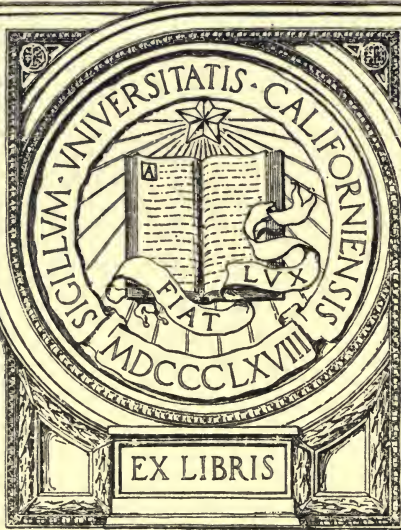


GIFT OF
MICHAEL REESE



EX LIBRIS



Digitized by the Internet Archive
in 2007 with funding from
Microsoft Corporation



1904



Shall Women Vote?

THEY DO

W'ist-a-pae?



Shall Women Vote?

A Book

For Men

By

CONWAY WHITTLE SAMS

Author of "Sams on Attachment"
and a Member of the Virginia Bar

THE
UNIVERSITY OF
CALIFORNIA

NEW YORK

THE NEALE PUBLISHING COMPANY

1913

JK 1903
.S3

Copyright, 1913, by
CONWAY WHITTLE SAMS

THE UNIVERSITY OF
CHICAGO PRESS

To the
ANTI-SUFFRAGETTES

this volume is respectfully inscribed,—to our fair allies, who have the good judgment and the courage to resist an insidious heresy, and to strive to keep extant upon the face of the earth true and lovable women, the most precious gift of the Creator, in order that they may be the worthy successors of the sweethearts, the wives, and the mothers who lived, honored and beloved, before the world had ever heard of a Suffragette.

CONTENTS

HUSBAND AND WIFE

| CHAPTER | PAGE |
|------------|------|
| I | 15 |
| II | 25 |
| III | 35 |
| IV | 43 |
| V | 65 |
| VI | 83 |
| VII | 102 |
| VIII | 116 |
| IX | 137 |
| X | 167 |
| XI | 178 |

FATHER AND CHILD

| CHAPTER | PAGE |
|------------|------|
| I | 185 |
| II | 200 |
| III | 210 |
| IV | 217 |
| V | 229 |
| VI | 239 |
| VII | 251 |
| VIII | 255 |

CONCLUSION

| CHAPTER | PAGE |
|-----------|------|
| I | 273 |
| II | 284 |
| III | 287 |
| IV | 302 |
| V | 314 |

| | |
|-------------|------------|
| INDEX | 324 to 345 |
|-------------|------------|

INTRODUCTION

This book is not written for women; it is written for men. It is in opposition to woman's suffrage, which the writer regards as one of the greatest afflictions which could happen to any State. The plan adopted is a review of the laws and customs of society in the past, contrasting them with those in force at present, with reference to the rights of men in the relation of Husband and Wife, and of Father and Child.

Considered from the viewpoint of the effect of the new "woman's rights" laws upon the rights of men, one cannot intelligently appreciate nor discuss the question "Should women have the right to vote?" without knowing that this question involves the most vital point in the history of a movement which has been in progress for a generation,—a movement which has as its object the stripping of men of their rights, and the transferring of them to women and children. The question must be viewed in the light of what men have already suffered by this movement, and what this final demand would mean to them.

The particular laws of only one State are here given,—those of the Commonwealth of Virginia. Residents of other States may compare them with their own institutions. Fortunately, they will be often found to be very different, and should for-

ever remain so, if freedom is to be preserved in America. The several States of the Union have exclusive jurisdiction over the subjects herein discussed, and should preserve the right to decide upon them as they severally think best.

It is proposed to show in this volume that the recent changes introduced in Virginia in regard to the domestic relations, very similar to some adopted by other States, are enough to undermine the family, the home, and society itself; and that, unless they be soon corrected by the several States of this Union, and by the other governments organized by men of our race, they will bring untold evil upon it.

The object of the work is to do good, not evil; to aid in maintaining peace, not to bring about disorder. To any but the blind it is apparent that a contest may be precipitated by the demands of the suffragettes which could be most bitter, even to the extent of tearing asunder the tenderest relationships. There is no need for us to have to go through the agony of such a contest, nor to suffer the evils which might, could, would, or should follow from the adoption of the ideas of these women. The question has been publicly discussed almost entirely from the viewpoint of the suffragette. The counter argument has not been adequately stated. It is the aim of this book to present the subject in such a way that the men of this generation can clearly see what effect a yielding to this demand would have upon them.

We will be sorry if what is here written should offend any woman; but the subject, which is pre-eminently a practical one, involving matters of the highest importance, deserves to be fully investigated; and facts, although they may be disagreeable, or in themselves uncomplimentary, should not be passed over in such an inquiry. The suffragettes have alleged that the existing order of things should be changed, and are moving heaven and earth to change it. It is proper to inquire fully whether this should be done.

