

But she waited patiently, yet in vain. Her father, she saw, had read the secret motive which prompted her questions; he knew she desired to undertake a journey, and he feared for her, unaided and alone, the fatigues and the thousand dangers more terrible than his own imaginings. But at last, after repeated beseechings, he assented, when she revealed her project.

She fell upon her knees before him.

"My father, my poor father, give me thy blessing? I will go and beg your pardon of the great Emperor of all the Russias!"

"Impossible, my child! You know not what you ask! How could you, a weak girl, take a journey of thousands of miles in a land of wintry gloom, in a climate the most rigorous in the world, even in the short glimpses of summer?"

"But, my father, God, the great God of the Universe, will be my helper. And I shall meet M. de Novich at St. Petersburg, and he will help me to beg the favour of your pardon."

"But you do not know, my child, how much the Emperor is irritated against your father," cried Katarina. "He considers him his mortal enemy!"

"I know not," said she, "the crime of which he may be accused; I know not his rank, nor his real name; but I am sure, quite sure of his innocence."

"Oh, my daughter!" she cried, "thou art not moved by pride or vanity in thy devotion. Surely, my husband, such purity of mind, such singleness of heart, will be accepted by the great Ruler of all things."

"But, my child, how can you traverse three thousand five hundred versts which separate Ischim from the province of Ingrie, alone, and on foot?"

"Ah!" she cried, clasping her hands, and lifting her eyes to heaven, "He Who hath revealed to me thus to aid my parents, He will not forsake me upon the way. And old Caesar will be my companion."

The eyes of Peterskoff and Katarina filled with tears, and they replied—

"Then go, my child, and the protection of a

Heavenly Guardian be around you—to Him each hour will we commend you."

During the days that followed they could speak of nothing but the journey of Valérie, and the sadness of the mother and father's heart at the thought of the risk to which they were exposing their darling was ever written upon their countenances; and they would never have had the courage to say to her, Go! had they not been assured that she was called of heaven to undertake so holy a mission. And when the last day arrived, what secret emotions rent their hearts, and how shall we describe the parting between the parents and their devoted girl?

It was the month of May, the beginning of that strange, short summer peculiar to northern climes, when between the hour of twilight and the break of day there is but two hours of night, when Valérie began to prepare for her departure.

She put into her reindeer-bag two changes of raiment, some fruits, and a few cakes of meal. This, with ten copecks, formed her only treasure, and was the sole money they possessed on earth.

As she passed out of the humble portals which had sheltered her so long, both parents cried out—

"O, God of all goodness, be a father to our Valérie, and suffer her not to perish by the way!"

The young girl dared not regard them, but, accompanied by their old serving-man Caesar, she set out.

At this moment the sun began to climb the mountains, and, shining upon the eternal snow, shed a luminous, almost unearthly radiance upon the rugged scene. Everything around spoke repose—even the neighbouring lake had not a ripple upon its surface—and this she took as an omen of brightness and peace upon her lonely way.

Meanwhile, as a bear robbed of its whelps, as a lion and lioness roaring for their young slain by the travellers, so were Peterskoff and Katarina—after their darling could be seen by their straining eyes no more, the mother fainted in the arms of her husband.

"Alas! my partner, what have we done?" she cried, "in thus sending from us the best, the most dutiful of daughters?"

And their tears fell like rain.

"She is an angel of purity and goodness, and guardian spirits will watch over her path," said the bereaved father, consoling thus the wife of his bosom.

For a whole month did Valérie and her old attendant cross and recross the bleak forests of Siberia. Now and then they would overtake a Tartar waggon, the owner of which would give them a lift; and evening by evening they rested in huts so miserable that it was long ere Valérie could gain the much needed repose. Beds of dirty straw, in rooms reeking with stale tobacco and brandy, and the smoke (on account of the windows being stuffed with paper) was suffocating; besides, usually this miserable cabin was shared by all the family as well as the beasts of the stall.

