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THE front place among questions relating to the enfranchisement of women has been occupied during the past month by the Married Women's Property Bill. The amendments made in the House of Lords to this measure amount to a summary rejection of the Bill as it has been carefully considered by the country and twice passed by large majorities in the House of Commons, and the hasty and unexpected substitution in its place of a totally new Bill, the provisions of which, though effecting great changes in the present law, have never been submitted to the consideration of the persons most nearly concerned. The Bill as it was sent up to the Peers secured to married women possession of all property that was their own, whether gained by the exercise of their industry or talents, or accruing to them under the laws which govern the acquisition of property by men. It effected this by the simple and comprehensive enactment, that henceforward a married woman should hold all her real and personal estate in all respects as if she had continued unmarried. This provision was applicable to all, intelligible to all, and avoided the insidious suggestion of divided family interests implied in the rule that all property owned by a wife must needs be "settled to her separate use." A married man does not hold his property on this ugly condition, but by simple ownership, and the Commons consented to give the same freedom of ownership to married women.

But the Lords have destroyed this, the vital principle of the Bill. They retain the general rule of confiscation, and endeavour to remedy some of its more glaring cruelties by proposing a series of exceptions to its operation. They divide the property of women into two classes, namely,—1. Wages and earnings gained in any occupation or trade, or through the exercise of any literary, artistic, or scientific skill, and all investments of money so gained. 2. Property coming to a woman by deed, gift, bequest, or inheritance. They deal with each of these classes on different principles.

They desire to exempt all property coming under the first head from the operation of the common law by settling it to the separate use of the wife. From the nature of the case this is almost impossible while the law itself continues in force, and the attempt gives rise to some cruel and absurd anomalies. Earnings after marriage made by women married before the passing of the Act are protected, but earnings before marriage made by women

who marry after the passing of the Act are confiscated, unless such earnings are placed in a savings bank. But the savings banks will not receive more than two hundred pounds in all, or more than thirty pounds in one year from any one depositor, so that if a woman about to marry had already deposited the full amount, and wished to place the rest of her savings in the bank in order to obtain the benefit of the Act, she would be debarred from doing so, and the money would be forfeited on marriage. Deposits in ordinary banks are not protected.

Again, suppose a married woman were to write a novel, and receive £1,000 for it, paid to her credit at a banker's, that money would under the Lords' Bill be secured to her separate use, free from the control or interference of her husband—but if an unmarried woman were to do the same, and were to marry the day after the money was paid, the £1,000 would become the property of the husband. Whether in case she wrote the novel before she was married and got paid for it afterwards the price would belong to her or to her husband is one of those knotty points with which this Bill bristles all over, and which render every clause a dangerous "woman trap." An amendment, designed to protect earnings before marriage, was moved by Lord Brougham, but rejected, on the ground that if passed, it would be necessary to trace to its origin everything owned by a woman about to be married, in order to avoid protecting that which was not savings from earnings. Why their Lordships should be so desirous of restricting proprietary rights to possessions earned by personal industry, and how they would relish such a principle applied to their own estates does not appear, but it is certain that the innovation they hereby introduce into the principles which have hitherto governed the tenure of property will have the effect of perpetuating gross wrongs now endured by a class of women who would have been completely protected by the original Bill.

Any woman who claims property under clause 1 will be liable to be put in the county court, and called upon to trace such property to its origin, and to prove that it was really wages or savings. Clause 9, which provides for the settlement of any question between husband and wife as to property, by application to the court of chancery or the county court judge, was in the original Bill, but whereas under the Commons' Bill the courts would have to apply only the ordinary laws respect-

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ing ownership, under the Lords' Bill, they will have to apply the complicated rules and decisions of the equity courts in regard to the separate property of a wife, and likewise to try the question of fact as to whether the property in dispute was actually earned after marriage, for if it were earned before marriage or acquired since marriage in any other way, it would be forfeited.

The Lords' Bill relieves a husband from liability for the debts of his wife contracted before marriage, while handing over to him absolutely all her savings earned before marriage, and all property which she has not taken special steps to secure. It is a gross injustice, both to the wife and her creditors, to give a husband his wife's property owned before marriage, and at the same time to free him from the liabilities justly attaching to it.

With property as distinguished from earnings, the Lord's Bill deals in a very limited way. It gives to women married after the passing of this Act, any property they may happen to inherit through an intestacy, and gifts or bequests not exceeding two hundred pounds. Thus, if a father were to die without a will, a married daughter's share of his property, whatever its amount, would be secured to her; but if he were to make a will leaving a fortune to her absolutely, it would pass to her husband. It does not appear whether a married woman could retain two hundred pounds out of a legacy of larger amount, or whether the whole sum would be forfeited.

The Bill is in most of its provisions regarding property a "Permissive Bill." It does not give direct protection at once, nor to all kinds of property, but it provides that a married woman, with the consent of her husband, or a woman about to marry, whose money happens to be invested in the public stock or funds, or in fully paid-up shares of certain kinds of companies, may make an application in a prescribed form, to have such stock or shares secured to her separate use. But this permissive protection is not extended to property invested in any other way, such as land, houses, or shares not fully paid up. Women, therefore, will be placed on a great disadvantage in choosing investments for their capital. They will have to look not only at the intrinsic value of the investment, but at the security of their own tenure of it.

The various reasons for objecting to the Bill which the House of Lords has substituted for the one which was submitted to them, may be thus briefly summed up:—

1. Because it perpetuates the unjust principle of the common law, and extends a clumsy and invidious device, originally framed in order to evade that law. 2. Because the protection it offers is totally inadequate to meet the necessities of the case. 3. Because it applies the complicated rules and decisions of the Equity Courts respecting the separate estate of a wife to sums of the most trifling amount, and enables husband and wife to put each other in the county court, to determine whether any particular part of the wife's money is or is not

secured to her. 4. Because it frees a husband from liability for his wife's debts contracted before marriage, while it hands over to him all her property owned before marriage. 5. Because in most of its provisions relating to property it is a "Permissive Bill," and does not come into operation unless a woman goes through a formal process of application as regards each separate portion of her estate. 6. Because the Bill is unintelligible without the aid of a lawyer.

It would be a parallel case to their treatment of the Married Women's Property Bill, if the Select Committee to which the Peers have referred the University Tests Bill were to report the Bill with all the clauses struck out which abolished the principle of religious tests, and others substituted which retained intact the general principle of exclusion, but endeavoured to redress cases of individual hardship by providing that under certain conditions special personal exemption might be claimed. There is no doubt whatever that in such an event the original Bill would be at once sent back to their Lordships for further consideration. During the debate on the second reading of the Married Women's Property Bill, a noble lord who opposed it said that if the clauses to which he objected were struck out the measure would be certain to be repudiated when it went back to the House of Commons. The women of England are anxiously waiting to see whether Lord Lyveden in this formed a correct estimate of the importance which the House of Commons attaches to the principle of the Bill, and to its own deliberate judgment on it. Women have made during the last session an appeal to the Legislature for the removal of the disabilities which exclude them from the right to influence its decisions. That appeal was rejected, and one of the grounds of rejection was the allegation that the interests of women were better cared for while they were deprived of political rights than they would be if they had votes. The House of Commons has now the opportunity of justifying this plea. Let it show that it cares as much for the establishment of principles which it has declared to be just in regard to women as if the Bill concerned the welfare of men. This might be done with due regard to the need of instant relief to the sufferings of the lower classes, by insisting that whatever Bill may pass this session, the question shall not be regarded as settled until a comprehensive and just Bill has become law. If the Commons will make the same resistance to encroachments on the principle of the Married Women's Property Bill as they would in the case of the University Tests Bill, they will, without affecting the justice of the claim of women to representation, cut off one of the strongest practical arguments that has been urged for pursuing it. If they do not, their neglect will strengthen us in renewed exertions to obtain those electoral rights which all classes in this realm deem essential for the due protection of their interests, and the securing of just and impartial laws.

