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Elizabeth Gaspar Brown

University of Wisconsin Law School; University of Michigan Law School

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HUSBAND AND WIFE—MEMORANDUM ON THE MISSISSIPPI WOMAN'S LAW OF 1839—In retrospect, it seems a logical development that married women in the United States should have acquired substantial legal equality with men. The conditions of pioneer life, the relatively high sentimental value placed upon women, the increasing degree of social and domestic freedom which American women enjoyed—all were incompatible with the strict theories of the common law which placed a married woman and her property under the absolute control of her husband.

The theory of the common law was based on the concept that the

wife's personality merged in that of the husband at the time of marriage. The wife was thus logically deprived of two important capacities possessed by an unmarried woman: power to sue in her own name and control over her own property. The civil law, on the other hand, granted the married woman certain limited powers to sue and be sued in her own name. It also, through the concept of community property, considered that, while property acquired during marriage became a part of the property held jointly by the husband and wife, there was also another class of property which was not held jointly and remained the separate estate of the party owning it. Thus the married woman held her separate estate free from any title or proprietary right on her husband's part; and the right or capacity to hold a separate estate was just as perfect and complete as if she had been unmarried, the quality of her title being unaffected by any rights of control or management held by her husband or by limitations requiring his consent to or joinder in conveyances by her.

It will be recalled that when Louisiana Territory was acquired by the United States, the civil law system which had been in force under both the French and the Spanish administrations was retained. In many respects this differed from the legal systems prevailing in the other states and territories of the Union where legal patterns had developed from the English common law. An examination of the constitution and session laws of the territory of Orleans, the territory of Louisiana, and the state of Louisiana, from 1804 to 1840, fails to show any substantial modification of the civil law as regards the rights and capacities of married women.¹

During the years preceding 1840, women in the common-law states were, in general, without control of their own property (unless expressly guaranteed to them by trust agreements) with one curious exception, that strangely unique "Woman's Law" of Mississippi² which

¹ In several instances there is clarification of existing custom; one section of an 1807 law is rather interesting as indicating a married woman might enjoy considerable freedom in carrying on a trade or business as it provides that, if the wife is a public merchant carrying on a separate trade or business, she can freely oblige herself for what relates to her occupation and her husband will be bound thereby provided there is community of property between them. Acts Passed at the Second Session of the First Legislature of the Territory of Orleans, 1807, c. 17, p. 103 at § 66, p. 128 (1807).

² Miss. Laws, 1839, c. 46, p. 72:

"Chapter 46. AN ACT for the protection and preservation of the rights of Married Women. SECTION 1. *Be it enacted, by the Legislature of the State of Mississippi,* That any married woman may become seized or possessed of any property, real or personal, by direct bequest, demise, gift, purchase, or distribution, in her own name, and as of her own property: *Provided,* the same does not come from her husband after coverture. SEC. 2. *And be it further enacted,* That hereafter when any woman possessed of a property in slaves, shall marry, her property in such slaves and their natural increase

has been somewhat neglected by legal and social historians alike and which seems to merit at least a cursory examination.

It is customary in the United States, in recounting the emancipation of married women and their property from the control of their husbands, to begin with the passage of the New York statute of 1848,³ ignoring not only the civil law of Louisiana but also the acts passed previously in other states such as Mississippi,⁴ Michigan,⁵ and Maine,⁶ as

shall continue to her, notwithstanding her coverture; and she shall have, hold, and possess the same, as her separate property, exempt from any liability for the debts or contracts of the husband. SEC. 3. *And be it further enacted*, That when any woman, during coverture, shall become entitled to, or possessed of, slaves by conveyance, gift, inheritance, distribution, or otherwise, such slaves, together with their natural increase, shall enure and belong to the wife, in like manner as is above provided as to slaves which she may possess at the time of marriage. SEC. 4. *And be it further enacted*, That the control and management of all such slaves, the direction of their labor, and the receipt of the productions thereof, shall remain to the husband, agreeably to the laws heretofore in force. All suits to recover the property or possession of such slaves, shall be prosecuted or defended, as the case may be, in the joint names of the husband and wife. In case of the death of the wife, such slaves descend and go to the children of her and her said husband, jointly begotten, and in case there shall be no child born to the wife during such her coverture, then such slaves shall descend and go to the husband and to his heirs. SEC. 5. *And be it further enacted*, That the slaves owned by a feme covert under the provisions of this act, may be sold by the joint deed of husband and wife, executed, proved, and recorded, agreeably to the laws now in force in regard to the conveyance of the real estate of feme coverts, and not otherwise."

