LABOUCHERE'S AMENDMENT TO THE CRIMINAL LAW AMENDMENT BILL

The 11th clause of the Criminal Law Amendments Act (48 & 49 Vic. cap. 69) provides that:

Any male person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years, with or without hard labour.

This sweeping innovation was introduced into the Bill by Henry Labouchere late in the night of 6 August 1885 in a thin House whose members, led by a caretaker ministry, were impatient to speed the Bill through its closing stages in Committee, have Parliament prorogued and address themselves to the coming General Election. The amendment was unrelated to the theme of the measure, which was entitled 'An Act to make further provision for the Protection of Women and Girls, the suppression of brothels, and other purposes', and it had no bearing on any other clause. In calmer times the amendment would probably have been ruled out of order, but, amidst the furor created by W. T. Stead's revelations about the 'Maiden Tribute' in the Pall Mall Gazette, the majority of the Parliament was resolved to settle the age of consent controversy, come what may. The amendment was accepted without debate. On the following night, 7 August, after another hot, thundery day, the Bill was rushed through the third reading and passed.

Effectively this vague catch-all provision by-passed the Offences against the Person Act of 1861 (24 & 25 Vic. cap. 100) forbidding buggery and other abominable crimes, although this was unremarked at the time. The old Act appears to have been invoked rarely, and successful prosecutions under it seem to have been infrequent. Now, by contrast with the severe punishments the 1861 Act inherited from its 16th century precursors, a more lenient 'acceptable' penalty was created. But within the decade there developed in the British public a rabid detestation of male homosexuality. In this context Labouchere's amendment, with its weak provisions about evidence, and exposure of 'consent' and 'procuring' to expansive judicial interpretation, became a terrible instrument. While the clause did not precipitate the change in the public hierarchy of evils, it did become the ready device for retributing those evils and for perpetuating fear and hatred of them. Oscar Wilde was to become the most famous of clause X伊's many victims. Few provisions in modern British legislation can have caused so much misery.

Henry Labouchere (1831-1912) was an unlikely instigator of such a law. He was a witty, worldly-wise Radical and a knowing journalist. His pet legal

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causes in the 1880's were exposure of imposters in the bogus company and begging letter lines, and reform of the 'Great Unpaid', the rural magistrates whose follies, especially their severity towards poachers and lenity towards wife-beaters and child-batterers, he chronicled week by week in his muck-raking Truth. Before the summer of 1885 he showed no particular concern with male homosexuality and was even sceptical about those scandals which emerged. His own relationship with the actress Henrietta Hodson, whom he subsequently married, his active engagement in the theatrical world, and frequenting of the Haymarket, ought to have made him more tolerant than most of other people's sexual adventures. After Stead began his 'Maiden Tribute' articles on 6 July Labouchere, far from embracing the purity campaign as most later writers infer, rebuked Stead for discussing openly in a family paper that which ought to be 'alluded to in veiled terms'. Betraying pique that his rival editor had scooped him, he noted the 'rich harvest' of Pall Mall Gazette sales and went on to allow:

that there is a certain amount of truth in it, but that habitual practices have been somewhat loosely assumed from isolated cases. That the editor was told what he relates I make no doubt, but those who told him are hardly reliable witnesses.

Labouchere ended by agreeing coldly that the laws protecting infant females from molestation needed strengthening.²

Despite the incongruities in the story of the amendment and the paucity of evidence about Labouchere's intentions, biographers and commentators have shown remarkable confidence and unanimity in declaring that Labby intended the clause to mean what it said and have the results that it had. Their confidence appears to have been reinforced by the fact that Frank Harris posited a contrary explanation:

Mr Labouchere, the Radical member, inflamed, it is said, with a desire to make the law ridiculous, gravely proposed that the section be extended so as to apply to people of the same sex who indulged in familiarities or indecencies. The Puritan faction had no logical objection to the extension, and it became the law of the land.