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## MARRIED WOMEN'S PROPERTY BILL.

House of Lords, Tuesday, June 21, 1870.

Lord CAIRNS, in rising to move the second reading of this Bill, remarked that while necessarily dealing with the position as to property of married women in general, its main object was to meet the case of married women in the humbler classes, especially those who were in the habit of working for wages or acquiring earnings for the support of themselves and their families. Evidence of the clearest kind, the heart-rending details of which it was happily unnecessary to enter into, showed that in most of the manufacturing districts, and especially in the north of England, there were abundant instances in which poor and industrious women, who had exerted themselves to maintain their families, had been exposed to the evil of having their small earnings pounced upon from time to time by intemperate, idle, or dissolute husbands, for purposes entirely foreign to the support of the family. The reason was that the common law vested in the husband all the wife's personal property, a rule so inconvenient in practice that, wherever the amount of property justified it, it was modified by settlements, making special provision for the wife. The Court of Chancery, moreover, had very extensively and beneficially modified the rule even where there was no settlement, where the amount of property justified its interference, and where that interference could be invoked. Its temper had always been to insist that the greater or an adequate portion of such property should be settled on the wife and children. Now, according to the last census, the entire number of married women was about three millions, of whom about 800,000 earned wages in some shape, so that the class to be dealt with was a very considerable one. While the upper classes were protected against the absolute rule of common law by means of settlements and the interposition of the Court of Chancery, the humbler classes had no protection except that provided at the instance of Lord St. Leonards in the Divorce Act, which empowered a magistrate to grant an order to a wife deserted by her husband, protecting her future earnings against his interference. This was obviously insufficient, for the hardest cases were those where the husband did not desert his wife, but clung to her for the sole purpose of plundering her from time to time of her earnings. In all Continental countries laws had been adopted more favourable to married women, and the communities across the Atlantic which had sprung from ourselves, the United States and Canada, had introduced legislation similar to or in the direction of the present Bill. Three remedies had been proposed for the evil. The first was an extension of the system of protection orders, but these, at present, did not reach the worst cases, and it was unwise to require a poor working woman, as a condition of protection, to present herself in a police-court for the purpose, as it were, of effecting a separation of interests, and of suggesting a complaint against her husband, thereby provoking that want of domestic harmony which it should be the object to avoid. The second remedy was a statutable form of settlement, applying to all cases where the parties did not themselves enter into a settlement. The women of the lower classes, however, did not want a settlement, which was quite unsuitable to small sums, which came in from time to time, and were not worthy of being invested for the purpose of income. They did not want the capital preserved, but they wished to be allowed to spend the money in the support of their families. The third and only remaining course was that proposed by the Bill—viz., to alter the general rule of law, to leave settlements to be made where advisable, but in other cases to make the property of the married woman her own until she chose to part with it. If she pleased she might make a gift of it to her husband. Thus the Bill would do for the poor what the Court of Equity did for the rich, by putting the married woman as to property in the same position as the unmarried. Some of its provisions would require consideration, and he himself should propose some amendments, but after the best consideration his opinion was that the principle of the Bill was the true one. It had passed the House of Commons two or three times, and was there investigated by a Select Committee, when evidence was taken, and he believed there was in that House a strong preponderance of opinion in its favour. It was last year read a second time in this House on the understanding that it should not then proceed further, and he should offer no objection to its being referred to a Select Committee, where some of the niceties of the law which it involved might possibly be better considered, and where, owing

to its moderate compass, it would occupy but a short time. The noble and learned lord concluded by moving the second reading.

Lord PENZANCE, as the mover of the second reading last Session, confirmed his noble and learned friend's statement of the history of the measure. The evil which it was avowedly intended to meet was one of considerable magnitude, and he need not enlarge on the number of married women of whose earnings their husbands took advantage by living on the produce of their labours. He must, however, repeat what he said last year, that the Bill went far beyond the necessities of the case which it affected to meet—(hear, hear), for it affected all the married women of England, it would subvert the principle on which the marriage relation had hitherto stood, and its tendency would be to cause increased discord and separation. Their lordships were legislating not only for the upper class, who protected themselves by settlements, but for the mass of the middle class, among whom settlements were by no means common, and before any material change was made it should be carefully considered. The Bill would give a married woman the same rights of possessing and dealing with property, and of contracting obligations with third persons, that an unmarried woman enjoyed, while it nevertheless left untouched her right to be maintained by her husband. She would be able to spend her property if and how she liked, without any obligation of contributing to the expenses of the household, and when it was dissipated she would be entitled to support and to pledge her husband's credit for the necessities of life. She might sue and be sued like a *feme sole*, and there was nothing to prevent her bringing an action against her husband founded upon any matter of contract which she might choose to allege. Litigation under any circumstances was thought to have sufficient asperity about it to make people uncomfortable enough, but it was difficult to conceive the relations of a man and wife, plaintiff and defendant in an action, sitting down to breakfast together, passing the day together, consulting their respective attorneys, and then dining together. (A laugh.) A married woman, moreover, being at liberty to carry on any trade, a man might be startled by the information that his wife had determined to set up a shop in the neighbourhood—which at present was prevented by her inability to contract—and still more startled at hearing that she had entered into partnership with her cousin, who need not be a woman. (A laugh.) A husband who expected his wife to keep his home and attend to the children might find her opening a Berlin wool shop with her cousin John as a partner. (Renewed laughter.) Surely this was an unnecessary corollary to the protection of women's earnings from idle and dissolute husbands! The common law, broken in upon in the case of settlements, provided that the wife having no personal property of her own, the husband should have the regulation of the common purse. Now, was it desirable to set up in a household two holders of the purse, two powers, co-equal at first and likely to be adverse in the end? He had, unfortunately, had special experience, which had shown him that there was no commoner cause of violence and cruelty, leading to a separation, than the possession of some small sum by the wife which she was in some way able to retain, the result being that the husband at first teased and afterwards ill-treated her in order to get hold of it. The Bill involved the question whether the husband should rule in his own household; for if the wife had co-equal power over the property she would obviously have a considerable share in the management. He denied the assertion that the upper classes evaded the rule of the common law as to the control by the husband of the common fund by means of equity. No doubt the property of a woman about to be married was settled—but settled as much to protect it from being spent by her as by the husband—on the children, and he was informed that in by far the larger number of cases a life interest in it was given to the husband, subject, of course, to the setting aside a sufficient sum as pin money for personal expenses. The husband, in the large majority of settlements, retained the control of the income during the lives of both. France afforded a confirmation of this view; for, though the law gave the option of community or separation of property, the former was chosen in 99 cases out of 100. It gave the husband the entire regulation of the expenditure of the common fund, simply requiring an account from him when the community was put an end to, and where this step was necessary, on account of the husband's misconduct, the wife had to go before a court of justice and obtain *séparation de biens*. This was a system which met the necessities of the case. If the husband, who primarily ought to be allowed the control of the fund, neglected his obligations, lived on his wife's money,

