

MARRIED WOMEN—THEIR RIGHTS.

The Bills which have so far been introduced are only five in number; how many more are coming we do not know. Four of them are respecting conveyances by married women, and one is to amend the act to secure to wives and children the benefit of assurance on the lives of their husbands and parents. The most comprehensive and logical of the first batch would, by its first section, give a married woman full power to convey her real estate or chattels by any form of conveyance by which, if she were a *femme sole*, she could convey the same without the consent of her husband, and without any examination before any judge, or any other man, in the same way as if she were sole and unmarried. (It is perhaps defective in not providing that the would be grantor should, before executing any conveyance, obtain the consent in writing of at least two of her female bosom friends, with their coinciding reasons appended thereto. We throw out this suggestion as likely to prevent undue haste.) The second section simply abolishes tenancy by the courtesy. Another Bill would render the concurrence of the husband unnecessary in the case of his being a lunatic, idiot, in prison, beyond seas, living apart from his wife by mutual consent, or incapable of executing a deed from any other cause whatever, provided only that the county judge must dispense with such concurrence. Another Bill would make a somewhat similar provision, requiring however the consent of a judge of one of the superior courts. The remaining provisions in these and other Bills are intended to get rid of any possible objection to conveyances by married women, where there may have been defective execution under previous statutes. Such measures as these, if careful provision be made to prevent injustice, are in the main unobjectionable.

We do not pretend to deny that there has been much cause for some provision

to emancipate a woman from a husband who reduces his wife and children to beggary and starvation, and squanders his and their earnings in drink, or for a measure which, if possible, might protect the wife from a husband's brutality. But we must implore a little caution before crude Bills are rushed through the House with break-neck speed: resulting in acts which tend not only to loosen the matrimonial tie, but which disarrange the laws of property, open the door to all sorts of fraud, and make those very married women whom it is designed to protect the prey of designing wolves in sheep's clothing.

Looking at the remedial clauses in some of the Acts and Bills we have referred to, one is apt to exclaim how was it possible for married women to have existed before such legislation. If the provisions therein contained are really necessary to do justice to the rights of married women in the past, they must have been indeed a downtrodden race. But modern history fails to show that such was their condition, except in peculiar cases which have been guarded against as fully as would seem possible in such a delicate matter. The danger of speculative legislation is that abuses will be created where none now exist, and this is a danger which "prerogative hands" at legislation seem to overlook.

In many respects the old Common Law under which our mothers, grandmothers, and great grandmothers lived and died was the perfection of reason. Legislation of a social character where no such legislation is needed is the perfection of folly, not to say madness. We think there has already been too much sentimentalism on legislation as to married women. We doubt much if their happiness is at all likely to be promoted by legislation which they do not want, which they have not asked, and which when obtained will be but little used, except for purposes of fraud.