corrupt, which was the legal test of obscenity established in the Hicklin case. Collins's conviction was overturned and the way made clear, by means of Collins's expeditious publicising of Windeyer's judgement in *The Freethinker*, for the liberalisation of the birth control debate.

To some extent the Windeyer judgement was the culmination of a long campaign by colonial freethinkers. Even while the Bradlaugh and Besant trial was in progress, the question of the right to freely discuss sexual matters was being aired in Melbourne by H.K. Rusden in *The Harbinger of Light* and in the columns of the daily press.<sup>3</sup> For several years freethought journals such as *The Harbinger of Light* and, from 1884, *The Liberator* openly discussed birth control, carried advertisements for contraceptives, and generally kept the pot simmering.<sup>4</sup> In October 1884 the Australian Secular Association (ASA), formed in 1882, took the opportunity when meeting in Sydney to protest over the repeated seizures of serious works such as *Fruits of Philosophy* and Drysdale's *The Elements of Social Science*. The case which stimulated the protest was hardly appropriate. A not entirely disinterested vendor, one Edward Graveur, had been convicted of possessing and selling not only birth control literature but also *Paris by Gaslight*, *The Disclosures of a Barrister* and *Nana*, the last by Emile Zola, the *bête noire* of the moral evangelists.<sup>5</sup>

More promisingly, in 1885 Police charged Thomas Walker with possession of obscene diagrams. Walker, a freethinker, had been lecturing on 'The Views of Rev.R.T.Malthus on Population' and on the more practical

questions of birth control. These public meetings became increasingly popular, thus alerting the Police. Walker was fined £10, but his appeal succeeded on the grounds that the information did not show that Walker kept the obscene items for gain. While the case was dismissed the notion that birth control was an obscene topic was not questioned.<sup>6</sup>

Early in 1888 the ASA resolved to support Robert Bear, who was being prosecuted for selling *The Law of Population*, but quickly withdrew when it was found that Besant's work had been issued in the wrappers of *Fruits of Philosophy* without an imprint. As it turned out, Bear appears to have been something of an entrepreneurial charlatan.<sup>7</sup>

The failure of the Bear case seems to have motivated William Collins because it was in the following month of May that he put in train the events which led to the Windeyer judgement referred to above.

The secularists' campaign in the New South Wales courts can be viewed as the final stage in a development which might be described as a social revolution. Malthus's arguments for the control of population growth had been taken up by radical activists such as Francis Place (1771-1854) and Richard Carlile (1790-1843) in England, Robert Dale Owen (1801-1877) in England and America, and Charles Knowlton (1800-1850) in America. Knowlton's *Fruits of Philosophy*, first published in 1832, was a moderately successful guide till it became the centre of the Bradlaugh-Besant controversy, when it became a bestseller.<sup>8</sup> In Australia contraception had been commended but not detailed in Beaney's popular *Generative System*, of which the first edition appeared in 1872, the second in 1875, the third in 1877, a reprint of the third in 1880, and the fourth in 1883. This work had been criticised - the fourth edition included a 43-page supplement of favourable press opinions designed to anticipate charges of immoral purpose - but it was clearly popular and presumably well read.<sup>9</sup>

If Beaney was not explicit concerning contraceptive devices and techniques, the Bradlaugh and Besant trial soon proved the catalyst which opened the neo-Malthusian debate in Australian intellectual and social circles. H.K. Rusden defended Bradlaugh and Besant and in 1878 published an Australian edition of Knowlton's *Fruits of Philosophy*. For the next ten years contraceptive literature was considered obscene and, as we have seen, its vendors were often overtly prosecuted. What is not so clear is that colonial authorities could often resort to covert measures of suppression<sup>10</sup>. In this paper, a file found amongst the papers of the Chief Commissioner of Police held at the Victorian Public Record Office (Laverton) will show that in fact the *Post Office Act* was an extremely useful means of suppression.