Hesketh Pearson, for example, baldly asserts that the 'clause dealing with his [Wilde's] offence had been added by Henry Labouchere, not as Harris thinks, with the object of reducing the Act to absurdity, but with the intention of increasing its gravity'.³ One would be rash to invoke Harris as an authority, especially as he is woolly about the clause being 'extended' (it was a new one) and wrong to say 'people' rather than 'male person', but there is enough circumstantial evidence to suggest that the standard explanation is open to question

² Truth, 16 July 1885, p. 90.

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and that the contemporary speculation recalled by Harris may be right. The question can never be settled convincingly. Labouchere's personal papers mostly seem to have been destroyed and the few that are known have no bearing on this episode. The papers of other people closely involved, the Attorney-General in the defeated Liberal Ministry, Sir Henry James, and the former Home Secretary, Sir W. V. Harcourt, and their successors in the first Salisbury Ministry, Sir Richard Webster and Sir R. A. Cross, who saw the Bill through Committee, are all devoid of evidence about the amendment. But this absence of contemporary memoranda may itself be significant.

Labouchere was prompted by subsequent events into producing a variety of explanations of his intentions, but the version usually quoted derives from one set of his remarks on the conviction of Oscar Wilde, 10 years after he had moved the amendment. This version is commonly quoted inexactely and in a very truncated form, with the inference that it is contemporary with the amendment. Here is a more complete excerpt. He inserted the clause, he wrote:

in order to render it possible for the law to take cognisance of proceedings like theirs. I took the clause mutatis mutandis from the French code. As I had drafted it, the maximum sentence was seven years. The then Home Secretary and Attorney-General, both most experienced men, however, suggested to me that, in such cases, convictions are always difficult, and that it would be better were the maximum to be two years. Hence the insufficiency of the severest sentence that the law allows which, as Mr Justice Wills observed, is totally inadequate to the offence.

There is no question that matters had reached a pass in London which rendered it necessary for the law to be put into operation, unless it was to be treated as a dead letter . . . When Lord Arthur Somerset managed to get out of the country before a warrant could be served on him, I protested in Parliament, because it was evident that his escape was due to connivance.\(^5\)

There are several ambiguities and misrememberings in this explanation. There is no clause in the French Criminal Code forbidding homosexual relations between adults. Labouchere was confusing his clause with another, earlier, amendment he had first moved unsuccessfully on 3 August, and again on 6 August, intended to enable courts, irrespective of parental consent, to send a girl under 17 in moral danger to reformatory or industrial school. 'He had taken the clause', he said when moving it in the House on 3 August, 'out of the French Criminal Code'. As indeed he had: Articles 335 and 898 provide for this procedure, although Labouchere's formulation was more stringent. The Government blocked the amendment on the first occasion and sought, with the help of the Opposition Front Bench, to block it the second time. But the purity men, H. H. Fowler, Thorold Rogers, Samuel Smith, Samuel Morley and others, were aroused and forced the amendment through without, as one level-headed backbencher, C. H. Hopwood, Radical M.P. for Stockport, warned, any thought for machinery for its implementation or its wide social implications. The clause

\(^5\) Truth, 30 May 1895, p. 1331.
(number XII in the Act) remained, as Hopwood predicted, a dead letter. Hopwood regarded the whole Bill as a legal quagmire, and from the outset sought to have it referred to a select committee. Even Labouchere admitted that he had encountered great difficulty in drafting the amendment and had found no two lawyers agreed about its wording. His reference to Lord Arthur Somerset and the Cleveland Street scandal of 1889-90 was doubtless made to emphasise his consistency. Despite the implication in his statement, chronology precludes this affair from having influenced him in 1885.

The ‘protest’ to which Labby referred was his bitter attack during the supply debate in February 1890 on the Tory legal officers and Lord Salisbury for conniving at Somerset’s escape. He declared Salisbury a liar, set the House in uproar and was suspended. During this debate he claimed for the first time that he had taken clause XI ‘from the French Code’, on this occasion without benefit of ‘mutatis mutandis’. Some months before this declaration, in November 1889, he had enthusiastically endorsed the savage sentences given to two of the social small fry in the Cleveland Street affair, Veck and Newlove.