and did not work for the support of the family, what could be more reasonable than that she should resort to some Court to obtain a separation of goods, which would allow her thenceforth to receive her earnings? He saw no difficulty in such a provision. His noble and learned friend had urged that such an application to a magistrate would at once lead to a separation, and if the husband were of the character described this would not be so much to be deprecated; but he saw no reason for this result. Why should she not be able to appear before a County Court Judge, who, on sufficient proof that the husband was idle, dissolute, or disorderly, would undo the community of goods affixed to marriage by the common law, thus leaving to her her own earnings? The protection orders provided by the Divorce Act were obtained with the utmost facility from any magistrate or from the Judge of the Divorce Court on a short affidavit, and they worked extremely well. Why, then, should they not be extended to cases other than those of desertion? Exceptional cases—and though numerous, the cases where husband and wife were on such terms were exceptional—would thus be dealt with in an exceptional manner. He regretted that the promoters of the Bill, who undoubtedly had the benefit of these people at heart, had re-introduced the Bill in its former shape, notwithstanding the tone of the discussion in this House last Session, when all the speakers, though glad to remedy a grievance, repudiated the notion of altering the whole law relating to marriage. The advocates of what were popularly called the “rights of women,” whose opinions, if not their hands, might be traced in these provisions, would do well to recollect that great evil had, it was said, arisen from marriages being less frequent than they used or possibly ought to be, and if the law were so altered that a man in taking a wife took a partner with separate interests, entitled to trade separately, and to spend her property how she chose, he doubted whether it would be an inducement to the male portion of the community to enter into such a contract. (Laughter.) He was sure, too, that if there was one race of people to whom it would be less agreeable than to another not to be masters in their own houses, it was the race represented by their lordships. (Renewed laughter.)

Lord WESTBURY remarked that the evil which demanded redress was the subject of only a very small part of this Bill, and that to the rest of it the noble and learned lord (Cairns), by his tender treatment of it, evidently felt that there was great objection. The measure appeared to have sprung from the sensationalism which delighted in extravagances, and which had applied those notions to the amendment of the law. The Bill would subvert the domestic rule which had existed in this country for more than a thousand years. It proposed that a married woman should be capable of holding, acquiring, alienating, devising, and bequeathing real and personal estate. Now, he appealed to married men whether they would like this additional yoke, while as to the unmarried it reminded him of Lord Brougham's remark on Lord Campbell, that he had succeeded in adding a new terror to death. (A laugh.) A woman might receive a legacy of £20,000, and her husband might imagine that she would employ it for the general maintenance and comfort of the establishment. “No, my dear,” she would reply, “Lord Cairns has got rid of that, many thanks to him. He has spoken so delightfully and gracefully that the House of Lords has given me the absolute control of the money.” (Laughter.) The husband, perhaps, would suggest that the legacy should benefit the children, but she would answer, “At present I have set my heart on a beautiful diamond necklace.” (Renewed laughter.) Thus the money would be wasted and consumed without the possibility of any check. The Bill also enabled her to contract, so that she might take a fancy to buying any number of bracelets. (A laugh.) The object of legislation should be to make a man and his wife one soul and one spirit, and to devote their property entirely to the benefit of themselves and their children; but the Bill had quite an opposite tendency. The grievance of the earnings of a wife being taken by the husband and spent in drunkenness and dissipation could not be too strongly urged, but it was most imperfectly remedied by the Bill. Not only her earnings but her wages should be protected. The Bill would enable a married woman to dispose of leasehold houses or railway shares in any manner she chose, and if there was some person for whom she had a greater affection than for her legitimate lord, she might lavish the proceeds upon him. A woman of the labouring class would be frequently subjected to the temptation of buying expensive articles by pedlars and others. She would be summoned to the County Court for payment, and if the order of the

Court were disobeyed the Judge would have power of imprisonment. Now, was it desirable to expose such a woman to a temptation to which she would certainly yield, as she had done from the beginning (a laugh), and then to put her in prison? He admitted that the law which gave the wife's entire real and personal property to the husband should be altered. The property might be invested, the husband having the management and administration of the income, and being controller of his household until he made a bad use of that power. As to property accruing after marriage, it should, if it exceeded a certain sum, be settled for the benefit of the wife and children, including also, if they pleased, the husband. As the Bill stood the wife would be under no obligation of contributing to the maintenance of the establishment, her only liability being to pay the parish perhaps 5s. a week if her husband became chargeable to the parish, while his obligation to support her was left untouched. If their lordships struck out from the Bill all those provisions which had apparently been favourably received in another place, the result might be that no Bill would be passed this Session, and he thought the best course would be to reject the Bill and substitute for it one with reasonable provisions, which would probably have some chance of passing both Houses. The passing of the present Bill was out of the question. (Hear, hear.)

Lord ROMILLY hoped the course recommended by the noble and learned lord would not be taken, as it would probably prevent legislation for this year at least. The noble and learned lord had drawn an extraordinary picture of what would happen under the Bill if a woman came into possession of £20,000, but all the noble and learned lords present, including one whose presence among them was a subject for much gratification (Lord O'Hagan), were aware that this frequently happened under the present system. A man left his niece or daughter £20,000, coupled with conditions which made it entirely her own, giving nobody else power to touch a penny of the income, and so far from there being the mischievous result described by the noble and learned lord, it rather seemed to lighten the bonds of affection. As to settlements, with which he had had some experience, some portion of the property was sometimes given to the husband by the Court of Chancery, especially if it approved the marriage; but as a rule, it was settled wholly on the wife for her separate use, the husband having a life interest in it after her death, and it being then divided among the children. It was true that a lady of large fortune was under no obligation to contribute to the daily expenses, but she almost invariably did so, and as long as they lived together the Court of Chancery regarded the money when paid at her desire to her husband as employed for the benefit of both. The present mode of settlements would not be interfered with by the Bill, but when properly amended it would afford a wholesome protection to the lower classes, to whom settlements were inapplicable. If the Bill were carefully reformed by a Select Committee, the House of Commons, he believed, would cheerfully accept it as a measure improved by noble lords who had paid attention to the subject.

The Earl of SHAFTESBURY regarded this as not merely a legal, but as a social question of the highest importance, and the various efforts that were being made for a great relaxation of the marriage laws, and for facilitating separation and divorce, made it necessary that the Bill should be seriously considered in all its bearings before any conclusion was arrived at. The noble and learned lord (Cairns) had dwelt with proper emphasis on the second part of the Bill, which related to the earnings of women of the working classes; but he had said little on the second part, which, viewed in connexion with the wealthier class, gave cause for serious apprehensions. For the working classes a measure of this kind was of immense importance, and even if it involved the violation of some sort of principle, this would be better than the continuance of the present evil. The property in question might be divided into two classes—fixed property, which was the subject of arrangement, by deed, and that which was the result of mental or manual labour. He did not know whether the term “occupation” would include, as ought to be the case, the right of property in literary efforts, but the claims of literary ladies ought to be considered. (Hear, hear.) Two-thirds of our tracts and nearly all of our interesting and effective stories were written by women, and these ladies, who were very numerous, had at present no protection. He recollected a lady of considerable talent who lived entirely by her writings, and who was obliged to write under a feigned name and to shift from one publisher to another lest her husband should discover what the proceeds were