Before continuing, two other hypotheses might also be posited here. Firstly, it might be supposed that in Melbourne the authorities were not prone directly to confront anti-social behaviour but were content to use more indirect means. It cannot be shown that Police were monitoring legal developments in Sydney but the much publicised Bradlaugh and Besant trial - a spectacular example of litigation which achieved an end diametrically opposed to the intentions of the plaintiffs - had certainly provided a memorable lesson. Secondly, the file provides the primary evidence upon which historical interpretations might be based, an especially important point in the light of Frank Foster's statement that, of necessity, an account of the neo-Malthusian debate must be an incomplete one as 'many pamphlets and books no longer exist ... for most were cheap and fragile products, unwanted then by respectable libraries. Their purchasers, having got what they needed, disposed of them so that they could not be thought of as anything but respectable. It seems, however, that the survivors are only the tip of a once very substantial iceberg'.<sup>11</sup>

On the 24th of August 1888, at the very time when the Supreme Court of New South Wales was deliberating over the Collins appeal, Mr George Scott of the United Australian Mutual Accident Insurance Co. wrote to the Chief Commissioner of Police in Victoria protesting about a pamphlet he had recently received through the post.

Dear Sir,

The enclosed disgusting pamphlet was received by me yesterday and as I think it is a swindle and the man means to get a lot of money from some poor woman, I think it calls for your attention.

I am yours &c  
Geo. Scott.<sup>12</sup>

The pamphlet, consisting of a mere three pages of type plus an insert, is represented in the photograph. Chomley forwarded this pamphlet to the Crown Solicitor for a legal opinion.

27th August 1888

Memo

Will the Crown Solicitor be good enough to inform me whether, in the present state of the law, it is possible to prosecute "Dr Raymond" or his agent "W. G. Carson". At the present I am unable to refer to any enactment which seems applicable. I may state that within the last year or two these pamphlets (which I believe to be all issued by the one gang) have become more openly offensive in expression; and moreover are now distributed to pedestrians in the leading Melbourne thoroughfares.

H.M. Chomley  
Chf. Commr Police.

## Circular for Australia.

INTENDED FOR MARRIED PEOPLE ONLY.

### THE DISCOVERY OF THE 19th CENTURY.

#### A BLESSING TO PARENTS.

“No more large families unless desired.”

PREVENTION—NOT DESTRUCTION.

If the reader is a parent, how often have you in your life said—  
 “What would I not give for some *simple*, yet thoroughly  
*effective and harmless preventive* against this *eternal Child-bearing*?” How many times have you said it, and is it not the almost constant wish of your heart? Well, the mantle has fallen upon an English Physician, and this “**PERFECTLY SIMPLE, YET THOROUGHLY EFFECTIVE AND HARMLESS PREVENTIVE**” can be in your possession by return post.

A larger family than parents can feed, clothe, and educate properly is a hardship, a wrong, an actual sin to father, mother and offspring.

To keep a woman bearing a child every twelve or eighteen months is an act of cruelty, which it is almost impossible to express in language, and only the woman who has gone or is going through it can conceive the terrible ordeal. She is a literal slave—a wreck of her former self—her home which should be a happy one (naturally inferring she married where she loved) becomes too often a downright misery; her health fades, and she finds herself saddled with perhaps several of the maladies so common to women who have given birth to many children—some womb affection almost a certainty—but, when you can regulate the number of your family, home can then be “*home*” in its broadest sense.

So far injections, *even injurious ones*, commonly fail. So also do the Pessaire or India-rubber Cups, as well as being hard and irritating and consequently injurious. The Sheath (generally known as the French Letter) is a dirty thing, and very unsafe, as it is always, even when new, liable to burst, and the system

of withdrawal is also very objectionable—exceedingly unsafe, leaving the wife at the husband’s probable neglect or mistake, which, sooner or later, is bound to occur to the grief of both, for very often an emission will leave the male organ unknowingly, and, though but little, yet ample to cause pregnancy. The two former Checks are generally injurious to the woman, the two latter always to the man, besides being unnatural and destroying the venereal pleasure. My system, which is almost the only one now thought of in Great Britain and France, and will very soon have a monopoly of all Europe, and America also, **CANNOT FAIL**, unless failure is sought. Everything, what little there is, is in the wife’s keeping (as it should be), the husband need not even know anything about it, before, during or after coition, consequently the pleasure is in no way interfered with.