At forty miles from Tioumen they passed into a wood, marks upon the timber of which indicated the end of the Government of Tobolsk. Valérie noticed this, and it seemed to her that in quitting the land of her exile she had quitted her own country, and was separated a second time from her unhappy parents.

"Ah!" said she, as she set her foot in Europe, "how far am I from them now?"

The thought of the dangers unknown to which she might be exposed from mankind caused her more fear than the dreadful road, infested with wild beasts, through which she had travelled unharmed, and her spirit shrank within her as she watched the light of Asia setting behind eternal snows. And in all the cities and towns through which she must now pass was there one heart to whom she could trust, one arm upon whom she could lean for protection? Alas! no, unless—and she blushed as the foolish thought crossed her mind—unless she should find M. de Novich by the way. Ah! if she might but meet that mutual friend in St. Petersburg. If not? But her faith in an All-seeing Power wavered not, neither was shaken, and to Him she again commended her ways.

(To be continued.)

THE MARRIED WOMEN'S PROPERTY ACTS.

By A SOLICITOR.

I HAVE been asked to tell the fair readers of the GIRL'S OWN PAPER something about a chapter of the law in which they are likely to feel a present or possibly only a prospective interest. It is very nice to be married, and it is very nice to have property, and, if and when the stars combine to make you a married woman with property, it is, or will be, very nice to know something of your rights and position. It is not a matter which needs much research, for, unlike many branches of law, it has but a very few Acts of Parliament dealing with it, and I hope from its nature it may not seem very dreadfully dry.

The state of the law in regard to the property and rights of married women has only been brought within the bounds of propriety within the last few years. When, in the great reforming period which followed upon the death of Lord Palmerston, there was a general revision of old ideas, and the Government took a substantial interest in the subject of education, it seems that for mere shame they tried to recognise the individuality of women who had or should become wives. In 1870 the Education Act was passed, and so was the first Act of Parliament which conceded that wives' property ought not to pass

wholly into the control of their "lords and masters." But it was a halting, half-hearted concession, and when the next tide of reform was rising it was practically swept away by the new measure, whose date is 1882, and which repealed the former Act, embodying and improving what of good was in it.

It was an old fiction of gentlemen of the long robe that by marriage husband and wife became one person by the merger of the personality of the wife in that of her husband, and that in consequence all her property (money and furniture, and the like—not land) thenceforth became his exclusively. She could not acquire or even earn any money for her own benefit; a legacy, if paid to her, could be claimed over again by her husband unless he concurred in her prior receipt of it; her wages or profits in any occupation or business or pursuit were to be paid to her husband. This was very barbarous, very shocking, when calmly considered (even by men), and Judges in Chancery often tried to modify the rigid rules of law so as to preserve some sort of right for the women. And the first effort of Parliament, in 1870, was directed to securing for wives the right to their own earnings and investments, and also to legacies of an amount

not more than £200. Why not more than £200? I cannot tell you. But it is the fact that, while a legacy of £200 could be paid to and received by a wife, a legacy of £210 given to her was in law the property of her husband, and she could not touch it. Since 1882 we have got rid of that absurdity, and a wife may acquire and receive any legacy she can get, however large.

There were two ways which the Chancery Judges invented for protecting wives when property was left to them,—they invented what they called an "Equity to a Settlement." This meant that if anyone was liable, e.g. as executor, to pay a wife a sum of money, he could refuse to pay except on condition of the property being "settled" for the wife's benefit; and the Court of Chancery allowed this condition, and enforced it on the husband. They also invented the term "separate use," and if property could be said to belong to a wife "for her separate use" the husband's right to any interest in or control over it was entirely taken away. Great virtue came to attach to this term "separate" property, and it was most freely made use of in all deeds and wills affecting property which was given or left to females. It is the special term made

use of in the Act of 1882, by which the property of married women is now regulated, for the Act declares every married woman to be "capable of acquiring, holding, and disposing, by will or otherwise, of" all kinds of property "as her separate property."