To all womanly women who may feel offended at any general statements herein, which might be regarded as reflections upon their half of humanity, we say with all sincerity that these statements are not intended to apply to them. To the contrary, we regard them as the salt of the earth, and they are not the subjects of the present criticism.

CONWAY WHITTLE SAMS.

NORFOLK, VIRGINIA, *March 17, 1913.*

“Order is Heaven’s first law”

Husband and Wife

Husband and Wife

CHAPTER I

“And God said: Let us make man in our image, after our likeness.” (Genesis, I, 26.) “And the Lord God said, It is not good that the man should be alone; I will make him an helpmeet for him.” (Genesis, II, 18.)

The divine view of this relation is left in no uncertain state by the Bible.

The opening chapter in the history of the human race deals with this subject, and the Creator himself laid down the rule which should apply to it. To Eve he said: “Thy desire shall be to thy husband, and he shall rule over thee.” (Genesis, III, 16.)

This rule, necessary for the peace and the harmony of domestic life, giving a fixed and lawful authority to the husband as the head of the house, is repeatedly reaffirmed in the Bible, and constitutes to-day the moral and the religious law governing this relation.

Isaiah compares the Lord, in a certain case, to a husband, when he says: “For thy Maker is thine husband; the Lord of hosts is his name.” (Isaiah, LIV, 5.)

The relation of Christ to his church is compared to that of a bridegroom to his bride. (Isaiah, LXII, 5; Revelations, XXI, 2, 9.)

In Romans we read: "For the woman which hath an husband is bound by the law to her husband as long as he liveth; but if the husband be dead, she is loosed from the law of her husband." (Chapter VII, 2.)

And in the letter to the Corinthians we read: "And unto the married I command, yet not I, but the Lord, Let not the wife depart from her husband: But and if she depart, let her remain unmarried, or be reconciled to her husband; and let not the husband put away his wife." (I Corinthians, VII, 10, 11.)

So in Ephesians, V, 33: "Nevertheless let every one of you in particular so love his wife even as himself; and the wife see that she reverence her husband."

"Let the husband render unto the wife due benevolence; and likewise also the wife unto her husband." (I Corinthians, VII, 3.)

"Wives, submit yourselves unto your own husbands, as unto the Lord. For the husband is the head of the wife, even as Christ is the head of the church; and he is the Saviour of the body. Therefore, as the church is subject unto Christ, so let the wives be to their own husbands in everything. Husbands, love your wives, even as Christ also loved the church, and gave himself for it." (Ephesians, V, 22-25.)

So we find the relation clearly defined by St. Peter:

“Likewise, ye wives, be in subjection to your own husbands. . . . Even as Sara obeyed Abraham, calling him lord; whose daughters ye are, as long as ye do well, and are not afraid with any amazement. Likewise, ye husbands, dwell with them according to knowledge, giving honour unto the wife, as unto the weaker vessel, and as being heirs together of the grace of life; that your prayers be not hindered.” (I Peter, III, 1-7.)

So in Colossians, III, 18: “Wives, submit yourselves unto your own husbands, as it is fit in the Lord.”

And in I Corinthians, XI, 3, 8, 9: “But I would have you know, that the head of every man is Christ; and the head of the woman is the man. . . . For the man is not of the woman; but the woman of the man. Neither was the man created for the woman; but the woman for the man.”

In the epistle to Titus St. Paul admonishes the aged women to “teach the young women to be sober, to love their husbands, to love their children, to be discreet, chaste, keepers at home, good, obedient to their husbands, that the word of God be not blasphemed.” (Titus, II, 4, 5.)

Of course the rules laid down by the New Testament writers on this subject are what they derived from our Lord, expressing His ideas and probably His very words.

The tender love which should characterize the relation is laid down in the rule: "So ought men to love their wives as their own bodies. He that loveth his wife loveth himself. For no man ever yet hated his own flesh; but nourisheth and cherisheth it, even as the Lord the church." (Ephesians, V, 28, 29.)

Such is the biblical, the religious, the divine view of this fundamental relation of society. An acceptance of it, as the working rule in the domestic circle, solves at once most of the questions which can arise. The authority is fixed, definitely vested in the husband, giving him the legal and the moral right to control. There is no attempt at an equal division of authority in this matter. That would only lead to domestic discord. It is the right of the husband to command, and the duty of the wife to obey.

This divine view is fully carried out in the religious ceremony of the church when a marriage is celebrated. This ceremony is not a mere form; it is the formation of a contract to last for life; and, in making it, these vitally important features are provided for, and covered.

The parties appear before the officiating clergyman. Each is asked if he or she will take the other as husband or wife. The questions contain the substance of the contract, and beautifully define the duties of each.

The husband is asked: "Wilt thou have this woman to be thy wedded wife, to live together

after God's ordinance in the holy estate of matrimony? Wilt thou love her, comfort her, honor and keep her, in sickness and in health; and, forsaking all others, keep thee only unto her, so long as ye both shall live?"

