

## MARRIED WOMEN—THEIR RIGHTS.

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The legal status of a married woman has been a subject of anxiety to Legislators of England. In our Ontario House there is a perfect craze on the subject, as evidenced by the Bills introduced this session. The old Common Law notion, that husband and wife are one person, is being rapidly destroyed. Legislation is now tending in the direction of making the wife "the best man of the two."

The first innovation was made by Courts of Equity, holding that a married woman possessed of separate property, and acting with respect to it, is compelled to act in all respects as if she were unmarried. But until recently there was no legislation of any kind, either in England or in Canada, altering her status because of her separate property.

It was in 1859 that the first act of the kind was passed, by the Legislature of the late Province of Canada. It recited that the law of Upper Canada, relating to the property of married women, was frequently productive of great injustice, and that it was highly desirable that amendments should be made therein for the better protection of their rights (22 Vict. cap. 34). It accordingly enacted that married women having separate property real or personal might hold the same free from the control or obligations of their husbands, and provided for the granting of orders for protection of separate earnings in certain cases, but it in no manner interfered with the estate of the husband or his wife's land, commonly called a tenancy by courtesy. It enabled married women to devise their separate property, but gave them no power to contract.

It was reserved for the legislature of Ontario in its wisdom to pass an act abolishing tenancy by courtesy, enabling a married woman to contract, enabling a wife to insure the life of her husband,

enabling her to hold stocks in banks, insurance and other joint stock companies, to maintain actions in her own name, and generally do whatever she thinks good in her own eyes, (35 Vict. cap. 16). This act is carelessly drawn and leaves room for doubt on various points, and is an endless trouble to those upon whom it devolves to apply and interpret it.

The minor idea of separate estate is now merged in the larger idea of separate existence. The old idea of unity of interest and unity of purpose, producing domestic bliss, is exploded. It is now supposed that families can be better brought up by having two heads to the house, and two houses also if thought desirable. Dependence of the wife on the husband is a thing of the past. Wives must be taught to depend on their separate estates, and if that be found insufficient the ability to insure the lives of their husbands and collect the insurance money, however sudden or mysterious the deaths of the husbands, will be all that is necessary to replenish the purse of the sorrowing widow. All that now is required to cap such legislation is to declare that every woman shall be a man, the provisions of nature to the contrary notwithstanding.

Sometimes we labour under the hallucination that legislation is needed to remedy some grievance or remove some abuse. Our fathers acted on some such principle, but now without grievance and without abuse it would seem that there must be legislation for the sake of legislation. Submission to endless and needless legislation seems to be the doom of man. Members of Parliament now we fear legislate not so much to meet the necessities of the people as to gratify their own vanity. With legislation for the sake of legislation we have no patience, and against it, as against all change for the sake of change, every lover of his country must strongly protest.