In a parenthesis I said just now that land was an exception to the property of a wife that became the husband's. To be accurate I should say something more about this. A husband did not indeed acquire the right to his wife's land, but he did acquire the absolute right to receive all her rents, and to grant leases of her land and houses for such a period as his life should continue. If the wife's property were leasehold, the husband could not only take the rents but absolutely sell the leaseholds, only he could not deal with them by his will. The legal theory which underlay all these ancient ideas was that a man was entitled to be indemnified by his wife's property for his liability to pay any debts she had incurred before the marriage—rather a slender thread to hang such a burden upon. The Act of 1870 dispossessed the husband of any right to the rents of the lands, etc., to which a lady married after the date of that Act (9th August, 1870) should succeed as heiress. Since 1882 a husband has, with the important limitation to be stated later, no sort of control over his wife's property during her life, nor if she choose to make a will, after her death. On the other hand, a husband is not now liable to pay the debts incurred by his wife before marriage except to such an amount as he may have actually received from her; but she may be sued for her own debts, and her "separate" property may be seized for payment of them.

This leads to another set of considerations. Wives used to be free to run into debt with no fear of any consequences except "a row in the house." It was very unpleasant for a husband to be called upon to pay debts of which he knew nothing, and as a rule he made a great row—and paid. The fact that he might have successfully resisted payment for anything beyond "necessaries" did not mollify his wrath or tighten his purse-strings—a lawsuit is a kind of cure which is often worse than paying-up. Now, wives ought to remember, that not only are their husbands not liable for more than "necessary" debts incurred by them, but their own separate property is liable for all the debts they contract, and for all contracts which they make. And, whereas they used to enjoy immunity from bankruptcy, now they may even be made bankrupt when trading separately from their husbands.

I must retrace my steps now a little way. I have said that every married woman is capable of acquiring, holding and disposing of all kinds of property. But how, you may ask, about property which one acquired before this beneficent Act? As to this there are two distinct classes of persons. (1.) If you were married before 1st January, 1883, your husband had acquired on his marriage to you (subject, of course, to any settlement you may have made), all such rights as the law then conferred on a husband in respect of his wife's existing property. And the Act did not dispossess him of any rights which he had so acquired. But property acquired by you after 31st December, 1882 (say under the will of a father or relative dying after that date), would be subject to the new law, and your husband would have no right to or over it. (2.) The second class of persons comprises all married after 31st December, 1882. As regards them (subject, as before, to any settlement that may have been made on the marriage), the wife's property then in possession, or thereafter acquired, is wholly and absolutely hers—her separate property.

It must be clearly borne in mind that the law made by Act of Parliament on the subject

now under consideration is always applicable only to those cases in which no provision is made by the mutual arrangement of the parties. Marriage arrangements are usually made by way of settlement, and the property of both the spouses is dealt with by such settlements so far as they may extend. The general scheme of a settlement is that the wife's property is made her separate property, of which the income is to be her own during her life, and the capital is reserved for the children, the husband often taking the income after his wife's death if he survive her; and the husband's property (or such of it as may be arranged) is tied up so that he gets the income during his life, the wife gets it afterwards if she survives, and the children get the capital. The means of thus tying up or settling property is to transfer it to trustees—one or two friends of the husband and one or two friends of the wife—who have to receive the income and pay it over and see to its ultimate disposition. If any of the trustees die, new trustees have to be appointed in their stead, and the property transferred to them. This is a rather clumsy and expensive method of dealing with a small amount of property. But it presents this great element of safety—that the parties are protected from themselves and from each other. Love, or coaxing, or cajolery, or ill usage, are of no avail to get a wife to give or lend her money to her husband, whereas, if one trusted to the mere law of separate property, and the wife were by any means coerced or persuaded to put her property into some speculation, in most cases it would be lost. Of course there is a certain risk as well as trouble and expense connected with settlements. It is not easy to get trustees; sometimes trustees "go wrong," and the trust property is lost or put in jeopardy; but though one hears of such cases with a frequency that is almost alarming, yet the number of them is really very small, and the proportion quite infinitesimal; and when Parliament sees fit to elaborate a scheme of official trusteeship, the risk of such matters will be reduced to nothing for those who may avail themselves of that method, and it is already far on the way to being established. The desirability of a settlement is but little reduced by the "separate property" law. No doubt part of the scheme of that law recognises that a wife may be properly and legally treated as her husband's creditor; but, on the other hand, it is distinctly laid down in the Act that when a wife is admitted as a creditor of her husband (in case of his bankruptcy) she is to be postponed to all his other creditors, whether the money lent by her was lent for the purposes of trade or business or for any other purpose. So she not only gets no preference, but she must actually lose her money altogether unless, after all the other creditors are satisfied, there is something left for her. There is thus no means so available for securing her fortune as the old-fashioned method of settlement, by which trustees are interposed between the temptation of speculation and the weakness of human nature.