The husband when he says "I will" makes this a solemn agreement and stipulation on his part.

Leaving out the agreements which are common to both parties, the essential features of the relation are sharply brought out in the special agreements of each:

The husband promises specially to comfort his wife.

The wife promises specially to obey and serve her husband.

If the parties do not mean to keep these contracts, they should not make them. After the wife has promised to obey and serve her husband she has no right to raise any question afterward on this point. The matter was settled at the altar.

Then comes a very significant part of the ceremony. The clergyman asks: "Who giveth this woman to be married to this man?" What a vista of the customs, the traditions, the laws, and the usages of ages is opened up by this inquiry! Who giveth this woman to be married to this man? The woman, of course, belongs to some man, most naturally her father, or, in his stead, her brother, or some other of the male members of the family. This person, representing the family

to which the bride has up to this time belonged, rises and says that he gives her away. The bride is thus legally transferred from her father's family to her husband's family. Her name hitherto has been that which she derived, as a matter of law, from her father. It now becomes that of her husband. The one name is changed for the other. Ignorance is displayed when the bride drops one of the names given her in baptism, keeps her father's name, and adds to it the surname of her husband, or adds her husband's surname to all her own names. She ought to know that the fixed parts of her name are those given her at baptism,—that is, her Christian name,—and that her family name came to her of necessity from her father. When she marries, therefore, this surname changes by a like process of law, and becomes the name of her husband.

Then follows in the marriage ceremony a solemn reaffirmation of the agreements as contained in the answers to the minister's questions, in nearly the same words as before used, the wife again promising to obey.

After this comes a part too technical to be understood by all. The husband says: "With all my worldly goods I thee endow."

This means, not that the husband then and there divests himself of all his property, nor that after the ceremony he is going to sign a deed turning over his property to his wife, but that he gives her a dower interest in his land,—that is,

the right to a third of all his real estate for her life, if she survive him. The word "goods" means land, and the word "endow" means to give a dower interest in the land. The ancient way of designating all a man's worldly possessions was to call them his "goods and chattels"; "goods" means what we now call real estate, "chattels" originally meant cattle, and later was used to describe all his movable property,—that is, his personal property, as we now call it.

These words of the marriage service have been very generally misunderstood. The people who hear them do not know their meaning. The words "goods" and "endow," as we see, are technical. The ceremony accomplished in law exactly what those words meant in law. But the untechnical audiences which hear them think that they mean that the husband gives, or says he gives, and therefore should give, all his property to his wife. These words, therefore, have done their part in unsettling the mind of the public in regard to the relations which should subsist between husband and wife, and might well be converted into more modern terms better understood.

"I give you a dower interest in such land as I now own, or may hereafter acquire" is what the words really mean, and this is their exact legal effect.

A great deal of legal history is involved in this portion of the marriage ceremony, which is thus explained: "No woman can claim dower unless

she has been endowed at the church door. That is Bracton's rule, and it is well borne out by the case law of his time. The woman's marriage may be an indisputable marriage, but she is to have no dower if she was not endowed at the church door. We soon see, however, that what our justices are demanding is, not a religious rite, nor the presence of an ordained clergyman, but publicity. We see this very plainly when Bracton tells us that the endowment can and must be made at the church door, even during an interdict when the bridal mass cannot be celebrated. It is usual to go to church when one is married; all decent persons do this, and all persons are required to do it by ecclesiastical law. The temporal law seizes hold of this fact. Marriages contracted elsewhere may be valid enough, but only at the church door can a bride be endowed. There is a special reason for this requirement. The common contrast to the church door marriage is the death-bed marriage. At the instance of the priest, and with the fear of death before him, the sinner makes an honest woman of his mistress. This may do well enough for the church, and may, one hopes, profit his soul in another world, but it must give no rights in English soil. The justices who demanded an endowment at the church door were the justices who set their faces against testamentary gifts of land, and strenuously endeavored to make livery of seisin mean a real change of possession. The acts which give rights in land should be public,

notorious acts." (Pollock and Maitland's "History of English Law," Vol. II, p. 372.)

"God's holy ordinance," according to which the consorts agree to live, is the body of rules on this subject that are laid down in the Bible, and which we have collected at the beginning of this chapter.

The whole ceremony, as expressed in one of the concluding prayers, is a "vow and covenant betwixt them made," and each has the right to expect and require that the other will observe it.

Alas! they are too often not observed, and the present demoralization in this fundamental relation follows.

In justice to the women, we would like to say that we believe the cause of the present disordered condition of marriage does not lie so much with them personally as with the system under which they find themselves living. It is a part of human nature to desire to do what is expected of us, to be in the fashion, and to conform to the accepted standard. Women certainly are not unaffected by this tendency.