and lay violent hands upon them. The provisions of the Bill went far beyond what was necessary, and struck at the root of domestic happiness, introducing insubordination, equality, and something more. They would allow a married woman to hold and deal with property like a *feme sole*, and yet would allow her to plead coverture, and insist on the husband being answerable for her debts. [Lord CAIRNS dissented.] He should be glad to be corrected if mistaken, but the 6th clause provided that the husband should not be answerable for debts contracted by her before marriage, implying that he would be answerable for debts contracted after marriage. Would the wife be answerable for her own debts? If the noble lord could assure him that under his Bill the husband never would be answerable for the wife's debts as long as she had any property of her own, that would, in a great measure, remove his objection. Under this Bill the wife would be capable of holding property. Would she hold it with all the usual rights, privileges, and profits? She might quarrel with her husband and eject him or refuse him admission to her house, and while keeping him out of it she might admit every one else. If she acted in that manner, he wanted to know how the conjugal rights of the husband were to be asserted, except by application to a magistrate, who, probably, would not like to act in the matter with this Bill as an Act of Parliament staring him in the face. Then the wife might acquire property; but what was to be the rule if the husband thought it necessary to forbid her accepting presents from persons with whom he did not wish her to be on terms of intimacy? She might sue in courts of law or equity. Would the husband be liable to the costs? He had no doubt that such a law as would be in force under this Bill was much better suited to the state of things which prevailed in America. The evidence taken in 1868 was very strong and very decided in favour of this law in America. It was stated that no mischief had resulted from it in that country. Eminent men were examined, whose testimony was to that effect. Previously to 1840 the law regarding the property of married women was the same in the United States as in England, but at that date it was changed. Mr. Cyrus Martin Fisher, member of the bar in Vermont, to the question, “Should a wife having property contribute towards the family expenses?” replied, “It is contrary to the American idea (and so says Mr. Cyrus Field) that any part of the wife's fortune should be used to contribute towards the support of the family. A man ought to be, and is, considered clever enough to be at least able to support his family without calling upon his wife.” Again, question 536, “You have said that the responsibility of the payment of household debts lies chiefly on the husband. Suppose the wife, instead of contributing to the establishment, squandered all her money away, would the whole of the responsibility in such a case rest on the husband?” “Certainly, to the extent of all his property. She might squander her fortune just as quickly as she saw fit.” Q.—“She could have no responsibility whatever?” A.—“Not the slightest so long as his property was in existence.” Q.—“Suppose she chose to squander her money on some other individual, would that make any difference?” A.—“It might create certain unpleasantness in the family, and the tradesman might require them, when they wanted anything, to pay for it at the time.” Mr. Cyrus Field said the same,—“Whatever the distress of the husband, the wife is not legally bound to relieve him.” Now, was that a state of things which it was desirable to see introduced into England? There were three peculiarities in the relations between man and wife in America as compared with those in England,—first, complete equality of the wife with the husband—no subordination; secondly, greater facility of divorce. Drunkenness, or even desertion, was a cause for a divorce *à vinculo matrimonii*, with leave to marry again. This facility of divorce enabled married persons to throw off when they liked disagreeable responsibilities. But in this country, where we regarded marriage as indissoluble, except for adultery, such a state of things would be intolerable. Again, in America the men liked married women to retain, at least, a large portion of their fortune, in order that it might be available for the family in the case of evil results arising from the over-speculation to which too many of the men were addicted. He had now stated what had occurred to him in respect of the wealthy classes; but when he came to the poorer classes the case was altogether changed. There were in this country 800,000 poor women whose earnings must be protected, because those earnings were the very existence of themselves and their children. The principal of the Co-operative Society of Rochdale spoke strongly of the thrift, skill, and industry of women of the class to which he was

now referring; and Mr. Mundella, the member for Sheffield, who employed 2,000 women in his own works, and who was a man of intellect and experience, had given valuable evidence, showing the necessity of protecting the earnings of such women. The women of the working classes assumed a very different position as regarded the family from that occupied by women of the higher classes. The women of the working classes discharged many more duties than were discharged by ladies. The wife of a working man was the moving principle of the whole family. Everything relating to it was under her care, and she had no nurses or other servants to assist her. It was therefore of the utmost importance that everything should be done to protect her earnings for herself and children. The women of that class were much superior to the men in tact, sound judgment, and economy, and yet, melancholy to say, there were instances every day of the homes of such industrious women being swept away by the rapacity of bad husbands. (Hear.) Such women frequently got their families and homes into a state of comfort and good order by means of their industry, and when this had been achieved, the bad husband returned and made away with all the fruits of a woman's hard earnings. (Hear.) It was absolutely necessary to have fresh legislation for the protection of these women. The protection order system was insufficient. Protection orders were only granted after desertion, but it often happened that everything the woman had was carried off before the desertion. Again, magistrates did not think an absence of a month or two months constituted desertion, and yet bad husbands were in the habit of going off for such periods and returning to seize and carry away with them what their wives had put together by means of their own industry. (Hear.) Another fact that made the protection order system ineffective was that in numerous cases women could not be got to go before a magistrate. It was marvellous to see with what readiness women overlooked and forgave the bad treatment of husbands at the least word of kindness from those men. Mr. Mansfield, one of the metropolitan magistrates, stated that he looked upon protection orders as of little or no benefit. In his district, with a population of 300,000, only 14 such orders had been granted, while the rejections of applications for them only amounted to the same number. He would read to their lordships a letter from a woman at Manchester. She wrote thus:—

“It is scarcely possible to calculate the disappointment felt last year when the Bill did not pass. . . . In this large city so numerous are the cases where the woman, though the bread-winner, has no chance of protecting her earnings, that it is useless to select isolated cases. . . . Our first men of business, our teachers of religion, and our working classes, are unanimous in their desire for something to be done. . . . The amount of money earned by women in England is almost incredible. . . . It is sad to reflect that while the question is delayed thousands of hard-working, struggling women are reduced to the brink of ruin, and with their children are often found in a state of the deepest destitution.”

She went on to say, and he could corroborate the truth of it, that—

“It is a great wonder to find a steady industrious workman opposed to the measure. All our mechanics are eager to sign our petitions, and express the most anxious interest in the coming discussion. Even the wilder among them frequently wish to sign because they say the protection of their wives' earnings is a safeguard for their families.”

(Hear, hear.) Now he believed that the mere declaration by law that the earnings of the wife were not the property of the husband, but were the wife's own lawful property, would of itself have a great effect. At present when the husband wished to lay his hand on his wife's earnings she knew that the law sanctioned his claim, and she yielded to it; but if it was known that the law was on her side she would insist more firmly and successfully on retaining her property, and the husband himself would often be induced to respect her legal right. At any rate, if the husband desired to get hold of her property he would try to do so by wheedling and coaxing rather than by violence. In conclusion, he felt convinced that if such a measure were passed, although it might not achieve all the results that were desirable, it would do much for the protection of a most meritorious and defenceless class of women. (Hear.)

The LORD CHANCELLOR, seeing the great necessity which existed for protecting the class to whom the noble earl had so feelingly referred, could not resist supporting the second reading of the Bill, which he was most thankful had fallen into the hands of his noble and learned friend, who proposed to refer it to a Select Committee,