It may seem that under this law, so far as it has been stated, there is a great door open for fraud: a husband might put his property into his wife's name and leave nothing for his other creditors. The hand of the law is not so short that there are no means of obviating such frauds, and they are liable not only to be discovered, but also to be punished with severity. On the other hand, it is not usually difficult to trace money or property backwards, so that a wife may establish her proper claim to it if it is her own. And it is particularly provided that as regards any property (stock or shares) which stood in a wife's name on 1st January, 1883, or which may afterwards be or have been purchased as an investment in her name, all such property is to be deemed

her own separate property unless the contrary is shown. This is the case not only as regards property standing in her sole name, but also as regards that of which she is possessed jointly with any other persons. In the good old days prior to 1870 a wife was not allowed to transfer shares under any circumstances without her husband's concurrence; nor, until 1883, could she act as executor or trustee—the husband had the whole control, and, from the other point of view, to bear the whole burden and responsibility of the trusts. Now the wife is free to act as an independent human being in all these matters.

I have already said that a wife may now be legally recognised as a creditor of her husband. It results that in any such case she may sue him if necessary to invoke the aid of the courts in protection and for the security of her separate property. And not only may she take civil proceedings (as they are termed when taken in the county courts and ordinary law courts), but she may resort even to proceedings which may be termed uncivil, and are known as criminal proceedings. There is, however, a limitation to such a course, for while you are living with your husband you may not prosecute him criminally for appropriating your personal belongings, and, in fact, unless he has actually left or deserted you, or is about to leave or desert you, when he annexes your separate property you must have recourse to the civil remedy for restitution or compensation. It used to be the law that no one could give evidence against his or her spouse, but an exception is now made when the wife's own property is the subject of proceedings.

One very important piece of new law was made by the Act of 1870 with the view of enabling provident persons to effect insurances which should be practically inalienable, and of which, therefore, no settlement should be necessary. A husband (actual or intending) may insure his life, and express in the policy at the time of its being taken out that it is for the benefit of his wife or of his children, or of both wife and children, or any of them. A wife (actual or intending) may also insure her life in a similar way, expressing that it is for the benefit of her husband or of her children, or of both husband and children, or any of them. Such a policy creates a trust for the benefit of the persons indicated in it, and the insurer may by a memorandum declare who are to be trustees of the insurance money; and when this becomes payable, it will be held either by the insurance company or by the trustees upon trust for the persons entitled under the policy. This is a most useful and beneficial arrangement. The person effecting such an insurance can never sell or part with the policy until the beneficiaries (or persons for whose benefit it is taken out) are all dead; neither will it ever be deemed to be part of his property for any purpose (even if he becomes bankrupt), and on his death no probate or other duty is claimable in respect of it. For persons who wish by insurance to make provision for the future of those dear to them no scheme can be so beneficial as this, and I commend it very earnestly to the consideration of those about to marry.

In order to render this survey of the Married Women's Property Acts complete, it remains to be noted that in providing for the benefit of wives in so many respects some liabilities have been laid upon them besides those already noted; one is a liability to maintain their husbands when they become chargeable to the parish; and another is a liability to maintain their own children and grandchildren under similar circumstances; only this liability is not to devolve upon them in any degree in exoneration of their husbands. I hope none of you will ever have occasion to face such liabilities at the instance of any guardians whomsoever.