

WOMAN'S POSITION UNDER LAWS MADE BY MAN.

Many of the advocates of Woman Suffrage say that, women will never get justice until they obtain the right to vote. Let us test this assertion by referring to their present situation. We shall then see that there is no foundation for the suggestion that women are not fairly treated either by those who make, or those who administer, the laws of England.

LAW OF HUSBAND AND WIFE.

Maintenance—The law provides for the support of the wife by the husband; and it is 'by no means easy for him to escape from the obligation of maintaining her in a manner suitable to his means. While she is living with him he can bring no action or prosecution against her for availing herself of any of his property. If he does not provide her with the necessary supplies, she is at liberty to obtain them for herself at his expense. If he drives her away without justifiable cause, or if she separates from him by mutual consent, and he makes no provision for her, she has authority to pledge his credit in order to supply with all things reasonably necessary, having regard to her position in life and his apparent means. With the object of giving to women of the humbler classes special facilities for the enforcement of their rights, it has been enacted that, where wilful neglect on the part of a husband to provide reasonable maintenance for his wife or her infant children under the age of sixteen has caused her to leave him, a court of summary jurisdiction may order the husband to pay to her a weekly sum not exceeding two pounds. A wife's rights are practically unconditional, as her husband has no legal means of compelling her to do anything for him or his household, or of controlling her conduct in any way. If, immediately after marriage, she renders his existence with her unbearable, he cannot escape from the obligation of maintaining her for the rest of his life, or the liability to go to prison in default of so doing.

On the other hand, however rich his wife may be, a husband has no corresponding means of compelling her to maintain him. It is only in the event of his becoming chargeable as a pauper that she incurs liability to the local authority in respect of his maintenance as such. Moreover, she may at any time sue him if necessary for the protection and security of her property.

Liability to Third Parties—If a wife commits a civil wrong, such as trespass, libel, or assault, her husband is liable in damages to the person she has injured. If a husband commits such a wrong, his wife is under no similar liability.

Criminal Liability—If a wife commits a theft or misdemeanour in the presence of her husband, there is a legal presumption in her favour, which holds good unless the contrary is proved, that she acted under his coercion, and she is accordingly excused from responsibility.

Custody Of Children—If disputes arise between a husband and wife as to any of their infant children, the Court, upon the application of the mother, may make, such order as it thinks fit regarding the custody of the children, and the right of either parent of having access to them, having regard to the welfare of the children and to the conduct of the parents and to the wishes of the mother as well as of the father. In this respect the Court treats the parents equally, and takes the whole conduct and wishes of both into consideration.

Divorce.— If divorce proceedings are instituted by or against a wife is usually liable to make provision for her costs and ultimately to pay them, whether she wins or loses. He may, however, escape payment if her suit is vexatious or she has herself the means to pay the costs incurred by her.

When a divorce has been granted the Court has discretion to order the husband, even where the successful party, to continue to support a guilty wife.

As to the grounds for divorce, it is true that, while a husband need only prove infidelity on the part of his wife, a wife must prove either cruelty or desertion, in addition to infidelity, on his part. But it must be remembered that the infidelity of the wife naturally leads, unless divorce takes place, to the husband becoming burdened with all the responsibilities of a father in relation to a child which is not really his but an intolerable reminder of the wrong which he has suffered; whereas the infidelity of a husband cannot be attended by similar consequences to his wife. It is also to be borne in mind that "cruelty" on the part of the husband has proved a very elastic conception. Any conduct may be treated as cruelty if it gives rise to danger to the wife's health, either bodily or mental, or to a reasonable apprehension of such danger.

WOMEN AND PROPERTY.

As regards property, women and men have the same capacity of acquisition, enjoyment, and disposition. A married woman, however, enjoys a special advantage. As a safeguard against the coercion or persuasion of her husband, the law permits any of her property to be made inalienable during the continuance of the marriage, so that she may not incur the risk of depriving herself in a moment of weakness of the benefit of its enjoyment by way of anticipation.

WOMEN AND CONTRACTS.

A woman has the same capacity of making contracts and of holding others liable to her upon them as a man possesses. But a married woman enjoys peculiar advantages. She does not become personally liable upon her contracts. The rights of her creditors are restricted to such free separate estate as she may have when execution is levied upon judgements in their favour. She cannot be imprisoned for not paying a judgment debt. She cannot be made a bankrupt, except where she is carrying on a trade separately from her husband.

RIGHT TO REPUTATION.

A woman can recover damages for slander of a kind for which a man would have no right of action.

HUSBANDLESS MOTHERS.

Where an unmarried woman is left to bear the burden of maternity alone, it is often suggested that the law is at fault. It must, however, be remembered that nature has ordained that, while the maternity of an infant is usually a matter beyond doubt, the paternity is by no means necessarily self-evident. A man must be shown to be the father before he can be made responsible as such. The law gives the mother every facility for proving the paternity of her child; and, when she has done this, a Court will order the father to pay a weekly sum, enforceable by imprisonment, for the maintenance of his offspring.

ADMINISTRATION OF THE LAW.

The administration of the law is even more favourable to woman than is the letter of the law.

In criminal cases juries are less willing to convict women than they are to convict men. Judges and magistrates commonly pronounce more lenient sentences on women than on men convicted of similar offences. In prison their treatment is less rigorous, and the conditions as to remission of portions of their terms of punishment are more favourable than is the case with male convicts.

Infanticide.—Most people think that infanticide ought to be checked. But, where the crime is committed by a mother very shortly after the birth of the child, those who administer the law are not usually lacking in pity. Judges very often go out of their way to prevent a conviction for murder by telling the jury that there is not sufficient evidence that the child was born alive, or by suggesting doubts as to whether it may not have died before any violence

was used. In the comparatively rare cases where the jury convict of the capital offence (as distinguished from concealment of birth, which they frequently find), the Home Secretary reduces the sentence as a matter of course to a comparatively short term of imprisonment. Moreover, the law will probably be altered very shortly so as to render a conviction for murder impossible in such a case. Some people say the father ought to be punished. As we have already pointed out, if the child had not been killed he could have been compelled to pay for its maintenance. If he has been no party to its death, he cannot, of course, be punished for the mother's crime.

In civil cases the treatment of woman is certainly very favourable, There are few judges, magistrates, or jurymen who, as between a woman and a man, can wholly free themselves of a natural bias in her favour.

Actions for breach of promise of marriage constitute a signal instance of this. A woman who proves that a man has been faithless to her has no difficulty in recovering a verdict for substantial damages. If a man be the plaintiff, although the law places no difficulty in his way, his action is practically hopeless.

RECENT LEGISLATION.

For the last forty years Parliament has been more active than ever before in legislating to promote the welfare and protect the interest of women Few years have passed during this period in which some enactment has not been passed whereby the position of women has been improved. Conspicuous among such statutes are the following: The Married Women's Property Acts of 1870, 1874, and 1882; The Guardianship of Infants Act, 1886; The Summary Jurisdiction (Married Women) Act, 1895; The Factory and Workshop Acts, 1901 and 1907; the Act of 1876 which removed restrictions on the granting of qualifications for registration under the Medical Act on the ground of sex; and the various Acts by which the franchises for local governing authorities have been conferred upon women. No one who studies these statutes is likely to think that the members of the Parliaments which passed them have been unmindful of their duties

We all realise that much still remains to be done to improve our laws as they affect both women and men. A great portion of every Parliamentary Session is occupied in efforts in this direction. The important point to remember is that our legislators show that they are quite as anxious to discharge their duties towards women as they are to fulfil their obligations to the men by whom they are elected.

Woman Suffrage is not necessary in order to procure Justice for Women.