and by whose aid and suggestions he was confident that a measure might be produced free from many of the objections to which this one was now open. With regard to the rich, the wife at present had considerable—he did not say in every case adequate—protection from the ordinary form of settlement adopted, which gave the woman a life interest for her separate use, and to that was added a restraint against her being able to anticipate her income; then a life interest was usually given to the husband in the event of his surviving her; then they provided for the children if there were any, and if there were none they gave the wife the power of disposing of her property generally by will. First, the separate use was a creation of the Court of Equity, it being thought right that a married woman should be protected from the severity of the common law, which handed over the whole of her property to her husband; but, instead of effecting its object, it was found that the separate use subjected the wife to the great difficulty of resisting her husband's importunity. Therefore, a new protection for her was devised in the shape of the restraint upon anticipation. In the case of a man, if he had any property at all, he must have all the power over it; he could dispose of it or alienate it as he pleased. But in regard to a woman the Court of Chancery had invented a means of protecting her against her own weakness by saying that as long as she was married, but no longer, she should be fettered against anticipating her property. That system might have some difficulties to encounter. It might be said there were occasions when it was desirable to advance the children in life and provide them with an outfit and the like; and although there might be powers for that purpose in a well-drawn settlement, yet it was often overlooked, and a scheme might be devised for improving those settlements and still taking care that the woman should be no loser thereby. In France and other countries under the Code Napoleon there were two modes of protecting the wife's property: she might have the separate use of it, or there might be a communion of goods when the husband administered the whole, not only subject to account for it, but if there was the least intimation on the part of the wife to the proper authorities that he was about to expend it wastefully, they interposed for its protection on her behalf. With respect to the case of the poor in this country, their position was different in this matter from that of the rich. The whole of England had not adopted that part of the common law. The city of London, for example, wise in its generation—and it had at different times shown many tokens of its wisdom, adopting in various respects the law of a higher civilisation—allowed by its customs married women to carry on shops or business independently of their husbands with their own means and for their own benefit, and it would have been well if that had been a general custom throughout the country. Undoubtedly the hardship to married women of the poorer classes had been great. He had known instances of industrious women in the position of servants and housekeepers who had saved a little money, and afterwards married men who turned out to be good for nothing. They then set up a business with their small accumulation of capital; the business began to thrive, when immediately the husbands pounced upon them and swept away all they had got. Those cases were by no means uncommon. Some parts of the Bill, however, seemed to him open to objection. It contained a provision giving a married woman the sole control of her property as if she were unmarried. He was afraid the effect would be that if she had the full control of her money it might all find its way during the honeymoon or soon afterwards into the hands of her husband. He had seen a statement made in support of the Bill that many a woman was wiser and stronger than her husband. If so, the woman certainly did not show her wisdom in marrying him—(a laugh)—but rather yielded to her affections. Again, it was urged that the husband was not always in the right, but he had the power of stopping the supplies on all occasions. No doubt it was monstrous to say the husband must be always in the right; but, on the other hand, somebody must regulate the affairs of the family; and if the husband said they must go to Italy to live, and the wife replied she would far rather remain in England, he held, for himself, to the old-fashioned notion that the head of the family must be the husband. By the Bill the husband remained liable for all his wife's debts except two kinds—namely, debts which she had contracted before marriage; and he was not to be liable in damages for his wife's torts. The inference was that he was to be left responsible in all other respects for her debts. He would not pursue the details of the measure, which he could assure the noble and learned lord he had no desire

to treat in a carping or captious spirit; and he believed that the 10th section of the Bill might, under the noble and learned lord's management, be made to work out all that was desirable. The 10th section said where any property was in dispute between the husband and wife either party might by an inexpensive process have recourse to the Court of Chancery or to Chambers, where such an order might be made as might appear right. If that power were expanded, and if every woman were enabled, when she came in for property not disposed of by previous contract on her marriage, to go to an authority who would say what was right and proper to be done, a great deal of good might be effected.

Lord LYVEDEN wished to point out the position in which their lordships were placed by the manner in which the Bill had been submitted to the consideration of the House. Towards the end of last Session, not later in the year than the present moment, this Bill came up from the House of Commons, and was introduced to their lordships' notice by his noble and learned friend beside him (Lord Penzance). But when his noble and learned friend came to move the second reading, he was so overwhelmed by the arguments urged against the measure that he declined to proceed with it. One of the chief opponents of the measure was the noble and learned lord who had charge of this Bill. (Lord Cairns.—“No.”) The noble and learned lord made a speech in which he said he disapproved most of the details. (Lord Cairns dissented.) Well, however that might be, the House was aware, knowing, as they did, the greatness of the noble and learned lord's powers, that he had now made but a very meagre statement with regard to this measure, and from what the noble and learned lord said he concluded the Bill was not worth much. At all events throughout this discussion all the arguments had been against the Bill, except with respect to one point—viz., that a profligate husband should be prevented from taking away the property of his wife. To all the other provisions of the Bill exception had been taken. In the position in which the House was placed it was absolutely essential that they should come to a decision, in order that they might know what course should be afterwards adopted. If the Bill were to be referred to a Select Committee, their lordships might be induced to consent to the second reading, but unless that was to be done he should be prepared to vote with his noble and learned friend near him against the second reading. If the greater portion of the Bill to which objection was taken were to be struck out the measure was certain to be repudiated when it went back to the House of Commons. When the Bill came before their lordships last year their conduct showed that they were of some use in checking the hasty legislation of the House of Commons. He must own that the description which had been given of the Bill, that it would revolutionise the whole law of marriage, appeared to be just, and he quite agreed with the noble earl opposite (the Earl of Shaftesbury) that they ought to touch very tenderly everything connected with that subject. For his own part, he should be decidedly in favour of rejecting the Bill altogether unless the noble and learned lord, when he replied, should explain what were the clauses that he proposed to alter. All were agreed as to the necessity of providing that the earnings of poor women should be secured to them.

The Duke of CLEVELAND said the very able and emphatic speech of the noble earl opposite ought to have made such an impression on their lordships that the Bill if passed at all should be very considerably modified. Every one felt that there was a great evil to be redressed, and that when the property of a woman was placed in jeopardy by the misconduct of her husband protection ought to be afforded. But the greater portion of the Bill would entirely subvert the principles of the law heretofore existing with respect to marriage. Objections of such force had been urged to the Bill that it would be hardly just to the community at large to pass it, seeing that evils of great magnitude were likely to arise from its operation. The question, however, which they had to consider now was how they were to deal with the Bill. He had been struck, as the noble lord had been by the very tender manner in which the noble and learned lord opposite had touched upon some of the points involved. No doubt the noble and learned lord dealt in a very particular manner with that portion of the Bill about which there was no difficulty in dealing. But the other portions of the measure he treated after a very different fashion. The question their lordships had to ask themselves was this—If the Bill were so altered and amended as to be brought into harmony with the views entertained by almost all who had spoken on the subject, would it stand any chance at this period of the Session of being accepted by the other House of Par-

liament? In his opinion it would be better for their lordships to confine themselves to the former portion of the measure, because the evil with which it dealt was admitted by all, and it would not be well that this Session should be allowed to lapse without endeavouring to apply a remedy. But if their lordships were to alter, as he believed they would, a great part of the measure, it was very doubtful whether the other House of Parliament would accept it. A Select Committee might so alter it that it would be no longer the same measure; but on the whole he thought the best chance of legislation at this period of the Session would be if they confined themselves to the first portion of the Bill.

Lord CAIRNS, in reply to the remarks of Lord Penzance, pointed out that the noble and learned lord had himself moved the second reading of a similar Bill last year, and that he had expressed a hope that their lordships would show their readiness to consider the question by agreeing to the motion, so that the re-introduction of the Bill in the present Session might be facilitated. He could not help thinking, therefore, that his noble and learned friend was open to the charge of inconsistency in taking the course he had taken that evening.

Lord PENZANCE said he had last year stated that he disapproved all those provisions of which he had expressed his disapproval on the present occasion.