There is no evidence before the Veck-Newlove trial that Labouchere was especially hostile to, or even concerned about, male homosexuality (except, of course, on the prevailing view, his amendment of 1885). Moreover, there is evidence to suggest that he had been opposed to the entire Criminal Law Amendment Bill and its promoters. When in the spring of 1885 the purity campaigners issued details of a new scandal in the white slave traffic, Labouchere pooh-poohed the affair:

The discussion with regard to the English girls who were sent to Havre still continues, and has called forth many letters in the newspapers on the old subject of girls being exported to Belgium for immoral purposes. The real facts are these: girls are not got hold of here and sent either to Belgium or France to be placed in houses technically immoral. That they are even confined in such houses or prevented from getting out of them is nonsense, as every one who knows the strict surveillance exercised by the French and Belgian police must be aware. They are, however, hired sometimes in England for situations which they deem will be respectable, and when they arrive they find themselves waitresses in cafés chantants, and such like establishments—situations which would not be taken by any respectable French or Belgian girl. That there should be some remedy for this is desirable, but nothing is gained by overstatement, or by suggesting that a state of things exists which most assuredly does not.

A fortnight later, on 14 May, Labouchere was equally cool to the rising agitation for the newly-revived Criminal Law Amendment Bill, prominently supported by ‘that inveterate popularity-hunter, the Primate’ [of York]:

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* Truth, 30 April 1885, p. 683. See also Countess Cowper, Help at Hand, London 1885.
There has been some silly talk in Convocation about the Criminal Law Amendment Bill, a measure which must surely have originated with Arcadians. Some “egregious clerks” are furious at the substitution of fifteen for sixteen as the limit of age for protection, they being presumably unaware that, in agricultural and manufacturing districts, women are often wives and mothers before they are sixteen. The Bishop of Winchester [Dr. Harold Browne] . . . is surely too sagacious a man not to recognize the futility of attempting to “protect” girls of fourteen and fifteen by penal legislation when children are so extensively corrupted, although they have long been most amply “protected” by very stringent Acts of Parliament. . . . The Bill now before the House of Lords would be more correctly described as a measure for facilitating every sort of extortion and blackmail.  

Labouchere’s next move is at first surprising. When the Bill entered Committee on 30 July he, in alliance with a hardline opponent of the Bill, the ultra-Tory George Augustus Cavendish Bentinck, moved that the age of consent be fixed at 21. Labouchere intended his amendment, he said, to demonstrate that it was ‘perfectly absurd’ in a bill the object of which ‘was to protect young girls . . . to say that they would punish any person who procured or endeavoured to procure a woman of 30, 40, 50, or goodness knew what age to become . . . a common prostitute’. Despite a plea from Harcourt, he pressed the amendment to a division and lost 223 votes to 2.  

On the following night Labouchere tried again. This time he moved to set the age at 18. But Hopwood, who straightforwardly opposed the Bill in its existing form because he feared its threats to personal liberty and its engendering of blackmail, perceived the tactics of his whimsical colleague and saw the danger:  

He did not think the hon. Gentleman’s action altogether with regard to this Bill was serious. It seemed to him that the hon. member was anxious, in this singular way, to show the Committee the absurdity of the whole of the Bill.  

But the situation was serious. Given the boundless zeal of the Purity Leaguers and the passivity of the House, any motion might succeed. Labouchere withdrew this one. This is the perspective, it seems to me, in which we should view the amendment which became clause XI: as another extravagant motion designed to overturn the Bill—but one which got away.  