³ N. Y. Laws, 1848, c. 200, p. 307:

"AN ACT for the more effectual protection of the property of married women. Passed April 7, 1848. *The People of the State of New York, represented in Senate and Assembly do enact as follows*: § 1. The real and personal property of any female who may hereafter marry, and which she shall own at the time of marriage, and the rents issues and profits thereof shall not be subject to the disposal of her husband, nor be liable for his debts, and shall continue her sole and separate property, as if she were a single female. § 2. The real and personal property, and the rents issues and profits thereof of any female now married shall not be subject to the disposal of her husband; but shall be her sole and separate property as if she were a single female except so far as the same may be liable for the debts of her husband heretofore contracted. § 3. It shall be lawful for any married female to receive, by gift, grant devise or bequest, from any person other than her husband and hold to her sole and separate use, as if she were a single female, real and personal property, and the rents, issues and profits thereof, and the same shall not be subject to the disposal of her husband, nor be liable for his debts. § 4. All contracts made between persons in contemplation of marriage shall remain in full force after such marriage takes place."

⁴ See note 2, supra.

⁵ Mich. Acts, 1844, No. 66, p. 77.

⁶ Me. Acts, 1844, c. 117, p. 104:

"Chapter 117. AN ACT to secure to married women their rights in property. *Be it enacted by the Senate and House of Representatives in Legislature assembled*, as follows: SECT. 1. Any married woman may become seized or possessed of any property, real or personal, by direct bequest, demise, gift, purchase or distribution, in her own name, and as of her own property; provided, it shall be made to appear by such married

well as a provision in the Texas state constitution of 1845.⁷ While the evidence available does not warrant holding the civil law of Louisiana directly responsible for these statutory and constitutional modifications of the common law, it seems permissible to suspect the existence of some degree of influence or relationship.

The full story of the passage of the Mississippi statute is unknown, but tradition says that sometime prior to 1839 a Mississippi woman, Mrs. T. J. D. Hadley, lived in Louisiana and while there noted with considerable envy the position of married women under the civil law. She was not only envious but impressed, and made up her mind to see what she could do about remedying the situation under the common law which deprived married women of any rights in their property. Subsequently returning to Mississippi, she opened a boarding house in Jackson, the state capital. When and whether she was married before 1839, how long the boarding house had been in operation, and when it was opened in relation to the date of her marriage—these facts may be shown in contemporary diaries and letters, but newspapers and available memoirs do not mention them. Three facts, however, are definite for 1839: a husband, who was a member of the state senate; a boarding house, allegedly successful, and catering to the state senators and representatives; and a highly unsuccessful state of the husband's finances.⁸

In 1839, in the state senate of Mississippi, two bills were introduced, one "for the protection and preservation of the rights and property of married women"; the other "for the relief of T.B.J. Hadley

woman, in any issue touching the validity of her title, that the same does not in any way come from the husband after coverture. SECT. 2. Hereafter, when any woman possessed of property, real or personal, shall marry, such property shall continue to her notwithstanding her coverture, and she shall have, hold and possess the same, as her separate property, exempt from any liability for the debts or contracts of the husband. SECT. 3. Any married woman possessing property by virtue of this act, may release to the husband the right of control of such property, and he may receive and dispose of the income thereof, so long as the same shall be appropriated for the mutual benefit of the parties."

⁷ Tex. Const., 1845, art. 7, § 19. "All propert yboth real and personal of the wife, owned or claimed by her before marriage, and that acquired afterwards by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property, as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property."

⁸ 1 CLAIBORNE, MISSISSIPPI AS A PROVINCE, TERRITORY, AND STATE, WITH BIOGRAPHICAL NOTICES OF EMINENT CITIZENS 475-476 (1880); Bell, "Glimpses of the Past," 1 PUBLICATIONS OF THE MISSISSIPPI HISTORICAL SOCIETY 200-206 (1898); 2 ENCYCLOPEDIA OF MISSISSIPPI HISTORY, Rowland ed., 989-990 (1907) which cites Mayes, "Legal and Judicial History," 1 BIOGRAPHICAL AND HISTORICAL MEMOIRS OF MISSISSIPPI 123 (1891).

and Samuel M. Puckett, his security."⁹ It seems that the Mr. Hadley who introduced this bill designed to secure to married women their own property and their own earnings must have been the same Mr. Hadley whose finances were in such precarious state and whose wife was running a highly profitable boarding house.