Lord CAIRNS observed that if his noble and learned friend had made that evening such a speech as he had made last year it would be utterly impossible for him to suppose that he was not in favour of the Bill. Both his noble and learned friends opposite, indeed, had with great ingenuity conjured up spectres to frighten their lordships with respect to the measure. They contended that one of its results would be that husband and wife would be able to sue one another, as if that were not a thing which happened every day the sun rose in cases in which property was concerned. He might also remind his noble and learned friend who spoke second that every woman in England who had property to her separate use might make contracts, might accept bills of exchange, or buy race-horses if she had a mind to do so, and that every one of those contracts would be valid. Then the noble earl, who made a speech of great interest in the course of the discussion, pointed out that if a married woman were to get a home to herself she might, under the provisions of the Bill, if she so pleased, preclude her husband from entering. That was, however, a right which any woman might at the present moment exercise with respect to a house which was her property. Again, as the law now stood anyone wishing to make a married woman a present of jewellery might settle it to her separate use, so that there was little or no force in the objection urged by the noble earl on that point. It was further stated in opposition to the Bill that it contained no provision rendering it obligatory on the wife having property of her own to contribute to the support of her children. But a wife under the Bill would be subject to the same obligations in that respect as was now the case. [Lord Westbury.—Only under the Poor Law.] Just so, and that was the only way in which a father could under the existing law be made liable for the support of his children in the last resort. He was not a promoter of the Bill, he only had charge of it. Nor was he responsible for many of its provisions. He must, however, say, in reply to the noble duke (Cleveland), that the bill could in no sense be said to have passed *sub silentio* in the other House of Parliament. It had, in fact, attracted considerable attention there. It had, in a previous Session, been referred to a Select Committee, which comprehended some of the most eminent members of the House of Commons, and they not only had considered the Bill clause by clause, but took evidence upon it. During the present Session there was a rival Bill, and upon a division this Bill was preferred. He had no desire to set up abstract theories or philosophical principles with regard to the rights of married women, nor did he desire to alter the practice of the country with regard to settlements. All he desired to do was to secure that wherever property had been acquired by a married woman by virtue of her own industry, be it either bodily or mental, she was entitled to the property so acquired to her separate use, just as if it were settled in the Court of Chancery to her separate use. That he considered the principle of the Bill. Some of the provisions of the Bill he thought unnecessary.

Lord WESTBURY was quite content with the assurance of his noble and learned friend with regard to the principle of the Bill. It was limited to the settlement of property acquired by the woman's own labour, mental and bodily.

The Bill was read a second time and referred to a Select Committee.

House of Lords, Monday, July 18, 1870.

On the order for going into committee on this Bill, Lord CAIRNS took occasion to remark that their lordships had referred the Bill to the consideration of a Select Committee, which, after examining its provisions with great zeal and diligence, had reported it with considerable amendments to the House. These amendments altered the Bill so much that he thought it would be a convenience to their lordships if he briefly explained them. First of all, then, it was provided that the earnings of a married woman, whether they were wages or the results of trade, or of literary, artistic, or scientific skill, should be treated as though they had been settled to her separate use. The Bill next proceeded to deal with the mode of protecting investments which had been made by married women, whether by means of their earnings or otherwise. Under the existing law a husband might, after giving proper notice, withdraw from an ordinary savings' bank, or a Post Office savings' bank, any deposits placed there by his wife. The Bill, however, as amended, provided that all deposits made in the name of a married woman should be regarded as settled to her separate use, and she alone was to have the control over them. The 3rd and 4th clauses provided that where a woman in humble circumstances previous to her marriage had invested moneys in the funds or in the shares of public companies for her separate use, such money should be treated as her separate property. This provision was greatly needed, because women who had saved up £100 or so were very unwilling to ask their future husbands to sign any documents with reference to it. The noble earl opposite (the Earl of Morley) had proposed an additional clause dealing with shares in friendly societies in the same way. And this would improve the Bill still further. (Hear, hear.) To all these clauses a proviso was attached that if any investments were made by a wife with the moneys of her husband, and without his consent, application might be made to the Court in a very summary way; and it was likewise provided that nothing contained in the Bill should authorise the making of any investment with a view to defraud creditors. With regard to personal property coming to a married woman as next of kin to a person dying intestate, it was provided that it should belong to her for her separate use. In like manner she would have the separate use of land coming to her as heir-at-law to an intestate person. The 9th clause would, in his opinion, prove highly beneficial. At present, if a husband effected a policy of insurance in his own name, intending it as a provision for his family, it became after his decease a part of his general estate, and was available to pay his debts. Indeed, as it was one of the assets most easily got hold of, it was usually applied to that purpose. This Bill, however, provided that if a husband effected a policy of insurance which stated on the face of it that it was to be for the benefit of his wife and children, it should not be liable to the claims of his creditors; but if the Court should find that the policy had been effected in order to defraud his creditors, it might order the money to be applied towards satisfying their claims. In conclusion, he expressed a hope that after these explanations their lordships would have no difficulty in going into committee on the Bill.

Lord PENZANCE said the Bill as it now stood was of a practical, workable character. It would enable married women to enjoy the benefit of any money they might have earned by their industry or talents. Even those who were adverse to some portions of the Bill agreed that this particular object ought to be carried out. But when the Bill came up from the other House of Parliament, it was based on a very much wider principle, emanating from an altogether different set of ideas. The Bill then proposed to treat a married woman in all respects as an unmarried one as far as property was concerned. Indeed, as far as the utter separation of property could bring about that result, it was a Bill to separate husband and wife. He would not now enter on a discussion as to whether that was desirable or not, but he might be allowed to remark that the opinions of those who advocated the entire separation of husband and wife as regards property had not been accepted by the community. He opposed the Bill when it was first introduced into the House, but the noble and learned lord had now in reality framed a fresh measure.

The Earl of SHAFTESBURY believed the Bill would prove to be one of the greatest social blessings ever brought about by legislation.

Women were now closely competing with men as producers; he believed there were as many as 800,000 women employed at wages in England, and putting their earnings down at £20 each, their total earnings would be £16,000,000 a year. Surely that was a sum which should be protected from the violence and rapacity of husbands. But he wished the Bill had also secured any savings the woman may have made from her earnings before marriage. One clause in the Bill secured these savings if invested in the savings' banks; that was good, because it would encourage providence; but money was not the only property a woman about to marry would be possessed of. How many young women possessed articles of value, such as jewellery and clothes, had invested their savings in a sewing-machine or a mangle, yet these were not secured to them by the Bill, and would become the property of the husband immediately after marriage.

The House then went into Committee on the Bill.

On Clause 1,

Lord LYTTELTON suggested that the Bill be made retrospective in its action.

Lord CAIRNS said that would be in violation of the principles which guided the legislation in such cases as this. To make this Bill retrospective would be to take from many men what they now believed to be their property.

The LORD CHANCELLOR said the Bill had been much improved in the Select Committee, and, he believed, when its provisions came to be understood, women would be quick to take advantage of it. A woman might protect any property other than that provided for in the Bill by appointing a trustee.

The clause was agreed to.

On Clause 2,

Lord HOUGHTON remarked that this and the next two clauses were founded on a total absence of principle. Married women were obliged by them to invest their money in one of four different ways, as a deposit in a savings bank, as a Government annuity, in the funds, or in a joint-stock company, or not have those savings protected by law for their separate use. The noble and learned lord said they could appoint a trustee, but anyone who knew anything of the habits of the women whom it was proposed by this Bill to serve would know that such a thing as a trustee never entered their heads. What was needed was some simple process by which property of all kinds acquired by a married woman could be secured to her separate use. He knew of an instance in which a widow married, bringing to her second husband the property of her first, and this second husband died, having willed the property away from the woman and her children.

Lord CAIRNS could not admit that the clause was devoid of principle; the property of a married woman could not be secured to her unless the law provided in what manner it should be invested.

The clause was agreed to.

On Clause 4,

The Marquis of SALISBURY pointed out that whereas this clause provided that fully paid-up shares might be conveyed to the separate use of a married woman, it made no similar provision in the event of the shares not being fully paid up. In the event of the shares, as far as they were paid up, becoming the sole property of the wife, to whom were the directors of a company to look for the payment of the remaining calls upon such shares, the husband being protected by another clause in the Bill from liability for his wife's debts?

Lord CAIRNS explained that the husband would not be liable for calls upon the shares not fully paid up, which had belonged to his wife before her marriage, until he committed some act that rendered him liable at law. He would, however, introduce an amendment to meet the case referred to by the noble marquis.