Now, the point is this: If the established rule of society be that the women are to be dutiful and obedient wives, they will try to be so. It is the road to peace and happiness, and if this be what is universally expected of them, they would, in the vast majority of cases, try their best to conform to it. If, however, fostered by unwise legislation, and endlessly discussed in novels,

newspapers, magazines, on the stage, and in societies, the claim be made that it is a wife's duty to assert herself, to try to have her own way in everything, to claim to be the head of the home, to restrict her husband's sphere of authority to a dreary office, and so on, she will proceed, to the best of her ability, to do that. The same woman who would, under one standard set up by society, be a good wife, may, under another standard, be a very bad one. The standard should be correct. If it be so, the world as a whole will move smoothly,—that is, as smoothly as frail human nature, with its insatiable desires, fickleness, and follies, will let it.

If the standard be a wrong one, it should be corrected; and the way to correct it is to change the law on the subject. Law has the tendency, sooner or later, to affect all standards. We have changed, and nearly broken to pieces, the laws and customs of our ancestors in this matter; and the sooner they are mended and reëstablished the better.

CHAPTER II

In studying the construction of society in the past and present, we find that there has been in very recent years, especially in this country, a remarkable tendency to pass laws which lessen the importance, rights, privileges, and powers of husbands. In order to appreciate the nature and the extent of this change, a few pages will suffice to show what some of their rights were in the past; then there will be presented by contrast how the legislation of this State, in common with most of the other American States, has diminished them in the present.

The ancient construction put upon this relation was in harmony with the Biblical rules on the subject. In very early times the powers of the husband and father, in his domestic circle, were practically without limit. An enumeration of them is given later in the chapter on Father and Child. These powers of the husband applied to both the wife's person and property. The illustrations of this power there given are taken mainly from Roman law, as being the most striking, and as being the oldest jurisprudence, except the Hebrew, with which the writer is somewhat familiar. Although the doctrines there stated may have been

modified in certain particulars by the ancient Anglo-Saxon jurisprudence, they will serve as a general presentation of it, as will be seen by reading Pollock and Maitland's "History of English Law," on the subjects of "Marriage" and "Husband and Wife," Vol. II, pp. 362-434.

With reference to property rights between husband and wife, under what is technically known as the Common Law,—that is, the general rules and customs of law applying to England, which is the law in Virginia, except when changed by an act of the Legislature,—we quote from the above work, Vol. II, p. 401:

"In the lands of which the wife is tenant in fee, whether they belonged to her at the date of the marriage or came to her during the marriage, the husband has an estate which will endure during the marriage, and this he can alienate without her concurrence. If a child is born of the marriage, thenceforth the husband as 'tenant by the curtesy' has an estate which will endure for the whole of his life, and this he can alienate without the wife's concurrence. The husband by himself has no greater power of alienation than is here stated, he cannot confer an estate which will endure after the end of the marriage, or, as the case may be, after his own death. The wife has during the marriage no power to alienate her land without her husband's concurrence. The only process whereby the fee can be alienated is a 'fine,' to which both husband and wife are parties,

and to which she gives her assent after a separate examination.

“A widow is entitled to enjoy for her life under the name of dower one-third of any land of which the husband was seized in fee at any time during the marriage. The result of this is that during the marriage the husband cannot alienate his own land so as to bar his wife’s right of dower, unless this is done with her concurrence, and her concurrence is ineffectual unless the conveyance is made by ‘fine.’

“Our law institutes no community even of movables between husband and wife. Whatever movables the wife has at the date of the marriage becomes the husband’s, and the husband is entitled to take possession of, and thereby to make his own, whatever movables she becomes entitled to during the marriage, and without her concurrence he can sue for all debts that are due to her. On his death, however, she becomes entitled to all movables and debts that are outstanding, that have not been ‘reduced into possession.’ What the husband gets possession of is simply his; he can freely dispose of it *inter vivos*, or by will. In the main for this purpose a ‘term’ of years is treated as a chattel, but under an exceptional rule the husband, though he can alienate his wife’s ‘chattel real’ *inter vivos*, it will be hers if she survives him. If he survives her, he is entitled to her ‘chattels real,’ and is also entitled to be made the administrator of her estate. In that

capacity he is entitled to whatever movables or debts that have not yet been 'reduced into possession,' and, when debts have been paid, he is entitled to these as his own. If she dies in his lifetime, she can have no other intestate successor. Without his consent she can make no will, and any consent that he may have given is revocable at any time before the will is proved.

"Our common law,—but we have seen that this rule is not very old,—assured no share of the husband's personalty to the widow. He can even by his will give all of it away from her except her necessary clothes, and with that exception his creditors can take all of it. A further exception, of which there is not much read, is made of jewels, trinkets, and ornaments of the person, under the name of paraphernalia. The husband may sell or give these away in his lifetime, and even after his death they may be taken for his debts; but he cannot give them away by will. If a husband dies during the wife's life and dies intestate, she is entitled to a third, or if there be no living descendants of the husband, to one-half of his personalty. But this is a case of pure intestate succession; she only has a share of what is left after payment of her husband's debts.