The bill for Mr. Hadley's relief went tranquilly through the state senate and house of representatives; the second bill provoked acrimonious debate in the senate and horrified comment in the local newspapers, though apparently the house of representatives passed it without undue commotion.¹⁰ The bill "for the protection and preservation of the rights and property of married women" was introduced by Mr. Hadley on Monday, January 21, 1839;¹¹ on Saturday, February 9, after "an elaborate debate thereon," it was decided, when it had with some difficulty reached the third reading,¹² that the bill should not be passed.

Although the Senate Journal does not record the elaborate debate, one of the local newspapers, the *Aberdeen Whig*, was more considerate.¹³ Excerpts from the debate are worth noting as all the stock arguments, which were to be raised against every increase in the rights of women for almost a century to come, were used.

Mr. Grayson, a state senator, felt compelled to bring up the pernicious effect of the bill on married men who owed debts; within six months, he stated, all the married women would have all the property and it would thus be exempt from their husbands' creditors. (No direct mention of Mr. Hadley, but it is not impossible Mr. Grayson may have had some particular individual in mind.) Moreover, stated the senator, the third section (dealing with the ownership of slaves) "involved a degree of indelicacy unheard of in any country," though why it should have been thought more indelicate to own slaves than any other species of property is not made clear.

Mr. Hadley arose to answer Mr. Grayson. He tried to calm his opponent by assuring him that any innovation excited alarm but that a calm investigation would show that all the bill was striving for was to "secure to man's dearest idol the possession of the property which they

⁹ Journal of the Senate of the State of Mississippi at an Adjourned Session thereof held in the City of Jackson (1839).

¹⁰ There is no copy of the house journal for 1839 available in the law library located in the state capital building of Mississippi nor have I been able to obtain reference to one.

¹¹ Journal of the Senate of the State of Mississippi 99-100 (1839).

¹² *Id.* at 255.

¹³ March 8, 1839, Vol. I, No. 31. The *Aberdeen Whig and North Mississippi Advocate* state that its reports are derived from the *Southern Sun*, but a check of the *Southern Sun* over the period in question shows no evidence that such a report was published therein.

have required [sic] by their own exertion, or the liberty of a fond father." He went on to state that if in other countries women had been thought worthy of being queens, certainly the inhabitants of "this proud republic" would scarcely refuse to secure to them "the certain possession of property to which they have so just a claim." He continued:

"Is there a wish of such gross injustice in the mind of any man, that he would withhold from women the shield of protection which this bill proposes, Does man delight in woman's happiness, Then give them the plighted faith of our legislation that they shall possess and enjoy the means of their own pleasure. I would, sir, secure to them the product of their own labor—I would secure to them the possession of the property given them by fond parents or relatives. Secure this, sir,—'tis all I ask."

Apparently, however, Mr. Grayson had supporters. Mr. Tucker stated that "female delicacy forbids their participation in the turmoils and strife of business" and moreover "the bill proposes a total and radical change in the settled law of the country." Mr. Matthews agreed with Messrs. Grayson and Tucker and went back to the proposition that under the proposed law a man would have it "in his power to defraud his creditors, by selling his property and putting the money into the hands of a friend to buy a plantation and negroes to be given to his wife. The injury to be inflicted by this bill, upon creditors, is incalculable; and the credit of Mississippi is, in all conscience, low enough already." Mr. Grayson then spoke again, this time so rapidly that the *Aberdeen Whig* reporter could deduce little more than that the bill was not only one of the most stupendous frauds ever presented but also one most calculated to sow discord into the domestic and social relations of life. He concluded,

"If you degrade and disgrace all that is lovely in woman, pass this bill; but if you would sustain them firmly in the high and exalted eminence which they now occupy in the eyes of the world and of men, spurn and reject this bill, as one of the most unholy and fraudulent devices ever presented."

Apparently, married women in Mississippi were to remain on the high and exalted eminence which they then occupied, according to the vote of the senate, but the supporters of the bill were persistent. Two days after the adverse vote, the bill was back in the senate with a motion for reconsideration. Although Mr. Tucker tried to postpone the bill's consideration until the following November, the motion was negatived and a committee was appointed to consider the bill again.¹⁴

¹⁴ Journal of the Senate of the State of Mississippi 260-261 (1839).