Earl POWIS inquired whether a married woman would have a right to vote at meetings of the company in respect of her shares.

Lord CAIRNS said she would have a right to vote if the shares stood upon the register in her name.

The clause, as amended, was agreed to.

The Earl of MORLEY moved the following new clause after clause 4:—

"Any married woman, or any woman about to be married and her intended husband, may apply, in writing, to the committee of management of any industrial and provident society, or to the trustees of any friendly society, benefit building society, or loan society, duly registered, certified, or enrolled under the Acts relating to such societies respectively, that any share, benefit, debenture right or

claim whatsoever in, to, or upon the funds of such society to which the persons or persons so applying is or are entitled may be entered in the books of the society in the name of the woman as a married woman, entitled to her separate use; and it shall be the duty of such committee or trustees to cause the same to be so entered, and thereupon such share, benefit, debenture, right or claim shall be deemed to be the separate property of such woman, and shall be transferable and payable with all dividends and profits thereon as if she were an unmarried woman; provided, that if any such share, benefit, debenture, right or claim has been obtained by a married woman by means of moneys of her husband without his consent, the Court may upon an application under section eight of this Act order the same and the dividends and profits thereon, or any part thereof, to be transferred and paid to the husband.

The clause was agreed to, as was Clause 5.

On Clause 6,

Lord HOUGHTON moved to insert the following amendment in line 3, "or any sum of money under £200 which she may receive as legatee." The Court of Chancery was in the habit of apportioning all legacies to the wife above £200 between the husband and wife. He thought the Bill should do the same thing for the poor woman that the Court of Chancery did for the rich woman.

Lord PENZANCE thought the noble lord was about to proceed further than the Court of Chancery, because instead of apportioning the legacy between the husband and the wife, he proposed to give it altogether to the latter.

Lord HOUGHTON withdrew his amendment, and proposed to bring it forward on the report.

The LORD CHANCELLOR hoped the noble and learned lord would consider this question.

The clause was agreed to.

The remaining clauses were agreed to, and, on the suggestion of Lord Penzance, the date at which the Act is to come into operation was fixed as the 1st of November next instead of the 1st January, 1871. The Bill, as amended, was then reported to the House.

House of Lords, Thursday, July 21, 1870.

On the bringing up of the report of amendments upon this Bill,

Lord BROUGHAM observed that the Bill entirely excluded from its operation the savings of single women acquired before the passing of the Act. He therefore begged to propose the following amendment:—In clause 1, page 1, line 7, after the word "earnings," leave out "married," and in line 8 leave out "after the passing of this Act." He further begged to move the following proviso:—"Provided always that this Act shall not apply to any wages earned before the passing of this Act by any woman married before the passing of this Act."

Lord CAIRNS thought that the Bill would not be improved either in composition or in meaning by the words proposed. If the amendments were adopted it would be necessary to trace to its origin every sum of money or portion of property possessed by a woman before her marriage. With the view of meeting an objection urged by his noble friend (the Earl of Shaftesbury) on a former occasion, he proposed to introduce in the 11th clause an amendment which would enable a man and woman on their marriage to agree as to what chattels should be considered the separate property of the woman. This might be done by a few lines on the back of the marriage lines or on any other piece of paper.

The amendment proposed by Lord Brougham was then negatived without a division.

In clause 7, which provides that where any woman married after the passing of this Bill shall, during her marriage, become entitled to any personal property as next of kin or one of the next of kin of an intestate, such property shall, subject and without prejudice to the trusts of any settlement affecting the same, belong to the woman for her separate use, and her receipts alone shall be a good discharge for the same.

Lord ROMILLY proposed, after the word "intestate," to insert the words "or to any sum of money not exceeding £200 under any deed or will."

Lord CAIRNS, having regard to the provisions of the other clauses, as well as those of clause 7, thought the words proposed by his noble and learned friend were unnecessary.

After a few words from the LORD CHANCELLOR,

Their lordships divided on the question that the words proposed

by Lord Romilly be inserted in clause 7, and there voted—

Content ..... 29

Not content ..... 17

Majority ..... —12

Certain verbal amendments having been made in clause 8, the report was then received.

Sweden has opened her colleges for the instruction of women in medical science. A royal decree enacts that they may be permitted to pass the preliminary examination before the jury appointed for colleges. A certificate of competency from this body will enable them to attend the university lectures, and those of the faculty of medicine, and to obtain, after a final examination, the diploma of doctor of medicine.

## A BILL

[WITH THE AMENDMENTS MADE BY THE LORDS]

INTITULED

An Act to Amend the Law relating to the Property of Married Women.

A. D. 1870.

[Note.—The Words in Small Capitals and Clauses A. to L. were inserted by the Lords, and the Words in Italics were omitted by the Lords.]

WHEREAS it is desirable to amend the law of property and contract with respect to married women:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. A married woman shall be capable of holding, acquiring, alienating, devising, and bequeathing real and personal estate, of contracting, and of suing and being sued, as if she were a feme sole.

Married woman to be capable of holding property and of contracting as a feme sole.

Provided, that nothing herein contained shall empower a married woman to dispose otherwise than by will of any freehold or copyhold hereditaments, or any money subject to be invested in the purchase of freehold or copyhold hereditaments, or any future or reversionary interest, whether vested or contingent, in personality, or to release or extinguish any power which may be vested in her in regard to such freehold or copyhold hereditaments, money, or personal estate, but the power of disposition otherwise than by will now vested in married women over all such hereditaments and other property shall remain the same as if this Act had not passed.

2. No judgment founded upon a contract made or act done by a woman during coverture, or execution thereon, shall bind or affect any property except such personal estate (if any) as she may be possessed of or entitled to for a present interest during her coverture.

Judgment on contract by wife to bind her personal estate.

3. Every woman who marries after this Act has come into operation shall, notwithstanding her coverture, have and hold all real and personal property, whether belonging to her before marriage or acquired by her in any way after marriage, free from the debts and obligations of her husband, and from his control or disposition, in all respects as if she had continued unmarried.

Property of women married after the Act to be held by them as if unmarried.

4. Every woman married before this Act has come into operation shall, notwithstanding her coverture, have and hold all the real and personal estate, her right to which shall arise after this Act shall have come into operation, free from the debts and obligations of her husband, and from his control or disposition, in all respects as if she had continued unmarried; but nothing herein contained shall exempt any such property from the operation of any settlement or covenant to which it would have been subject if this Act had not passed, or shall prejudice any rights or interest to which her husband or any person claiming through him may be entitled at the date at which this Act comes into operation.

Property acquired after the Act by women married before the Act to be held by them as if unmarried.

5. The earnings of a married woman in any trade or other occupation carried on by her as a principal separately from her husband shall be deemed to be her property required after marriage.

The earnings of a married woman to be her property.

The wages and earnings of any married woman acquired or gained by her after the passing of this Act in any employment, occupation, or trade in which she is engaged or which she carries on separately from her husband, and also any money or property so acquired by her through the exercise of any literary, artistic, or scientific skill, and all investments of such wages, earnings, money, or property, shall be deemed and taken to be property held and settled to her separate use, independent of any husband to whom she may be married; and her receipts alone shall be a good discharge for such wages, earnings, money, and property.

CLAUSE A.  
Earnings of married women to be deemed their own property.

Notwithstanding any provision to the contrary in the Acts relating to savings banks and post-office savings banks, any deposit hereafter made and any annuity granted through Her Majesty's Postmaster General in the name of a married woman, or in the name of a woman who may marry after such deposit or grant, shall be deemed to be the separate property of such woman, and the same shall be accounted for and paid to her as if she were an unmarried woman; provided that if any such deposit is made by, or such annuity granted to a married woman by means of moneys of her husband without his consent, the court may, upon an application under section nine of this Act, order such deposit or annuity or any part thereof to be paid to the husband.