In moving his ‘clause XI’ amendment, Labouchere appears to have been trying to embarrass both front benches as well as the purity campaigners. In this episode, as so often appears in his parliamentary career, there is an element of sheer ratty obstructiveness. In the issue of Truth that appeared on the day he moved his amendment, he remarked that the

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10 *Truth*, 7, 14 May 1885, pp. 721, 758.  
11 *Parl. Debates*, vol. CCC, 30 July 1885, cols. 605-6, 612. The two who voted for the amendment were Hopwood and James Lowther, the Tory Member for Rutland. Labouchere and Cavendish Bentinck were tellers. *Common Papers 1884-85: Divisions*, p. 467.  
discussions on the Criminal Law Amendment Bill were conducted on the auction system between the two front benches. The Act itself is in many respects a good and useful one. It was, however, very badly drawn up, and it is doubtful whether the numerous amendments which were pitchforked before the House, and eagerly competed for by Tories, Whigs and Radicals, have greatly mended it. It would have been better had the Bill been sent before a large and representative Select Committee.13

Labby’s loose phrasing of his amendment, particularly ‘act of gross indecency’, may have been designed to compel the Government to withdraw the Bill and refer it to a select committee. As he remarked after moving it, ministers had ‘tried to fend it off earlier’ presumably because of its implications for the rest of the Bill.14 Certainly he was right to suspect collusion between the Conservative and Liberal front benches to rush the Bill through. Harcourt, Cross, Dilke and Carnarvon regularly consulted about its progress. None of them really wanted the legislation, but finding themselves encumbered with it amidst the public outcry, they took the easiest course of running before the storm, evading such amendments as they could, and turning a blind eye to the legal crudities in the measure and its possible results.15

It is pertinent that Stead and the Salvation Army campaigners also showed no liking for Labby’s clause. It was noted briefly without comment in the Pall Mall Gazette.16 Male homosexuality was not reported as having been mentioned at any of the mass meetings called by the Purity Leaguers, before or after the adoption of the clause. Labouchere, unlike the leading campaigners associated with the triumph, is not listed as having received any vote of thanks, Stead, for motives that seem explicable only in relation to his rivalry with Labouchere, was almost alone among the campaigners in writing compassionately about Wilde in 1895.17

Another warning in the Truth of 6 August apparently connects also with the amendment Labouchere moved that night.

In matters such as these [he wrote] the greatest care ought to be taken not to confound immorality with crime, not to over run in well-meaning enthusiasm, deliberate public opinion, and not to play into the hands of blackmailers. I somewhat question whether there has been sufficient care in regard to the above essentials.18

13 Truth, 6 Aug. 1885, p. 213.
15 Carnarvon to Cross, 12 July, 12 Nov. 1885, British Library Add. MSS. 51,268, fols. 137, 152; W. V. Harcourt to Cross, 27 July, 28 July 1885, B.L. Add. MSS. 51,274, fols. 66, 69, 72; Carnarvon to Cross, 11 Nov. 1885, B.L. Add. MSS. 51,274, fol. 131.
18 Truth, 6 Aug. 1885, p. 213. See also his warning in the House about blackmail, Parl. Debates, vol. CCC, 31 July 1885, col. 705.
Probably with the same object of re-routing the Bill to a select committee, Labouchere’s phraseology, ‘in . . . private’, was blatantly menacing. But it passed uncontested and became the blackmailer’s charter.

The irrelevance of the amendment to the Bill may also have been part of the strategy. C. N. Warton, radical-Tory M.P. for Bridport, an ally of Hopwood’s in wanting the Bill either replaced by a better one or by none at all, took the point of order that the amendment dealt with a ‘totally different class of offence’, and queried whether it came ‘within scope of the Bill?’ But the Speaker, apparently as anxious as the rest of the House to be rid of the measure, ruled that in Committee ‘anything [could] be introduced into it by leave of the House’. In other circumstances this loose ruling might have been opposed, but it went unchallenged.