The committee reported on the same day, February 11, and proposed an amendment to the bill providing:

“That any married woman may become seized or possessed of any property, real or personal, by direct bequest, demise, gift, purchase, or distribution, in her own name, and as of her own property, provided the same does not come from her husband after coverture.”¹⁵

The amendment met immediate approval, whereupon Mr. Grayson submitted an amendment of his own which provided:

“That the names of all slaves, under the provisions of this act, become the property of the wife during her coverture, or which she may be entitled to at the time of her marriage, shall be recorded and the slaves designated as her property, in the registrar’s office of the county of her residence, within twelve months after she shall become entitled to the same; and on failure to record the same, said property shall be liable to the debts of her husband contracted thereafter.”¹⁶

This amendment, however, was rejected. A vote was then taken on the bill and resulted in eighteen affirmative and eleven negative votes. But Mr. Grayson had the courage of his convictions; he proposed another amendment, substantially the same as his last effort, but shortening the period of possible registration to three months and eliminating the restraint on the time of contraction of the husband’s debts by striking out the words “contracted thereafter.” This too was rejected. The bill then came up for final decision in the senate; nineteen voted in its favor, nine against its passage.¹⁷

Four days after the passage of the bill by the state senate, on February 15, a message was received from the state house of representatives stating that they had passed the bill.¹⁸ The next day it was ordered submitted to the governor for signature and apparently was signed on the same day.¹⁹

These are the incontestible facts. The “Woman’s Law,” as the act was commonly called, was in operation, the first such law in any state or nation which followed the common law. The radicalness of the idea of giving a married woman legal control over her own property is not apparent to us today; it was unheard of under the common law in 1839. Note too, that the state which passed such a law was a slave state where

¹⁵ Id. at 263.

¹⁶ Id. at 264.

¹⁷ Id. at 265.

¹⁸ Id. at 325, 335.

¹⁹ Id. at 350-351, 356.

the bulk of property was in slaves and land. While available facts are insufficient to allow any definite statements regarding the reasons for the law, we can make conjectures which are supported by certain shreds of evidence and tradition. It does seem reasonable to assume that Mrs. Hadley had some influence in the passage of the bill. The idea may have been hers, seized on gladly by a husband harassed by creditors as a means to assure her some degree of economic security. It is conceivable she may have influenced her legislative boarders, tradition saying she put them all on short rations until they voted for "her" bill. If this tradition is true, it must have caused the legislators some inward wrath or amusement to see this specimen of "man's dearest idol" poking her pretty fingers into such an indelicate matter.

While the precise origin of the Mississippi Woman's Law remains obscure, it seems most probable that the original idea developed from the civil law of Louisiana; geographical proximity would favor this thesis as well as the unsupported tradition of Mrs. Hadley's visit there and the influence of the civil law upon her. However, there is one other possibility of the source of this statute, which, if it could ever be proved, would serve as one of the few, if not the only, instance, in this country, where the customs of an Indian tribe influenced the course of legislative action.

Two years prior to the passage of the Woman's Law, a case had been decided in the Mississippi Supreme Court, confirming the right of a married woman, a member of the Chickasaw Indian tribe, to dispose freely of her property in accordance with tribal custom. The court held that, by Chickasaw custom, the husband acquired no right to the property possessed by the wife at the time of marriage and that there was no community of interest produced by the marriage contract with respect either to the original property of the parties or to the acquêts and gains during marriage. The controlling fact in upholding the operativeness of Chickasaw custom and law was that the marriage in question had taken place before the tribal territory had been taken over by the state of Mississippi.²⁰

If Mrs. Hadley was possessed of the vigor tradition gives her, this decision, added to her Louisiana experiences, may have provided the initial idea. It would seem reasonable that she would know of the decision as it is probable that the proprietress of a successful boarding house for legislators in 1839 would have been resident in the state capital two years earlier. At the least, it is a hypothesis worthy of consideration that from Chickasaw custom was derived the first law giving a married woman in a common-law state any rights in her own property, and in many ways this hypothesis has more foundation in fact than Mrs. Had-

²⁰ Fisher v. Allen, 2 Howard (Miss.) 611 (1837).

ley's alleged Louisiana experience. However, as has been indicated, it is perfectly possible to reconcile the existence of both the Chickasaw and the Louisiana influence as contributing to the origin of the Woman's Law.