CLAUSE B.  
Deposits in savings banks by a married woman to be deemed her separate property.

Any married woman, or any woman about to be married, may apply to the Governor and Company of the Bank of England, by a form to be provided by the said governor and company for that purpose, that any sum forming part of the public stocks and funds, and not being less than twenty pounds, to which the woman so applying is entitled, or which she is about to acquire, may be transferred to or made to stand in the books of the said governor and company in the name or intended name of the woman as a married woman entitled to her separate use; and on such sum being entered in the books of the said governor and company accordingly, the same shall be deemed to be the separate property of such woman, and shall be transferred and the dividends paid as if she were an unmarried woman; provided that if any such investment in the funds is made by a married woman by means of moneys of her husband without his consent the court may, upon an application under section nine of this Act, order such investment and the dividends thereof, or any part thereof, to be transferred and paid to the husband.

CLAUSE C.  
As to married women's property in the Funds.

Any married woman, or any woman about to be married, may apply in writing to the directors or managers of any incorporated or joint stock company that any fully paid up shares, or any debenture or debenture stock, or any stock of such company to the holding of which no liability is attached, and to which the woman so applying is entitled, may be registered in the books of the said company in the name or intended name of the woman as a married woman, entitled to her separate use, and it shall be the duty of such directors or managers to register such shares or stock accordingly, and the same, upon being so registered, shall be deemed to be the separate property of such woman, and shall be transferred and the dividends and profits paid as if she were an unmarried woman; provided that if any such investment as last mentioned is made by a married woman by means of moneys of her husband without his consent the Court may, upon an application under section nine of this Act, order such investment and the dividends and profits thereon, or any part thereof, to be transferred and paid to the husband.

CLAUSE D.  
As to married woman's property in a Joint Stock Company.

Any married woman, or any woman about to be married, may apply in writing to the committee of management of any industrial and provident society, or to the trustees of any friendly society, benefit building society, or loan society duly registered, certified, or enrolled under the Acts relating to such societies respectively, that any share, benefit, debenture, right or claim whatsoever in, to, or upon the funds of such society, to the holding of which share, benefit, or debenture no liability is attached, and to

CLAUSE E.  
As to married woman's property in a society.



indicates a highly satisfactory advance in the opinion of that House in its favour. When, three years ago, it was proposed (by the insertion of a clause in the Reform Bill, then passing through the House) to admit women to the exercise of the franchise, it was felt that the number of eighty-two votes then recorded for it justified us in believing that there existed, both in and out of the House of Commons, a considerable body of public opinion in favour of the measure we are engaged in urging upon the attention of the legislature. But this year the advance is most marked and encouraging. 161 members of the House of Commons, including those who paired, have recorded their votes in favour of the object of this society, besides about twenty whose names have been publicly stated to be pledged to it; and it cannot be denied that a proposed measure, which, after having been only a few years before the public, has already secured in its favour upwards of one-fourth of the whole House of Commons (and that without the aid of ministerial influence or out-door agitation), must possess a solid basis in the opinion of the country. The position also assumed towards this movement by the leading politicians of both parties is significant of its importance. We neither expect nor desire that the Executive Government should make an exception in our favour to the general rule, by which it abstains, in a free country like our own, from anticipating public opinion in any measure, however beneficial. But the hesitation of the present Government, before deciding not to support the measure this year, is a very clear indication that it is felt, by those most competent to judge, that public opinion is rapidly ripening in our favour, and that the number and weight of our supporters cannot be overlooked. And not only was the measure supported by independent members, numbering nearly a quarter of the whole House, but among those who voted for it were the two gentlemen whose duty it is to muster the votes of the Opposition, and several members of the present Government. Considerable stress was laid, in the late debates, on the presence or the absence of petitions, both by the friends and the opponents of the measure. Petitions signed by upwards of 134,000 persons, having been presented in favour of it this session, it was, nevertheless, remarked by several members opposed to the measure, that they themselves had never been called on by their constituents to present any petition in its favour. Your Committee, therefore, earnestly requests all members of the society residing in boroughs or counties from which no petitions have as yet gone up to Parliament, to communicate with our Secretaries, for the purpose of taking measures to canvas public opinion in their localities.

JULY, 1870.—Many persons who are willing to admit the abstract justice of the claims of women to representation, are unable to see what benefit the suffrage would confer upon women. Women themselves frequently feel that they are as capable of exercising the suffrage judiciously and honestly as the majority of male electors, and yet doubt whether the right to vote would be any real advantage to them. This state of feeling indicates that the actual condition of women is superior to their legal status. If most men exercised over women the power which the law confers upon them, few women would be found to assert that their condition was so good as to be incapable of improvement. It should, however, be remembered that it is better to be free by right than by sufferance, and that all women are not equally fortunate in associating with men who voluntarily forego the unjust power which the law confers upon them. Nearly all legislation affects the rights and interests of women, and it is a first principle of political science, "that the rights and interests of every and any person, are only secure from being disregarded, when the person interested is himself able, and habitually disposed, to stand up for them." In other words—"Human beings are only secure from evil at the hands of others, as they have the power of being, and are, self-protecting." It can scarcely be denied that the truth of this proposition is borne out by the present condition of women. If proof were needed, it may be found in the exclusion of women from educational endowments, from the professions, and in the recent attempts to exclude them from many industrial employments. We therefore ask that women should be allowed to exercise the right of self-protection through the constitutional means of the suffrage. In doing so, we do not demand that women should be treated in an exceptional manner as regards the qualification for the suffrage. At the present time, every man who lives in a house rated to the relief of the poor, and who pays his rates, is entitled to a vote. We ask for women who fulfil the same conditions, the same privilege.

What do women claim?—That women who, as regards residence or property, fulfil the conditions on which the franchise is given to men, should receive the franchise also.

Why should women demand the franchise?—1. Because it is unjust that those women who are taxed equally with men, should have no direct power to say through members of Parliament how the public money should be raised, and how it should be spent. 2. Because women, no less than men, must obey the laws; because some laws affect the interests of women specially; because women, as a class, must be the best judges of their own interests; and because political experience asserts that no large class of citizens is fully protected without a share in the making of the laws which affect them. 3. Because, in one word, women would get all the political benefits which the Act of Household Suffrage gave to the unfranchised man.

What effect would the possession and exercise of the franchise have on the characters of women?—By concurring in the election of those who make the laws, they would feel their responsibilities as citizens more fully, and the exercise of this duty would tend towards the formation of sounder opinions, not only in political, but also in social matters.

What public benefit would be the result of giving the Franchise to Women?—It is not for their own sakes alone that women claim the suffrage, although on that ground there are reasons enough for it in the laws by which in all social conditions women are liable to be affected; but it is that they may be enabled to bring to the public aid, not only their general, but their special experience and knowledge in dealing with the legislative questions which are constantly arising. The work and the thought of women have been of inestimable value to the world in raising the aspirations and alleviating the sufferings of the human race in all stages of existence, and they are not less necessary now, when we need so much national and associated effort.

Do women themselves desire the suffrage?—That large numbers do desire it is proved by their petitions to Parliament. Those women who do not want it need not use it, but they have no right to withhold the suffrage from those who desire to exercise it, than men who do not value the franchise have to withhold it from men who do.

Forms of petitions and all information can be obtained on application, by letter, to the honorary secretaries, Mrs. P. A. Taylor, and Miss C. A. Biggs, Aubrey House, Notting Hill, London, W.

#### TREASURER'S REPORT FOR JULY, 1870.

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