The necessity for restricting in some way the large families some poor and delicate women are capable of bearing, has literally lost itself in antiquity, but it has only been during the last generation that we find a determination on the part of humanity to cease being *breeding machines*, as too many poor women will reluctantly admit they are, and their whole lives are a sacrifice to it. We have only to take up some standard work on Political Economy and Social Science of modern times from the pen of a man who has the temerity to call a spade a spade, and you will find him advocating some check, even if he cannot give you one free from some drawback. You will also find him entrenching himself in justification (if such were necessary, for his urging suffering and over-burdened humanity to throw off some of their burdens) behind names of such men of culture, such scientists, and political economists, as John Stuart Mill, James Mill, Ricardo, Senior, Miller, Matthews, Knowlton, Raciborski, Carlisle, Owen, Place, Garnier, and a host of other eminent men of the present and last generation.

That excellent work—*The Elements of Social Science; or, Physical, Sexual, and Natural Religion*—has among its many gems the following on page 612:—“So far from being ‘disreputable,’ preventive intercourse will, I am persuaded, in time be recognised as consistent, and alone consistent, with the highest dictates of morality; for it alone among the population checks “(one or other of which, it must never be forgotten, is *inevitable*) “fulfils the two great moral duties—the duty namely which one “owes to others, and that which is due to oneself. Celibacy, or “prolonged sexual abstinence, on the other hand, as already shown, “is a violation of the laws of health, and therefore, like all other “violations of these laws, must be regarded as a *natural sin*, either “in man or woman.”

In stating even the little I have in this Circular, it has not been done as an "*excuse for the cause*;" the educated and those whose minds are free to follow the calls of their own reason require no argument to bring them to a prompt decision; they only ask, "Give us the remedy." But, as this will fall into other hands more cramped in mind by certain teachings, or for want of teaching, I have very lightly touched upon some of the necessities for prevention of conception through intercourse between husband and wife, and determined not to indulge in any learned exposition on the subject, or introduce a number of medical names or phrases, which for such a purpose as this could not be of any value, but, on the contrary, confuse and perhaps mislead many into whose hands it may fall. It is my wish that this shall reach the middle and the poorer classes, as they most require it.

I have taken an office in Sydney, and am now arranging for a trustworthy permanent agent, and shall do so in all the Colonies. As soon as I complete these matters, I return again to Sydney, and from thence go back to my home in London. My Sydney address is given at the foot of this Circular, but by simply addressing me, "Dr. Maurice Raymond, Box, G.P.O.," to any of the Capitals of any of the Colonies or to London, the letter is sure to reach me, as I shall have private boxes in each chief city.

My fee for the Check, which I re-iterate is an *infallible Check*, being proved beyond doubt in every possible way, is £1. This can be sent by Bank Note, P. O. Order, or Stamps, and will be immediately responded to. After this first expense it will cost only a few shillings per annum.

Any person not approving of it upon receipt can have their money returned by *immediately* returning the packet.

Anyone sending a Certificate, signed by a *duly qualified medical man*, with his full address given, stating the Check is injurious to the woman, will have the fee for such Certificate returned at once, or as soon as the medical man is found to be "*genuine*," also the £1 first expense.

The small packet sent contains printed instructions fully and clearly explaining everything, also an excellent wood-cut to fully illustrate. Sent by post, protected from any possible *inspection*.

MAURICE RAYMOND, M D.

Box No. <sup>134</sup> 134, G.P.O., Sydney *Melbourne*

N. B.—Kindly forward this to some lady friend requiring the proffered aid after you have done with it. It may be a simple way of doing a great kindness.

SHOULD you desire to have one of these checks, either register your letter or send only half a bank note at a time by two separate posts, in order to as far as possible prevent any tampering in transit.

Should you be kept say two days over the actual time necessary for a prompt reply, do not fear neglect, as in many instances this will occur; but it should never exceed three days.