It is difficult today to gauge the extent of the changes in the status of married women made possible by the bill for "the protection and preservation of the property rights of married women." The basic significance of the statute, however, goes beyond these increased rights in property accorded to married women in Mississippi, for this was the first departure in a common-law jurisdiction from the established theories of the common law as related to the persons or property of married women.

Moreover, the jurisdiction which adopted this radical innovation was not one of those states where women's higher education later flourished to a noteworthy degree or which became noted for outstanding leaders of women. It was a slave state, deep in the south, and traditionally conservative. Powerful personal forces must have operated to secure the enactment of this law, for it appears highly doubtful that there was the slightest measure of popular demand for it.

Yet the incontrovertible fact of its passage is here. While the motives for its introduction and passage can be surmised and argued, there is no accurate answer from the sources available. The law was affirmed and construed by several decisions of the state supreme court²¹ and subsequent legislatures passed acts which broadened its scope,²² all of which would seem to indicate that once the Woman's Law had broadened the property rights of married women, the judges and legislators of Mississippi found nothing in its application which would shake either the credit of the state or the foundations of their homes.

It was five years later, in 1844, when the next states, Michigan and Maine, acted to give their married women control over their own property.²³ It was six years before Texas, under the influence of the Spanish civil law, placed certain guarantees for married women's prop-

²¹ *Ratcliffe v. Dougherty*, 24 Miss. 181 (1852); *Lee v. Bennett*, 31 Miss. 119 (1856); *Friley v. White*, 31 Miss. 442 (1856).

²² Acts of the legislature in 1846 (ability of married women to contract with reference to the ownership and management of slaves) Miss. Laws, 1846, c. 13, p. 152; in 1857 (validating the contract of a married woman regarding family supplies and necessities, the education of her children, or work and labor done for her separate property, but limiting liability to her own estate) Miss. Rev. Code (1857) p. 336, art. 25; and in 1871 and 1880 (which taken together placed the married woman on the same footing as a man or single woman to contract freely) Miss. Rev. Code (1871) § 1778 and Miss. Rev. Code (1880) § 1167.

²³ Mich. Acts, 1844, No. 66, p. 77; Me. Acts, 1844, c. 117, p. 104. For text of the latter, see note 6, supra.

erty rights in its state constitution.²⁴ It was nine years before New York secured to married women control over their own property.²⁵ Can Mississippi's Woman's Law be considered as influencing any of these developments? Again the question is debatable and again the evidence is either lacking or unavailable.

In the case of Texas, it seems unlikely that the action of Mississippi was at all instrumental; the influence of the Spanish law there is reasonably clear from the constitutional debates.²⁶

The Michigan act of March 11, 1844, which preceded the Maine statute by a mere eleven days, does not seem to have been based on the Mississippi act nor to have been influenced by it. The language of the two acts is entirely different.

The Texas precedent is referred to in the manual used when New York revised its constitution in 1846, but the Maine, Michigan, and Mississippi statutes are not mentioned.²⁷ The explanation given by one of the state senators was that the New York law of 1848 was introduced by a man, married to a woman having some property of her own which he desired to protect, and that, while there was a certain amount of debate over the measure in both the senate and the house, the bill was passed by substantial majorities.²⁸

In the case of Maine, however, the matter is more perplexing. The legislative debates on the statute securing property rights to married women are not printed. The skeleton record of the bill's progress through the legislature shows no great argument.²⁹ And in view of the

²⁴ Tex. Const., 1845, art. 7, § 19. For text, see note 7, supra.

²⁵ N. Y. Laws, 1848, c. 200, p. 307. For text, see note 3, supra.

²⁶ Journal of Proceedings of the Constitutional Convention of Texas, 112, 214, 215, 256-257, 262 (1845).

²⁷ Manual for the use of the Convention to revise the Constitution of the State of New York, convened at Albany, June 1, 1846, p. 220 (1846).

²⁸ I HISTORY OF WOMEN SUFFRAGE, Stanton ed., 63-67 (1887). See also the senate and assembly journals for 1848 which record the progress of the bill through the two houses.

²⁹ Maine House Journal (1844). March 1. "Mr. Berry of Thomaston, by leave, laid on table a bill entitled 'An act to secure to married women their rights in property,'" p. 554. March 2. "Referred to Committee on Judiciary, sent up for concurrence," p. 565. March 11. This bill and others "were severally received from Senate passed to be engrossed. They were read twice and tomorrow assigned for third reading." March 12. "Passed to be engrossed in concurrence. Mr. Baker of Hallowell moved to reconsider. Motion laid on table and tomorrow assigned for consideration," p. 684-685. March 19. "Bill . . . was taken up, amended as on sheet annexed marked A and as amended passed to be engrossed. Sent up for concurrence," p. 865. March 21. "Passed to be enacted. Sent up for concurrence."