"During the marriage the husband is in effect liable to the whole extent of his property for debts incurred or wrongs committed by his wife before the marriage, also for wrongs committed during the marriage. The action is against him, and not

her, as co-defendant. If the marriage is dissolved by his death, she is liable, his estate is not. If the marriage is dissolved by her death, he is liable as her administrator, but only to the extent of the property that he takes in that character.

“During the marriage the wife cannot contract on her own behalf. She can contract as her husband’s agent, and has a certain power of pledging his credit in the purchase of necessaries. At the end of the middle ages, it is very doubtful how far this power is to be explained by an ‘implied agency.’ The tendency of more recent times has been to allow her no power that cannot be thus explained, except in the exceptional case of desertion.”

Such was the body of rules on this subject which existed in Virginia, and which would have continued to be the law to this day but for legislative changes more or less recent.

Roughly summarized, the law was that the husband was bound to the extent of his resources to support his wife; and that, partly as compensation and aid to him in discharging this obligation, and partly as his right as head of the family, he owned her personal property, and had the use of her real estate during the marriage, and for the rest of his life, if they had children. If there were special reasons to distrust the husband’s ability to manage property, or if he were heavily indebted and it were thought desirable to prevent his owning his wife’s prop-

erty, by means of a specially created equitable separate estate this was accomplished.

The men of the great State of Texas have had the virility to adhere to the Common Law of England in regard to all these matters of property rights as between them and their wives. Of course their doing so is now attacked furiously by the women; but if they stand firm, they will continue to occupy a position in all these domestic affairs greatly above that held by the men of Virginia, and infinitely superior to that of the men in the States where women are put on an equality with men.

Let us see what the Legislature of Virginia has done with these rules, and in what position they have finally placed all the husbands in the State.

Section 2286 A of the Code now provides as follows:

“A married woman shall have the right to acquire, hold, use, control, and dispose of property as if she were unmarried, and such power of use, control, and disposition shall apply to all property of a married woman heretofore or hereafter acquired; provided, however, that her husband shall be entitled to curtesy in her real estate when the common law requisites therefor exist; and he shall not be deprived thereof by her sole act; but the right to curtesy shall not entitle him to the possession or use, or to the rents, issues, and profits, of said real estate during the coverture; nor shall the property of the wife be subject

to the debts or liabilities of the husband. A married woman may contract and be contracted with, sue and be sued, in the same manner and with the same consequences as if she were unmarried, whether the right or liability asserted by or against her shall have accrued before or after the passage of this act. A husband shall not be responsible for any contract, liability, or tort of his wife, whether the contract or liability was incurred or the tort was committed before or after the marriage." (Acts 1899-1900, p. 1240.)

When a married woman is a minor neither her father nor her husband is to have any control over her property, but her estate is committed to a "receiver" by an order of court. Section 2291 provides in this double emergency the following legislative gem:

"When a woman is a minor at the time of her marriage, and is then entitled to any estate, or during her coverture, and while a minor, becomes entitled to any estate, she shall not during the coverture, and while a minor, have the control and management of such estate; but the circuit court of the county, or the circuit or corporation court of the corporation wherein she resides, or the said real estate, or any part thereof is, or the judge of the said court in vacation, shall, on the petition of her next friend commit her said estate to a receiver, who shall give bond before the court or judge, and shall hold and manage the said estate, and pay out the rents, issues, profits, and income

thereof to her use under the direction of the court, or apply the estate, or any part thereof, if the court so order, to her use during coverture, and while she is a minor; and upon her attaining the age of twenty-one years, all such estates and the rents, issues, income, and profits thereof, not paid out or applied as aforesaid, shall be delivered into her possession; or, if she die before attaining that age, the same shall be delivered at her death to those entitled thereto.

“The seisin requisite for the husband’s curtesy in the wife’s real estate, committed to a receiver shall, for the purpose of curtesy, be presumed, if there could have been such seisin, had not the real estate been so committed.” (Acts 1899-1900, p. 1240.)

Real estate belonging to a married woman who is a minor may be sold by a court. Neither the approbation of her husband nor of her father is required. The court is presumed to take much more interest in her welfare, and to guard carefully the proceeds of the sale from these dangerous characters by transferring it to the custody of another receiver. (Section 2292 A; Acts 1891-2, p. 391.)

If the wife die intestate, her personal property all passes to her husband. (Section 2557.)

If they have had no child born alive, her husband has no interest in her real estate. If he have put the house in which they lived in his wife’s name, and she die intestate, he must walk

out of the house the day after the funeral, and the property which he was so carefully guarding against the claims of his creditors will pass in fee simple to his wife's seventeenth cousin possibly, or to someone else whom he has never seen, this being the rule applying to all her property from whomsoever derived. (Section 2548.)

If they have had a child born alive, and she die intestate, the husband may still hold it, as tenant by the curtesy, for the balance of his life. His wife's heirs will then own the property. (Section 2293.)