In sending any communication, whether orders or otherwise, do not put my name on the envelope at all, but address to my Agent as under.

MR. WALTER G. CARSON,

Box 234, G.P.O..

MELBOURNE.

This will insure greater security.—M. R.

# A BLESSING TO WOMANKIND.

DR. LISFRANC'S

## French Pessaire Preventif,

(PROTECTED THROUGHOUT THE WORLD).

APPROVED AND RECOMMENDED BY THE ROYAL ACADEMY OF  
MEDICINE, PARIS.

The **FRENCH PESSAIRE PREVENTIF** is extensively prescribed by medical men in obstetric cases, for the relief and cure of *Prolapsus* (falling of the womb), *Leucorrhœa* (Whites), Ulceration of the mouth and neck of the womb, and is of inestimable value to delicate females, to those in poor health, and to those who, by disease or distortion of the pelvis, cannot with safety bear children, as it is a perfect, convenient, and **SAFE PROTECTION AGAINST CONCEPTION & PREGNANCY**. In the treatment of Cancer of the womb it is a most valuable instrument.

### THE ADVANTAGE WHICH THIS PESSARY OFFERS IS,

*Facility of introduction and removal, so simple and self-acting in principle that the patient does not require assistance in applying or removing it; being flexible and light, is of great comfort to the wearer; it so accurately fits the parts that it adapts itself perfectly to the female organs, acting as a shield or cap to the mouth of the womb, so that however much the patient may move or strain, the*

*Pessary cannot escape, being kept in position by air pressure. The **FACT OF THE PATIENT BEING ABLE TO MANAGE IT HERSELF**, gives it a decided superiority over all other preventive pessaries; it will last for many years, and does not cause the slightest inconvenience by its adoption.*

It is the only Preventive Pessary used by Ladies on the Continent of Europe, England, and America.

**PRICE, POST FREE TO ANY COLONY, £1;**  
*Packed and sent free from observation.*

*Full and explicit directions for use accompany each Pessary.*

SOLE AGENTS FOR THE AUSTRALIAN COLONIES AND  
NEW ZEALAND:—

**EMILE FEY & CO.,**  
16 LT. COLLINS ST. EAST,  
MELBOURNE.

NOTICE.—The Agents oppose every attempt to use this Pessary as a "quack," "empirical," or "secret" remedy. They will, on the grounds of propriety, reserve an option to supply or decline to supply their Pessary as they may deem advisable, their object being to prevent an injudicious use of it. They decline to pander to the prurient-minded, or allow a great medical triumph, important both to Science and Humanity, to be damaged by any monetary consideration.

EXTRACT FROM DR. E. B. DUFFEY'S

## The Relations of the Sexes.

"I am thinking of the women who are deliberately and pitilessly murdered by their husbands, and offered as sacrifices in this terrible phallic worship which exalts the passions above human life. Women die in childbed, not infrequently, whose husbands know, and are warned by the family physician, there is every possibility of their dying, if they are brought to it. Murder is accomplished, whether it is the first or last child which kills her, or whether she die in or out of childbed, if it is the too heavy strain of enforced maternity which causes her to lose her life. Sometimes I have thought that sadder even than these sad deaths, were the cases of those women who sacrifice their youth and health to the giving birth to, and the care of, a numerous family, and when they are released by nature from such duties, instead of being still in the prime of life, are decrepid and aged, and linger on in a premature senility. The one word which may save her is CONTRACEPTION; but this perfect abstinence is not always required, nor is it always practicable to secure immunity from undesired offspring. Let it ever be borne in mind that I would insist upon what might be considered as almost the extreme of self-denial in these matters, at the same time that I say that there are other methods, perfectly honorable, innocent and harmless, which may be employed in the prevention of conception. Those women especially who are bound to selfish, or at least inconsiderate, husbands—husbands who are not willing to sacrifice their selfish pleasures for the well-being of their wives—will be glad to learn this. I wish there was no necessity for the knowledge of these further means. If men were unselfish and manly, I think the necessity would be much diminished. Then let no man who has been thus guilty, dare to blame me for extending that hope of immunity to women, which he has himself denied. This desirable knowledge is within the reach of nearly every married woman; and I have an unwavering hope and belief that the time will come when it may be published openly to the world, with the full knowledge that humanity will be better, rather than worse, for it. Parents unfitly assume parental duties, when justice to their children, and wisdom, should make them pause and consider. Women should have knowledge of the means in order to save them from the terror and dread which, if they would admit the truth, four out of every five would confess, overcloud and destroy the happiness of their child-bearing years—embittering affection and killing passion. They should have it, that there may be light, and hope, and love, in their homes—and even conjugal delight; for I cannot conceive that that which is so eminently desirable and honourable in a man should be valueless and shameful in a woman. They should have it that they may not have offspring forced upon them before they are ready for them; that the little ones may be welcomed with love and desire and joyful expectancy. Sufficient practical means have been discovered by Dr. Lisfranc to make it possible for a whole nation