Senate Journal. March 4. "Bill . . . referred in concurrence," p. 397. March 7. "Reported by committee," p. 417. March 8. "Second reading and passed to be engrossed," p. 422. March 20. "Came up amended on sheet marked A. The Senate

méagerness of the records available for examination, it is not surprising that no mention is made of the origin of the bill. Yet when the two laws of Mississippi and of Maine are compared, the resemblance is startling.³⁰ Omit the slavery clauses, and there is little substantial difference, especially in the first section of each law.³¹ Some connection seems likely, but the difficulty lies in ascertaining it. With the evidence at hand, there can be no conclusive proof that the Mississippi law of 1839 had any relation to the Maine law of 1844, but certainly the very similar wording of the two laws would indicate a relationship. Moreover, there is one added fragment of evidence which shows that in its first draft the first section of the bill introduced in the Maine legislature was even more nearly identical with final form of the first section of the Mississippi law.³² The Mississippi law was printed in 1840; it is quite possible a stray copy may have reached Maine, to impress some legislator and stir him to action.³³ Although these early statutes of Maine, Michigan, and Mississippi are set out in their entirety by Bright in his *Law of Husband and Wife*,³⁴ many other authors seem to have ignored

receded and concurred in amendment and passed to be engrossed in concurrence," p. 505. March 21. "Passed to be enacted," p. 541.

The original bill, committee report, and amendment are on file in the office of the Secretary of State for Maine. (Package No. 192, 1844). The sheet on which the amendment is written reads as follows:

"Amend, as follows: Insert after the word 'provided' in the first section, line 5, the words 'it shall be made to appear by such married woman, in any issue touching the validity of her title, that.'"

[The above information was obtained by correspondence with the Maine State Library, Augusta, Maine.]

³⁰ See notes 2 and 6, supra.

³¹ Note the similarity in wording between the first sections of the Mississippi and the Maine laws. The italicized words in the Maine statute are those which were added by amendment to the original bill. See notes 2 and 6, supra.

Mississippi Statute

Section 1. "*Be it enacted, by the Legislature of the State of Mississippi, That any married woman may become seized or possessed of any property, real or personal, by direct bequest, demise, gift, purchase, or distribution, in her own name, and as of her own property: Provided, the same does not come from her husband after coverture.*"

Maine Statute

Section 1. "Any married woman may become seized or possessed of any property, real or personal, by direct bequest, demise, gift, purchase or distribution, in her own name, and as of her own property; provided, *it shall be made to appear by such married woman, in any issue touching the validity of her title, that* the same does not in any way come from the husband after coverture."

³² See notes 30 and 31, supra.

³³ It would be interesting if a copy of the Mississippi law could be found in an Augusta law library, in the state capital building, or some other public building located in Augusta.

³⁴ 2 BRIGHT, *LAW OF HUSBAND AND WIFE*, app., pp. 82, 662, 675 (1850).

or been unaware of them.³⁵ Mississippi local historians, lusty in praise of their Woman's Law and subsequent allied laws, have passed over these other acts. The purportedly exhaustive *History of Woman Suffrage*, edited by Elizabeth Cady Stanton, does not mention any of these statutes, though it goes into meticulous detail over the passage of the New York statute of 1848, stating that it "was the first State to emancipate wives from the slavery of the old common law of England, and to secure to them equal property rights."³⁶ It would thus appear that the Mississippi, Michigan, and Maine laws were little noticed outside the jurisdictions in which they operated. Nevertheless, by the mere fact of their enactment, no matter how limited their scope or their influence, these laws must be considered as an integral and important part of American legal history.

*Elizabeth Gaspar Brown**

³⁵ See for example, REEVE, *LAW OF BARON AND FEMME*, 2d Chittenden ed., 154 et. seq. (1846) which goes into much detail on various state statutes giving married women power to devise their real and personal property but mentions neither the Mississippi, Maine nor the Michigan statutes securing property rights to married women.

³⁶ *HISTORY OF WOMEN SUFFRAGE*, Stanton ed., 63 (1887).

* Brockport, New York. Formerly, a student at the University of Wisconsin Law School and editorial assistant, University of Michigan Law School.—*Ed.*