This would also be the case if there had been a child who inherited the property from his mother. At her death it would descend to the child, subject to the curtesy of the husband; and at the child's death, if still an infant, it would, still, subject to the husband's curtesy, pass to the maternal relations of the child, leaving his father only a life interest. (Section 2556.)

These two provisions,—the one allowing the husband to stand as the sole distributee of his wife's personal property, that is, as to such personal property as she may not have given away to some one else by her will; and the other, the right, contingent upon a child's having been born alive during the coverture, for him to hold for his life any real estate she may have owned during the coverture, whether willed away by her or not,—are about all that is now left the husband of his interest as such in his wife's property. On the

whole, they do not amount to any more than the wife gains in his property. So, taking all the cases together, we may say that the husband gains nothing financially by marriage.

We must make, however, one exception to this broad statement: he is still legally entitled to his wife's affections. If any one alienate these from him, he can sue him for damages; and anything collected in such a suit will be his individual property.

What a strange oversight on the part of the Legislature to let this rule stand! It mars the beautiful symmetry of the plan which was being so successfully worked out,—that of depriving the husband of everything. The idea of damages resulting from a matter due to the very marriage itself, not being secured to the wife, even if it were the injury that the husband had sustained by the alienation of his wife's affections! How could he ever have become entitled to the damages but for her marriage with him; and as she was the cause of the damages having arisen why should they not belong to her instead of to him?

CHAPTER III

One of the strangest things and worst consequences about our system of the separate property of married women has been the way many men have tried to use it in order to put their money beyond the reach of their creditors,—“In case anything happened to them,” as they express it. It is now not only a question of giving to men a proper interest in, and assistance from, the property of their wives, but it is high time for men to be stopped from putting all their own property in their wives' names. The ultimate effect of this policy appears to be that all the property in the State will eventually stand in the names of women, and the men will be brought into unbecoming dependence upon them in that regard. If protection of property from the claims of creditors be proper, which we do not admit, it would be better to let a man entail his estate in a manly and straightforward manner, as was formerly done, instead of holding it under the trusteeship of his wife. This puts him not only in a fraudulent, but in a contemptible position, if such were his object.

A beautiful case illustrating the real security husbands get by putting their property in their wives' names is presented to us in this case, which we give as it was reported in the *Virginian-Pilot*,

of Norfolk, Virginia, on August 2, 1905, omitting names only:

“After having worked for many years to accumulate a considerable amount of property, which he transferred to his wife as fast as he got it, on account of the fact that he wished to protect her from the expense of litigation after his death in case relatives should make any contest, and then to find that the wife had bequeathed it all to outsiders by a will of which he knew nothing, is the predicament Mr. X., of Norfolk, finds himself in.

“Mr. and Mrs. X. had no children, and in 1883 he came to the conclusion that as Mrs. X. had helped him by wifely counsel and sympathy to get his money, he should take some steps to save her from annoyance from relatives in the event of his death before hers. Their life had been one long honeymoon, and it was his wish that after his death Mrs. X. should live in the same comfort and ease that she had done since he had become wealthy again. To make sure of this he transferred to her name property to the amount of \$27,000, and afterward bought for her a fine home at the corner of X Avenue and V Street, which stands in the center of a spacious lawn, and is one of the most attractive places in Norfolk.

“When he had completed this home in every detail he deeded it to her in the same manner that he had done the other property. In return Mrs. X. made a will whereby all the property

which had been given her by her husband was left to him in fee simple, in case she should die first.

“Some years ago Mr. and Mrs. X. made the acquaintance of a Mrs. Y., who is the widow of — Y., a brother of the great manufacturer. The acquaintance soon ripened into a close friendship, and Mrs. Y. was often the guest of Mr. and Mrs. X. at their Norfolk home. The old Confederate soldier and his wife also conceived a strong friendship for the Rev. Dr. C., pastor of the ——— Church, of this city. There was never a word said about devising any of the property to these two persons, and no such thing was ever thought of for a moment by Mr. X.

“Mrs. X. died two weeks ago, and Mrs. Y., who was in Chicago, heard of it and came to Norfolk at once and went to see Mr. X. She was received with the same open-handed, whole-hearted hospitality that had been accorded her during Mrs. X.’s lifetime. This woman had not been in the house many minutes before she had astounded Mr. X. with the information that his wife had made a will in 1893 (ten years after the previous will had been made) by which that gentleman had been left a life interest in the property he had transferred to his wife, and that at his death a life interest went to Mrs. Y., with a residuary interest to Mrs. Y.’s son. Mrs. Y. told Mr. X. of a clause in the will which gave that lady the power to dispose of the property by

will in any manner she wished in spite of the fact that a residuary interest had been given to young Y.

"He was also informed that the beautiful home in which they had lived had been given at once to Dr. C., the X.'s pastor. Mr. X. was stunned by the news for an instant, and then he ordered Mrs. Y. to leave his house forthwith, and she lost no time in doing so.