to modify the size of its families, so that a decrease of forty per cent. shall be noted in the census-taker's returns—means sufficiently to be depended upon in their operation to enable the French wife to say with perfect confidence: "My husband and I think we have as many children as we can do justice to, and we do not intend to have any more." Physicians know as no other class of persons do the need of this knowledge. They know the dreadful effects of ignorance. There is not one of them who has not upon his hands a list of patients more or less long victims, who might have been saved from crime and invalidism if they had known what it is every woman's right and duty to know. This is no "private" book. I spread its open pages before humanity, that the world may read. No honourable man need hesitate to place it in the hands of a pure wife; no woman need start with shame and horror at finding it in the possession of her husband; there is, in fact, no need of his keeping its possession a secret from her. I do not recommend that this book shall be read aloud in social and family circles; but I do wish that its pages might reach the eye of every married man and woman in the land—that they might take its truths to their hearts and into their lives, and be better and happier for them. I wish especially that all young men and women who are approaching a marriageable age might learn from it the lessons I am trying to teach—that only the most unsullied purity, the most chaste affections and chastened passions, either in marriage or out, constitute the highest and most perfect law of our being—to learn that marriage is not a cloak for lust in man, nor is it a condemnation to servitude and abasement in woman, in draining her vitality, by forcing upon her the incessant exhausting and absorbing duties of maternity through years of poverty and trial—that they may read and be wise in time, before they have wrecked their own happiness, and through their children—conceived in ignorance and lust, and born to wretchedness—added to the sum of misery which now almost overwhelms mankind. This, I repeat, is no "private" book. I leave that sort of thing to the quacks and charlatans who "pander to the lusts of mankind to enrich themselves."

EMILE FEY & CO.,  
16 LT. COLLINS ST. EAST,  
MELBOURNE.

*The attention of the Police is  
called to this paper which is  
being sent to young married  
ladies, calculated to do serious  
injury to body & mind  
sent to  
Mary Cave*

Also enclosed with this memo was another pamphlet which had previously been forwarded to the Chief Commissioner by one Mary Cane, who complained that the pamphlet was 'being sent to young married ladies, calculated to do serious injury to bodys [sic] and mind.' This second pamphlet, consisting of only four pages of type, is also reproduced.

The Crown Solicitor was of the opinion that no action could be taken because the necessary legislation did not exist. It is difficult to understand how this opinion was formulated as the Police could well have acted under the *Obscene Publications Act* (1876). However, the stumbling block may have been that Raymond/Carson was based in Sydney, although he operated in Melbourne. This is made clear in Chomley's letter of the 28th of August 1888 to the Inspector General of Police in Sydney. In the meantime the episode was reported, somewhat inaccurately, in the *Age* on the 28th of August 1888.

The attention of the Chief Commissioner of Police has been drawn to an indecent and immoral circular which is being freely circulated in Melbourne and suburbs. The circular, which deals with the social evil question, purports to be signed by some person residing in Sydney, but the signature is believed to be a fictitious one. Mr Chomely [sic] has directed full enquiries to be made in the matter, with the view of discovering the name and whereabouts of the person responsible for the issue of the circular. If the inquiries are successful a prosecution is to be initiated.