Labouchere’s comments in 1895 about the penalties allowed by the clause also read unconvincingly. Then he approvingly quoted Mr. Justice Wills’s remark that the maximum sentence of two years’ imprisonment with hard labour was ‘totally inadequate to the offence’. Labby went on to claim that he had provided in his original draft for seven years’ gaol but had been privately persuaded by Sir Henry James and Sir Richard Webster to substitute two years, consonant with the other penalties provided in the Bill. Irrespective of what may have been in the draft, the maximum penalty named in the amendment Labouchere moved in the House was one year of imprisonment with or without hard labour. The doubling of the penalty was done hastily in open Committee: if there had been prior agreement between Labouchere, Webster and Harcourt it is odd that the amendment was not altered beforehand. The mildness of the punishment in the original amendment, by comparison with the penalties proposed in other clauses, may have been meant again to draw attention to the incongruities in the Bill and as a rebuke to moralisers such as H. H. Fowler and the Bishop of Rochester, whom Labouchere considered especially odious. The Bishop was an eager advocate of stronger penalties throughout the Bill, especially the addition of flogging, which he had tried to introduce into the Bill’s predecessors, in 1883 and 1884. Fowler and J. A. Picton, Liberal M.P. for Leicester Borough, had punishment by whipping incorporated in the Bill of 1885. Labouchere, although he spoke against Fowler’s motion, was less dedicated in his opposition than Hopwood, Warton and Bentinck; he voted against Fowler’s flogging amendment early in the evening, but was absent from the second crucial division on Picton’s motion.21

While vindicating his amendment during the Oscar Wilde prosecution, Labouchere produced a second, distinct, version of his intentions in 1885 which has gone unnoticed. He had moved the inclusion of the amendment, he said,

20 Truth, 30 May 1895, p. 1331.
to enable action to be taken surely and effectively [against] . . . "Pretty Fanny" . . . authors whose minds are essentially diseased. . . . It was incorporated into the Act, but this has been to no avail. The Executive has no right to decide whether the laws are to be enforced or not, and the assumption of this right to interfere in the action of the law where the classes are concerned is not likely to inspire respect for it among the masses.22

The instance he had in mind was probably the Cleveland Street scandal and the facilitated escape of Lord Arthur Somerset. But his remarks do connect with his indignation about the trial of the procurer, Mrs. Jeffries, in April 1885, when he exclaimed:

Reading the evidence, it is difficult to avoid the conclusion that there is one law for the old women of the Jeffries stamp, who transact their peculiar business with Kings and ‘persons in high position’, and another for those who do not have for their clients such important personages.

On the day he moved his clause XI amendment he published in Truth his discovery that the prosecution of Mrs. Jeffries had been initiated, not by the Home Secretary, but privately by the Vice Society, and that a deal had been done by which Mrs. Jeffries pleaded guilty in order to obviate the calling of witnesses. As it emerged later, her clientele had included several ‘important personages’ including the King of the Belgians.23 But this again seems to have been misremembered. Labouchere was undoubtedly concerned to install equality before the law, but his clause XI, as the Somerset affair proved, did nothing to ensure prompt and equal implementation of the law by the Executive.24 More pertinently, his explanation is of a piece with his populist suspicions, often well-founded, of conspiratorial judges, aristocrats, civil servants, empire builders and aesthetes, all members of the ‘classes’.

Stead’s sympathy for Wilde in 1895 and the neglect of homosexuality and Labouchere in the ‘Maiden Tribute’ agitation make one dubious about the third of Labouchere’s post hoc explanations of his motives in 1885. In the course of his protest in 1890 about Somerset’s escape Labouchere asserted that Mr Stead . . . sent me [in mid 1885] a report with reference to this offence, giving particulars and evidence which went to show the extent of its prevalence. I was requested to read this report in the House, but I did not think it desirable to do so, although I thought the case pretty well proved. I proposed the addition . . . of a special clause.25

I know of no documentary support for this claim. In the light of the relations between Stead and Labouchere, Labby’s attitude to the Bill and Stead’s cam-

