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### Eminent Legal Protests Against the Wrongs of Women

An article on Aaron Burr, in the N. Y. Weekly Evening Post, Jan. 7, contains some account of Burr's brother-in-law, Tapping Reeve, who, for nearly forty years, was Principal of the Litchfield Law School, and was the author of the first American treatise on "The Domestic Relations." The article, in a quotation from Hollister, gives the following:

"He was the first eminent lawyer in this country who dared to arraign the common law of England for its severity and refined cruelty in cutting off the natural rights of married women, and placing their property as well as their persons at the mercy of their husbands.... All the mitigating changes in our jurisprudence, which have been made to redeem helpless Woman from the barbarities of her legalized tyrant, may fairly be traced to Judge Reeve."

For the information of any who may imagine that the wrongs of Woman exist only in the inflamed imagination of a few "fanatical" Woman's Rights reformers, I would like to add to the above testimony these from equally well-known legal writers.

Professor Parsons, of Harvard University, in his "Laws of Business," page seventeen, published in 1869, after giving a condensed account of the common law, as it relates to the rights of married women, says:

"Such, we have said, is the common law of England and of this country. We have stated it because it is the origin and common foundation of the law everywhere. But it is not just or right; and there are few, perhaps no one of our States, in which it remains wholly unqualified by statutory provisions. But these provisions are very various, and in some of the States they change with almost every year."

Judge Christian, of England, a Professor of Law in the University of Cambridge, as long ago as the year 1803, felt called upon to add a lengthy note at the close of chapter XV., Vol. I., of his edition of Blackstone, protesting against the injustice of the law in its bearings on Woman. The chapter "Husband and Wife," written by Blackstone fifty years before, after stating the principles of the common law, as they applied to the feme covert, closes with this complaisant paragraph:

"These are the chief legal effects of marriage during the coverture; upon which we may observe that even the disabilities which the wife lies under are, for the most part, intended for her protection and benefit. So great a favorite is the female sex of the laws of England."

Upon which Judge Christian remarks:

"Nothing, I apprehend, would more conciliate the good will of the student in favor of the laws of England, than the persuasion that they had shown partiality to the female sex. But I am not so much in love with my subject as to be inclined to leave it in possession of a glory which it may not justly deserve. In addition to what has been observed in this chapter, by the learned commentator, I shall here state some of the principal differences in the English law respecting the two sexes; and I shall leave it to the reader to determine on which side is the balance, and how far this compliment is supported by truth.

"Husband and wife, in the language of the law, are styled baron and feme; the word baron, or lord, attributes to the husband not a very courteous superiority. But we might be inclined to think this merely an unmeaning technical phrase, if we did not recollect that if the baron kills his feme it is the same as if he had killed a stranger, or any other person; but if the feme kills her baron it is regarded

by the laws as a much more atrocious crime, as she not only breaks through the restraints of humanity and conjugal affection, but throws off all subjection to the authority of her husband. And therefore the law denominates her crime a species of treason, and condemns her to the same punishment as if she had killed the king. And for every species of treason (though in petit treason the punishment of men was only to be drawn and hanged)- till the 30 Geo. III. c 48, the sentence of women was to be drawn and burnt alive.

"By the common law all women were denied the benefit of clergy; and till the 3 and 4 W. & M. c 9. they received sentence of death, and might have been executed for the first offense in simple larceny, bigamy, manslaughter, etc., however learned they were, merely because their sex precluded the possibility of their taking holy orders; though a man, who could read, was for the same crime subject only to burning in the hand and a few month's imprisonment.

"These are the principal distinctions in Criminal matters; now let us see how the account stands with regard to civil rights. Intestate personal property is equally divided between males and females; but a son, though younger than all his sisters, is heir to the whole of the real property.

"A woman's personal property by marriage, becomes absolutely her husband's which, at his death, he may leave entirely away from her; but if he dies without will she is entitled to one third of his personal property, if he has children, if not to one half....

"By the marriage the husband is absolutely master of the profits of his wife's lands during the coverture; and if he has had a living child, and survives the wife, he retains the whole of those lands, if they are estates of inheritance during his life; but the wife is entitled only to her dower or one third, if she survives, out of the husband's estates of inheritance; but this she has, whether she has had a child or not. But a husband can be tenant by the courtesy of the trust estates of the wife, though the wife cannot be endowed of the trust estates of her husband.

"With regard to the property of women, there is taxation without representation, for they pay taxes without having the liberty of voting for representatives; and indeed there seems at present no substantial reason why single women should be denied this privilege...From this impartial statement of the account, I fear there is little reason to pay a compliment to our laws for their respect and favor to the female sex."

Let it be carefully noted that Judge Christian, seventy years ago, bore his testimony to the injustice of taxation without representation, as applied to Woman, and even went so far as to say that he saw "no substantial reason why single women should be denied this privilege" (i.e. the ballot). The "substantial reason" why married women could not enjoy the "privilege" as the complement of taxation, at that time, was, of course, because they could not hold property in their own right, and so had nothing with which to pay taxes, therefore were not in reality taxed; the taxes on their real estate being defrayed, whether from the profits of the estate or otherwise, by the husbands who held the personal property.

If Judge Christian were living now, under the modified laws of today, which in many of our States accord to a married woman most of the property rights of a feme sole, is it not fair to presume that he would see no substantial reason why women, married or single, should be denied this privilege of the ballot? I think, dear Boston ladies, he would have been with you at the Tea-party, and not with those who sneer at the Woman Suffrage agitation as the result of the efforts of a few restless and discontented women not happy in their proper sphere, and thirsting for notoriety.

Where are the Judge Christians of to-day? Some of them have come up bravely to the rescue. And the rest? Well, they will jump on to the car of progress just in time to ride into glory!

Lavinia Goodell. Janesville, Wis., Feb. 6, 1874.