The pamphlet obviously did not refer to the 'social evil question', that is prostitution, an error which highlights the vague and inhibited nature of debates concerning sexual *mores*, and the tendency to lump all the issues together.<sup>13</sup>

Although legal opinion held that the pamphlet could not be prosecuted Chomley decided to take the matter further. He had Inspector Kennedy contact the Post Office and Telegraph Department and enquire about any action that had been taken,<sup>14</sup> and he also informed his counterpart in Sydney of the incident.<sup>15</sup>

#### Memo

The attached is a copy of the circular pamphlet which within the past few weeks has been sent in great numbers into Victoria by post from Sydney. There can be no doubt that Carson and Dr Raymond are identical, Carson having requested by recent letter from Sydney that all letters addressed to him at the G.P.O. Melbourne be returned to him at the Sydney P.O. As the pamphlets are posted in Sydney I am afraid that the sender cannot be touched by any Victorian law. Possibly a N.S.W. [act exists] by which justice can be done against him. Will Mr Reads kindly inform me whether anything can be done in the matter.

The Inspector General of Police  
Sydney



The enquiry made to the Post Office produced the following report.

Post Office and Telegraph Department  
 General Post Office  
 Melbourne, August 28th 1888

I have the honour to report for the information of Inspector Kennedy with reference to appended extract from the "Age" of this date. That the matter has already received attention from the Postal Authorities. The result of investigation made by me shows that "Maurice Raymond M.D." and "Walter Carson" are identical. The individual no doubt resides in Sydney as, under the name of Carson, he has written from that place requesting all correspondence for him lying in the Melbourne Office may be redirected to the Newtown P.O. N.S.W. My report on the subject is at present before the Hon: the P.M. General and I understand it is his contemplation to issue a prohibition under Section 28 of the Post-Office Act, no:781 against any letter, etc: being either registered for, or delivered to, Raymond alias Carson. In the meantime all letters for him have been detained.

Inspector Kennedy  
 R.S. Branch

Alfred Lomax  
 Serjeant<sup>16</sup>

This report was seen and initialled by Chomley, who appears to have been satisfied with this piece of covert suppression. Unfortunately the files of the Post Office and Telegraph Department are not extant, so their actions and attitudes cannot be examined. Neither can the extent of suppression of other posted articles be determined, but it is clear that the Post Office was a potent censor, especially when confronted with birth control literature which both advertised devices delicate by nature and involved correspondents who wished to remain anonymous.

What then of the pamphlets themselves? Neither pamphlet is listed in the *Bibliography of Australian Medicine 1790-1900* (Sydney, 1976) of Edward Ford who claims in the preface that a wide range of materials, including leaflets, was covered. Ford's careful work has recovered only the more substantial component of colonial birth control literature, so it appears that much of the ephemera has now been lost. Such ephemera was produced in prodigious amounts by the British manufacturers of contraceptive devices, for which see P. Fryer, *British Birth Control Ephemera* (Leicester, 1969), but very little has been preserved of the equivalent Australian literature. For this reason alone the two previously unknown pamphlets discussed in this paper are valuable recoveries.

Germaine Greer, in *Sex and Destiny* (1984), shows that contraception was an integral part of a feminine sub-culture, not normally the subject of public advertisement or discussion. It was the neo-Malthusian debate which took contraception out of this sub-culture and placed it in the public domain, where it sat very uneasily. Traditional information channels - the press, public lectures, books, magazines, etc. - were often suppressed, so that vendors of contraceptive devices were forced to use anonymous and discreet avenues such as the streets and the post. Chief Commissioner Chomley pointed out that pamphlets advertising contraceptive devices were distributed to pedestrians in the leading thoroughfares of Melbourne, but it was the practice of mail order that was probably the most common means of distributing contraceptives. Of course, mail order had been exploited by charlatans since the introduction of the penny post, and so it is now difficult to identify the *bona fide* entrepreneur. Whatever our perceptions of these entrepreneurs may now be, George Scott of the most respectable firm of the United Australian Mutual Accident Insurance Company was in no doubt: he believed that Dr Maurice Raymond was nothing but a swindler. The Police also assumed this to be the case when no trace of either Raymond or his agent Walter G. Carson could be found. The business arrangements were clearly suspicious and perhaps ought to have been investigated, but there is no doubt that the Police and the Post Office were acting with reference to the obscenity of the pamphlet rather than the suspicious nature of the business arrangement.

