

leave their families without any tangible means of support. He considered it but right that the law should say to such men, that they might use the property legitimately, but not destroy it. The second clause of the bill went to protect the wife, in case of desertion by her husband—to protect any property she might have from being liable for his debts, and to prevent him returning and taking possession of any she might acquire in his absence. He did not conceive any difficulty arising, as the bill went through committee, in providing provisions which would prevent any hardship to the wife, and at the same time not injure the general credit a man ought to have in the world.

Mr. BLANCHARD said that when the hon. gentleman who had just spoken stated that the woman was dead in law, he made a mistake. A woman having real estate cannot have it conveyed away without her consent. Gentlemen should consider carefully the probable consequences of the bill if it became law. Suppose an execution were levied on a man, might not he say that the personal property was his wife's. He did not object so much to the second clause; but he ventured to say that no precedent could be found for the first one in any country in the civilized world. In the United States they had a law which protected the property of a wife against the drunkenness of her husband, by means of trustees, and even his own property beside; but they did not go by any means as far as the present bill.

Mr. ARCHIBALD pointed out hardships that arose from the operation of the existing law, and contended some alteration was necessary to protect married women to a larger extent. He thought the present bill went too far—it would introduce the elements of discord into the domestic circle. The question, however, now really before the house was, whether women, at present, had that full protection to which they were entitled. If not, a law should be certainly passed to remedy the evil. The present bill had a precedent in New Brunswick, where, he believed, it had operated without any of the injurious consequences that might be supposed to flow from it. It would be well, however, for the House to know its workings in the adjoining Province, and he therefore thought the bill should be sent to a select committee. He also added that in the French law a similar principle prevailed, but, as everybody knew, the result was antagonistic to the happiness of home.

Hon. Mr. SHANNON thought that we had hardly in our existing law done justice to the position of a wife. In the British law, which we followed to a large extent, she was considered to have no rights at all, but to be merged in the existence of the husband. Of course the Court of Chancery could step in, in a number of instances, but nevertheless there was not that broad protection which he wished to see. If some plan could be arranged by which the wife's property could be kept for the use of herself and children, he would be glad of it. On the other hand, whilst he would protect every right of a married woman, in accordance with the principles of justice, he would not object to see in our law a provision that a man might alienate the real estate which he himself created, without the signature of his wife.

Mr. S. McDONNELL was surprised to hear the hon. member state that the English law had never done justice to women. It was one

of the boasts of England that the law protected the rights of woman—that it had provisions for her protection that did not apply to the case of men. If we protected a wife from the debts of a husband, he thought it was but justice to reverse the rule, and also secure him from her extravagance. At present, if a man married a woman in debt, his property became liable. He was opposed to making such a radical change as was proposed, so hastily. Whilst he had no doubt there was many cases of hardship arising to women, he must concur with those hon. gentlemen who had stated that the present bill went altogether too far, and who recommended its reference to a select committee.

Mr. TOBIN said that the rights of married women were already pretty well guarded in this country. They had a lien on the real estate of their husbands, and although they might get into debt, they were never arrested for it. He thought it was best to refer the bill to a select committee.

Mr. S. CAMPBELL said that he was one of those who held some old fashioned notions on this subject. A man engaged to take his wife "for better or for worse," &c., and endowed her with all his worldly goods. This was a contract made under circumstances of a very serious character, and nothing should be done that might interfere with it injuriously. He must say that he did not see that any great grievances rendered the introduction of the present bill requisite. It was better, he thought, that this union should be preserved as it had been for ages, and that we should not, by introducing a bill of this kind, bring the elements of discord and trouble into families where there ought to be nothing but love and unity.

Mr. PRYOR said that a few years ago a gentleman in the Council introduced a bill of a similar nature to the one now before the house. He thought it would be advisable to pause before making such a radical change as was proposed in the principles that had long prevailed in the English law, and in the law of the colonies. The observations made by the hon. member for Colchester had considerable weight with him; that the bill should be sent to a select committee. The law now allowed a woman, having property, to have a marriage settlement drawn up before marriage, which she may arrange as she may think best for her own interests. She could prevent that property being alienated by the misconduct of her husband. He thought that there was another matter, connected with this bill, which required consideration, and that was, the protection of a married woman from an abandoned husband. That was a clause in the bill which recommended itself to his mind.

Mr. BLANCHARD questioned the propriety of referring such bills to a special committee, when there were standing committees provided by the house to deal with all such matters.

Hon. ATTY. GEN. considered it advisable for the house to consider carefully the principle of the bill under discussion, and went on to argue in its favor. He believed that there were numerous cases where persons were, though not insane, not in a state of mind competent to manage their property, and where the law ought to step in and provide machinery for