22 Truth, 11 April 1895, p. 900.
23 Truth, 16 April, 6 Aug. 1885, pp. 600, 209; A. Stafford, The Age of Consent, London 1964, p. 145; see also Fowler’s question about the case in Commons Papers, 1884-85, Notices of Motion, p. 2191.
24 The Times, 27 April 1895, p. 4.
campaign (Labby subsequently upheld Stead’s imprisonment), Labby’s failure even to mention such a report in the House, and his (and Stead’s) failure to exploit such a newsworthy report in their respective newspapers, and the neglect of Labby’s clause by the crusaders, the statement seems at best to be a piece of misremembering. A misremembering that transformed what very likely had been an attempt to upstage Stead in 1885 into collaboration with a more successful rival in 1890.

What is clear is that by 1895 Labouchere had decided to live with his amendment, although he was sufficiently anxious about it to produce two new explanations of his motives. He set about ensuring that his witty Bohemianism was not identified with Oscar Wilde by sharply changing from expressing admiration for Wilde’s plays into emulating the daily press in his abuse. As the Wilde tragedy gathered momentum he became condescending about The Importance of Being Earnest: he found it ‘amusing’, but went on to accuse Wilde of plagiarism and concluded primly that ‘whether we ought to be amused is quite another thing’. The Marquis of Queensberry, according to Labouchere, specially consulted him after the scandal erupted. Queensberry wanted to shoot Wilde, but Labby advised ‘a sound horsewhipping’. After Wilde was imprisoned, he refuted rumours that Wilde was ‘suffering mentally’: ‘far from his being any the worse for the imprisonment, there seems to be every reason to anticipate that he will benefit by it physically, if not morally’.

Oscar Wilde loved irony. He had been an appreciative reader of Truth and in 1882 had proclaimed Labouchere to the world as ‘one of his heroes’. He can have taken little delight in that pronouncement in 1895. Whimsical Labby may have enjoyed the irony even less.

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Truth, 12 Nov. 1885, p. 749.


Truth, 30 May, 15 June 1895, pp. 1331, 1443.

APPENDIX: THE CLEVELAND STREET AFFAIR*

The file on the Cleveland Street affair in the Public Record Office was released late in 1975. It is sketchy, but in general the official correspondence and memoranda bear out Labouchere's allegations. The one thing Labouchere did not know was that the Attorney-General and Director of Public Prosecutions had decided there was sufficient evidence to justify the prosecution of Somerset and had recommended to the Prime Minister that a warrant be issued. As Cuffe, the Treasury solicitor who handled the case, remarked, after his efforts to press the prosecution of Lord Alfred Somerset had finally been defeated: 'Mr Labouchere knows that which was not known to this Department' and went on to infer that Labby had informants among the police, the Post Office officials and the boys themselves. 'Taking his view—', the solicitor added, 'how much more would his case have been strengthened had he known that we in this Department [Director of Public Prosecutions] advocated such proceedings—and refrained from such action on express instructions'. Salisbury's statement in the House of Lords on 3 March 1890 that, 'in the judgment of the legal authorities, the evidence was insufficient' [to permit the issue of a warrant against Somerset] is thus contradicted by the files.1

The express instructions came from Halsbury, the Lord Chancellor, whom the Prime Minister had delegated, over the head of the Attorney-General, to control the business. Halsbury held up the investigation throughout and hindered a move to arrest Somerset while he was still in England. The Attorney-General and counsel to the Director of Public Prosecutions proposed on 10 August 1889 that proceedings be instituted against Somerset simultaneously with those against Veck.2 Halsbury allowed the Veck prosecution to go forward, but withheld permission for a warrant for Somerset until 10 November. The warrant was finally issued on 12 November, after Somerset was out of the country, four months after Hammond, the crucial witness, had fled abroad, and almost a month after Veck and Newlove had been convicted and gaol'd.

