

the management of that property, not only for the benefit of the individual himself, but of his wife and children. In the United States, he believed provision was made for the trial of persons who showed themselves by their habits incompetent to deal with their property, as if actually deprived of their senses. If they were proved incompetent, their property was removed from their control, and placed in the hands of trustees. The real question was not, what was in the English law, but what was most applicable to the condition of things, and what should be the subject of legislation here. The first clause in the present bill went to effect what was only founded on justice—to prevent the husband wasting and destroying his wife's property, and turning her out of doors. It provided that that property should not be encumbered—that the husband should not pass it out of her possession, but that it should be retained for the benefit of his wife until she signed a document conveying it away. He believed that it would operate in many cases mutually advantageous to both parties, and not necessarily give rise to those social disputes that some gentlemen appeared to think would arise. He did not deny that a marriage settlement afforded some protection to a woman as respects property belonging to her before marriage, but the bill would also protect her in reference to what she acquired after the union. The bill provided that her property should not be liable for his debts, only those she might contract herself. The two remaining clauses were to protect the wife in case of desertion. If a woman could prove that she had been actually deserted by her husband, then she would be protected. At present, a woman was liable to having any property she might acquire subsequent to the desertion by her husband seized by him in case he should return. The bill remedied what was an obvious injustice, for it was but right that a woman, deserted by her husband, should be protected against him. A similar law existed in New Brunswick, and doubtless if it had operated prejudicially there, it would have been altered before this.

Hon. PROV. SECY. said that now was the proper time to discuss the principle of the bill and then went on to speak at some length in opposition to it. He could see no reason for so radical a change in the existing law, as was proposed. He confessed that his mind to a large extent took the same course as that of the hon. members for Inverness and Guysboro'. Every one knew that a feeling of chivalry animated the majority of men in reference to woman, and threw around them a protection which no law on the statute book could give. The member for Inverness had shown that the property that a woman had previous to her marriage remained her own and that her husband could not alienate it without her consent, and therefore in that respect she was well protected. He had known instances where the present law even operated prejudicially to the interest of the husband rather than to those of the wife. One case he mentioned was where a man succeeded in making the property brought to him by his wife a hundred percent. more valuable. She fell sick, however, and he spent a great deal of money, and used every exertion to alleviate her misfortune. When the hour of death came, however, the property which he had rendered so valuable by his own

exertions was nearly passing out of his hands into those of strangers. He was sure the honourable gentlemen would find on examination that there were two sides to the question—that the husband required protection just as much as the wife sometimes. The moment a man married a woman, whatever her circumstances might be, she became the owner of his property, irrespective of his will and inclination, and no power on earth could divest her of that except her own pleasure. Every one knew the influence the sex had over man, and how frequently he was carried away by her to do as she willed; and, therefore, he thought a woman was not so unfortunately situated as some gentlemen tried to make out she was. He knew a case where a man who voted for him at an election was asked by a creditor, how it was he broke his promise to vote for the other candidate? The excuse given by the wife was, "Why, you see, you only see him occasionally, but he has to life with me." (Great laughter.) Whilst, however, he could excuse the hon. member for King's for introducing the bill, since he was to some extent under the influence of the glances of approval that beamed from bright eyes on the occasion of the opening of the house when he brought it in; yet he could not excuse the Financial Secretary, in whose judgment he confided largely, for the line of argument that gentleman had pursued. That hon. gentleman should consider that it was repugnant to a higher law than that of man to introduce what would be the elements of discord between those who have been joined together by a holy tie. The hon. gentleman, he thought, also went too far when he wished to have the wife protected in case the husband was extravagant—it was allowing the wife altogether too much latitude. The hon. Provincial Secretary then went on to contravert other arguments in favor of the bill, and concluded by showing in what particulars a woman he considered is protected as the law now stands, and why there is no necessity for the proposed change.

Hon. ATTY. GENL. replied to the Provincial Secretary and pointed out cases where the present law operated unfairly upon females. He knew an instance of a person who deserted his family, for some years, and during his absence his wife managed to make a good business and accumulate a property, worth some hundreds of pounds. In order to protect herself she took the deed in the name of the eldest daughter. On his return, the husband, finding he could not get hold of the property by fair means, appealed to the Court of Chancery, setting forth that that property was purchased with his money, and the deed ought to have been made out in his name. If the case was decided in his favour, then the property she had accumulated by her industry would be handed over to a man who had left his family to shift for himself, and had done nothing towards the acquisition of the property which he so unjustly claimed. These facts would give an idea of the injustice which the present law, in its operations, might inflict upon respectable, hard working wives. As respects the reasons adduced against the bill by his friend the Provincial Secretary, he did not consider them as having much weight. The law, as it now stood, protected a third of the real estate; but a man might have ten thousands' worth