"The old soldier took the will of 1883 to the Clerk's office and filed it with Clerk D., who has locked it up in his safe and is holding it for safe-keeping. The husband has also taken steps to prevent the later will from being probated, and if he fails in this, he will cause an issue *devisavit vel non* to be raised, and fight it along that line.

"Mr. X. said yesterday that he and his wife had had a beautiful home life and their relations had always been of the most loving kind, and he did not believe that she had ever signed such a will. He has read a copy of the Y. will, but has not seen the original. He will make every effort to save the property for himself, because he does not believe for one instant that Mrs. X. ever intended to deprive him of it."

There you are. The husband and the acquirer of the property, to be compelled to walk out of his own house at once, and lose the fee simple title to all the rest. And this is just the situation any man is likely to find himself in who does this sort

of thing. And we know another case, even sadder than this, when the wife herself kept her husband out of property which he, in a moment of weakness and alarm, transferred to her.

A man's only protection, in regard to real estate, the title to which stands in his wife's name, is the provision in Section 2286 A that the husband shall not be deprived of his contingent right of curtesy by the sole act of his wife; which means that no deed signed only by her, without him, shall deprive him of his contingent right to a life interest in the same as tenant by the curtesy, which becomes a legal estate in possession only if they have children born alive, and he survive her. Even this the Legislature may sweep away at any time. As to personal property, such as stocks, bonds, money, and so forth, he has no protection. By her sole act his wife may dispose of this at any time, as she may also dispose of the ultimate fee simple title and immediate possession of the house the husband may have put in her name, by her sole deed, or, to his great and everlasting consternation and ruin, by a will of which he knew nothing until her death, when it would be too late to alter it.

A joke is even made of putting property in the wife's name: "I hear, Mike," said Pat, "that Flinn had his appendix taken from him." "Serves him just right," said Mike, "for not putting it in his wife's name."

If this sort of thing continue for a few more

generations, nearly all the property in Virginia will belong to women. The men, for alleged affection, but more generally for supposed protection, adopt this policy often while living. The women, when they come to make their wills, have a decided preference for leaving their property to their daughters, for the unintended benefit of their sons-in-law, instead of to their sons, for the benefit of their daughters-in-law. The writer has even seen a will in which the property is left by a woman to her daughter-in-law, to the exclusion of her son. The sons are held to be able, of course, to make all the money they need; let them work. Such property as is in the family is, therefore, to devolve upon the daughters. The men also, under the influence of their wives presumably, often will the best of their property to their daughters instead of to their sons. It does not require much effort of imagination to see what will be the final result if this process be allowed to go on indefinitely. The men of the State may ultimately find themselves not only lowered in dignity, but placed in financial dependence upon the women; and then, what?

“She sifted the meal, she gimme the huss;
She baked the bread, she gimme the crus’;
She biled the meat, she gimme the bone;
She gimme a kick and sent me home!”

Stripped of the legal title to their property, and the power which goes with it, men need not be surprised if they find themselves treated with

the same consideration that King Lear is represented as having received at the hands of his daughters,—Goneril and Regan.

Now, if in a moment of weakness, or of ignorance, you have put your property in your wife's name, the sooner you have it reconveyed to you, the better for you. Your wife may die to-morrow, and you may find yourself subordinated in regard to your property to the infant over there in the cradle, or to relatives of your wife, whom possibly you never saw nor heard of.

For fear that the husbands of Virginia might not be sufficiently excluded from benefit in their wives' property, to the satisfaction of everybody, it is carefully provided that equitable separate estates on the part of the wife may also still be created, in which case a trustee will be interposed between the husband and his wife. This certainly has a tendency to make the matrimonial relation particularly harmonious and attractive! (Section 2294.)

As a part of the plan to reduce to nothing the interest which a husband has in his wife's property, and to compel him to stay with her, it is provided by Section 2296 that: "If a husband wilfully deserts or abandons his wife, and such desertion or abandonment continues until her death, he shall be barred of all interest in her estate as tenant by the curtesy, distributee, or otherwise." (Acts 1899-1900, p. 1240.)

That is, for instance, if relations should become

a little strained between them, or even only appeared to be so to outsiders, and the husband, after putting all his property in his wife's name, should leave town for a few days, and his wife should die of heart disease, be run over by a car, or otherwise suddenly depart this life during his absence, he is excluded from all interest in the property. Even if she have made a will in his favor, it all goes for naught, and the property, real and personal, is to go to the distant cousin of the wife, or to whomever be her heir, legatee, or devisee.

It is to be observed that this forfeiture of all interest in the wife's estate is not dependent upon her being in needy circumstances, nor does it regard the source from which her property was derived, nor the length nor cause of the absence, and all these forfeitures are to be asserted by others who would have a powerful financial reason for making it appear that the case contemplated by the statute had arisen, so that they could get what should belong to the husband. This statute is about on a par with Section 2556, in disturbing the peace of mind of those affectionate and cautious men who are so fond of putting their property in their wives' names. They should commit both to memory, and say them over to themselves at least once a day, to make sure that they really know these rules of law, and to make themselves enjoy all the more the great security which they think they possess by this scheme.