If, as is alleged in these papers [Halsbury argued] the social position of some of the parties will make a great sensation this will give very wide publicity, and consequently will spread very extensively matter of the most revolting and mischievous kind, the spread of which I am satisfied will produce enormous evil.3

The Attorney-General, the Home Secretary and the Home Office officials acted reluctantly throughout and seem to have procrastinated whenever possible. Salisbury forbade attempts (which looked likely to succeed) to extradite Hammond from

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* Since this appendix was sent for publication Mr. H. Montgomery Hyde has published a detailed account of the affair in The Cleveland Street Scandal (London 1976). He and I have used the same material in the Public Record Office but differ in the inferences we draw from it. Hyde believes that the files generally exonerate Salisbury and his Ministers. I do not. We still differ, too, in our view of the origins of Labouchere's clause. Hyde accepts Labouchere's story of 1890 about the Stead memorandum. I remain sceptical.
2 'Opinions', Sir R. Webster, Edward Clarke, Horace E. Avory, 3, 10 Aug. 1889 P.R.O. D.P.P.1 95/3.
France and Belgium and sought to hasten the trial of Veck and Newlove.\(^4\) As soon as Veck and Newlove conveniently pleaded guilty to charges of indecent behaviour in a trial which a Treasury solicitor privately characterised as a ‘travesty of justice’, the Attorney-General, apparently at Salisbury’s behest, instructed Crown counsel to drop all charges of conspiracy. Thus, their depositions never came before the Court.\(^5\) The Prince of Wales, to whom Somerset was an equerry and friend, intervened through his private secretaries with the Prime Minister, Crown counsel and the Director of Public Prosecutions to insist that Somerset’s ‘character ought to be cleared’. This pleased the Director of Public Prosecutions, at least, as he explained to the Attorney-General, ‘in a position of some difficulty’.\(^6\) Meanwhile, complaints from the Metropolitan Police that Lord Alfred Somerset’s solicitors (they had also acted for Veck and Newlove) were getting at witnesses and offering them free tickets to the United States, seem to have gone unheeded. Indeed, the Lord Chancellor implicitly ordered that this matter be left to take its course. Proceedings for conspiracy to defeat the cause of justice against the solicitor, Arthur Newton and his managing clerk, Taylerson, were not launched until very late in 1889. Newton received six weeks’ imprisonment.\(^7\)

In a criminal libel case during the following year, in which Ernest Parke, the editor of the *North London Press*, was sentenced to 12 months’ imprisonment, one witness swore that the Earl of Euston had committed acts of indecency with him. But the Attorney-General refused to allow a prosecution for gross indecency or for perjury to be started against the witness. Had these proceedings gone ahead, Euston and Lords Clifton and Carrington, who were also listed in the witness’s deposition, may have been named in court.\(^8\)

Five years later, in similar circumstances, the Government took the opposite decision and prosecuted Oscar Wilde. Echoes of the rumpus of 1889-90 probably helped persuade Ministers to act.

I am indebted to Dr. Susan Eade, of the Australian National University, for sifting these files for me.

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\(^4\) T. V. Lister to ‘Sir’, 24 July 1889; Godfrey Lushington to the Director of Public Prosecutions, 24 Aug. 1889. P.R.O. D.P.P.1 95/1.

\(^5\) H. Cuffe to Sir A. Stephenson [Director of Public Prosecutions]. 19 Sept. 1889, P.R.O. D.P.P.1 95/1.

\(^6\) H. Cuffe to Lord Chancellor, 16 Oct. 1889; Sir A. Stephenson to Attorney-General, 18 Oct. 1889. P.R.O. D.P.P.1 95/1.

\(^7\) J. Monro [Metropolitan Police] to Director of Public Prosecutions, 26 Sept. 1889. P.R.O. D.P.P.1 95/1; ‘Opinion’, Lord Chancellor, (??) Oct. 1889, P.R.O. D.P.P.1 95/3; ‘Newspaper Extracts’ P.R.O. D.P.P.1 95/2.

\(^8\) R. v. Parke, file 1, the Saul file 2, D.P.P.1 95/4.