In the case of the Dr Maurice Raymond/Walter Carson pamphlet the post was used as a screen at all stages of the transaction. The information was distributed via the mails, apparently at random; the client was invited to send £1 by bank note, postal order or stamps; and finally the check, accompanied by instructions and an excellent woodcut, would be sent by return mail. After this initial expense renewals would cost only a few shillings a year. The device itself, only described as a check, was almost certainly a diaphragm, first used in Amsterdam in 1882. Refunds would be made only if the packet was returned immediately or if a qualified Doctor attested to the injurious nature of the check. Raymond/Carson was clearly astute enough to realise that contraception was part of a feminine sub-culture because he adds in a postscript: 'N.B. Kindly forward this to some lady friend requiring the proffered aid after you have done with it, it may be a simple way of doing a great kindness.' As if these arrangements were not complicated enough, Melbourne clients were further involved in a secretive charade whereby letters were to be registered or bank-notes might be torn in half and sent by separate posts, and in no event should any communication be addressed to Dr Maurice Raymond, a measure ostensibly ensuring greater security. From the authorities' point of view Raymond/Carson was behaving true to form: from Dr. Raymond's point of view he was merely trying to ensure the privacy, security and anonymity of his client, knowing full well that the authorities might tamper with his mail.

The Fey pamphlet advertising Dr Lisfranc's French Pessaire Preventif was also sent through the mail, to 'young married ladies' if Mary Cane is to be believed. The pessary could be obtained by post - 'packed and sent free from observation' - from Emile Fey and Co., of 16 Little Collins-street east, just to the east of Elizabeth-street in the retail centre of the city. The fee for the pessary was £1. The agents then were quite open about the sale of contraceptive devices although they preserved the confidentiality of their clients. Furthermore the agents felt it was necessary to forestall any accusation of quackery or obscenity by emphasising the integrity of their product. It is difficult now to judge the sincerity of this claim.

They [the agents] decline to pander to the prurient-minded, or allow a great medical triumph, important both to science and humanity, to be damaged by any monetary consideration.

Graeme Davison, in *The Rise and Fall of Marvellous Melbourne* (Melbourne, 1978), is not quite correct to claim that 'coy contemporaries have left only sketchy evidence of the momentous change... brought about by the widespread adoption of female contraceptives.<sup>18</sup> As we have seen, the secularists relentlessly argued the neo-Malthusian cause from 1878, when Rusden published *Fruits of Philosophy*, till 1888, when Justice Windeyer quashed the Collins conviction. The issue was even pursued in the daily press. Debate may have been limited but it was public. What then of the practice of contraception? Davison is clear: the decline in population growth in the early 1890s was partly due to the increased use of contraceptives. Even as early as 1878 Rusden claimed that the condom, a far more despised device, was available at all the chemists in the city. If it is assumed that contraception was widespread, and given that the topic was generally outside the public domain, it must be supposed that the clandestine trade was quite extensive. The evidence outlined here, while sketchy, supports this supposition. Chief Commissioner Chomley, when writing to the N.S.W. Police, claimed that there was a great circulation of these pamphlets.

Finally the fee of £1 for the check pessary very probably discouraged the working classes: contraception seems to have been a bourgeois prerogative. The appeal of the pamphlets might be seen to contradict this supposition: Dr. Raymond explicitly claims that he wants the check to reach the middle and poorer classes 'as they most require it'. However, both pamphlets were careful to adduce the support of respectable men of culture: Dr Raymond cites Drysdale's *The Elements of Social Science* and also marshals J. S. Mill, James Mill, Ricardo, Senior, Miller, Matthews, Knowlton, Raciborski, Carlile, Owen, Place, Garnier, etc. in support, while the Fey pamphlet includes a long extract from Dr E. B. Duffey's *The Relations of the Sexes*. This strategy assumes a sophistication of thought perhaps more characteristic of the bourgeoisie.

In conclusion, the clandestine trade in contraceptive devices, often practised by shady entrepreneurs, was an important and essential means by which public opinion was informed. The secularists' campaigns in the New South Wales courts have rightly been praised as liberal pioneering, but their success was based on a change in the collective attitude which was at least partly achieved by the blanket diffusion of pamphlets such as those discussed here.

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#### NOTES

1. Frank Forster, 'The Collins Prosecution, the Windeyer Judgement and Publications on Birth Control,' *Australia 1888 Bulletin* No. 10, September 1982, pp.76-83. For Justice Windeyer see *Australian Dictionary of Biography (ADB), Volume 6: 1851-1890 R-Z* Melbourne, 1976, pp.420- 422.
2. First published in 1877 and often reprinted.
3. Apart from Forster's sources see also the *Australasian* 31 January 1880, p. 134. For Henry K. Rusden see *ADB, Volume 6* Melbourne, 1976, pp. 73-74. A short time later Rusden published the same work for which Bradlaugh and Besant had been tried - Knowlton's *Fruits of Philosophy* - perhaps in a deliberate attempt to provoke the authorities into a rash prosecution, a tactic used effectively by Bradlaugh and Besant.
4. *The Harbinger of Light* - a spiritualist magazine published by William Terry - was sympathetic with issues of Freethought. For example, Terry was advertising Knowlton's *Fruits of Philosophy* in the *Carlton Advocate and Trade Advertiser* 13 January 1883. *The Liberator* was the organ of the Australian Secular Association and was published by the oft-prosecuted but redoubtable Joseph Symes for whom see Peter Coleman, *Obscenity Blasphemy Sediton* Brisbane, 1961, pp. 90-94, and *ADB, Volume 6* Melbourne, 1976, p. 237.
5. For the Graveur case see Forster, *Australia 1888* No. 10, September 1982, p.78, and Coleman, *Obscenity* Brisbane, 1961, pp. 68-69.

6. For the Walker case see Coleman, *Obscenity* Brisbane, 1961, pp. 70-71.
7. For the Bear case see Forster, *Australia 1888* No.10, September 1982, p.78.
8. For international developments see Frank Forster, 'Birth Control in Australia,' *Victorian Historical Magazine* 50, 1979, pp. 237-239.
9. For J.G. Beaney's *The Generative System* see Edward Ford, *Bibliography of Australian Medicine 1790-1900* Sydney, 1976, nos. 205-209.
10. Victorian Public Record Series (VPRS) 2351 - a small series containing files compiled when the Chief Commissioner requested a legal opinion from the Crown Solicitor.
11. Forster, *Australia 1888* No.10, September 1982, p. 76.
12. Hussey Marlowe Chomley (1832-1906) was a career policeman who had risen through the ranks from the early fifties till he became Chief Commissioner in 1882, a position he occupied til 1902 when he retired due to ill-health. See *ADB, Volume 3* Melbourne, 1969, p. 393.
13. For the confused nature of sexual debates in this period see the extraordinary range of issues raised during the Royal Commission on the decline of the birth rate in N.S.W. for which see Neville Hicks, *This Sin and Scandal* Sydney, 1978.
14. Insp. D. S. Kennedy was one of four inspectors under Superintendent John Sadleir who was in charge of Melbourne District and the Plain Clothes Division.
15. A copy of the letter to the Sydney police is not on the main file but is known from a cursory search of the memorandum book for which see VPRS 678/109. Unfortunately, the letter book for this period is missing - it was never received by the Public Record Office.
16. No information can be obtained concerning Alfred Lomax.
17. A thorough search in both the Melbourne and Sydney directories did not identify either Maurice Raymond or Walter Carson.
18. Graeme Davison, in *The Rise and Fall of Marvellous Melbourne* Melbourne, 1978, pp.224-225.

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