CHAPTER IV

Worse than this, though, is the provision passed in the year of Grace, 1904, by which husbands may not only be fined by loss of all financial interest in their wives' property, but flung into jail for deserting them. This statute we consider such a model of bad legislation that it should be given at length in the very words of the Legislature:

“Any person (that is any husband or father) who shall, without just cause, desert or wilfully neglect to provide for the support of his wife or minor children, in destitute or necessitous circumstances, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in jail, not exceeding one year; provided that before the trial (with the consent of the defendant) or after conviction, instead of imposing the punishment hereinbefore provided, or in addition thereto, the court in its discretion, having regard to the circumstances and financial ability of the defendant, shall have the power to enter an order, which shall be subject to change by it from time to time as the circumstances may require, directing the defendant to pay a certain sum weekly or monthly for the space of one year to the wife or to the custodian of the minor, and to release the defend-

ant from custody on probation for the space of one year upon his entering into a recognizance, with or without sureties, in such sum as the court shall direct. The condition of the recognizance shall be such that if the defendant shall make his personal appearance at court whenever ordered to do so within the year, and shall further comply with the terms of the order, or of any subsequent modification thereof, then the recognizance shall be void, otherwise to remain in full force and effect. If the court be satisfied by information and due proof under oath at any time during the year that the defendant has violated the terms of such order, it may forthwith proceed to the trial of the defendant under the original indictment, or sentence him under the original conviction, as the case may be. In the case of forfeiture of a recognizance and enforcement hereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the wife or to the custodian of the minor. The corporation or hustings courts of the cities and the circuit courts of the counties, respectively, shall have exclusive original jurisdiction of all prosecutions and proceedings under this Act." (Acts 1904, p. 208.)

This enactment is the companion piece and forerunner of the more recent act of legislation, noted later in a chapter in Part II on "Parent and Child," putting the parent in jail for not supplying the child with food, and so on. (Acts 1910, p. 570.)

These acts are nothing more or less than insults to the men of a race which, since the dawn of its history, has supported its wives and its children to the best of its ability. Aimed presumably at a few real offenders, who may be morally reprehensible for their neglect or failure to discharge their obligations to their families, the inevitable result of this legislation is to degrade the relation of husband and father to the lowest level of dignity and authority which the world has ever seen. Are the men of Virginia, and of other States of the American Union, going to submit indefinitely to, or extend, a system which degrades them in their family relations to a condition lower than that occupied by any other men in the world? and which places the policeman, the sheriff, and the jailer in their family circle, ready, at the command of the wife, on the charge of non-support, to arrest and imprison the head of the family? This legislation leaves no opportunity for the husband and father to discharge these obligations because it is his natural right and duty to do so, and because it is his pleasure to do so, but he now discharges them, if for no higher reason, because he must do so. He must do so, or go to jail. The courts are here again made the custodians and regulators of all the family affairs. Over the head of all husbands and fathers hangs the sword of Damocles, in the powers of these courts, so ignominiously provided against the men of the State by the Legislature. This policy appears to be

so humiliating to the men of our race, the whole conception so subversive of the proper relation of husband and wife, and of father and child, that it should be reversed at once, before it has had time to ruin the domestic relations beyond the hope of recall.

It seems that the State of New Jersey has a statute similar to ours, or more probably, with our zeal for legislative plagiarism, we may have simply copied theirs. An edifying spectacle is presented in the following case, which was recorded by the *New York World*, on August 29, 1905, coming under this statute. The newspaper account of it was as follows:

“Jersey City, N. J., August 29.—What disposition A. B. makes of five cents a week is the question that is agitating Jersey City. He admits that he spends it, and his wife, who had him arrested for non-support, agrees with him; but what Jersey City desires to know is just how B. expends his portion of the money for which he works.

“Over the back fences, where the women swap experiences and tell of the home-comings of the head of the house, with more than a white man’s burden that cost a week’s salary, and discuss the prodigality of man, B. is an object of curiosity.

“Something in B.’s manner impressed Mrs. B. a few days ago that he was going to balk at giving up \$32.40 on his pay-day, so she left her home at 415 H. Street, and obtained a warrant for his arrest for non-support.

"Yesterday B. was dragged to court before Justice H.

"'You are charged with non-support,' said the justice.

"'It is untrue, your honor. I make \$65 a month, and I get paid every two weeks, and I give my wife \$32.40, and keep ten cents for myself.'

"'Is that true?' asked the justice.

"'Yes,' said the wife. 'You see, my husband was paid last Saturday and I was afraid he would not give me my share of the money, and so I had a warrant issued for him on Friday.'

"'Did he give it to you?' inquired the justice.

"'Oh, yes; but I forgot to tell the officer to withdraw the warrant, and so it was served,' replied the wife."

As severely as the record shows that Job was tried, he was never called upon to bear anything quite so exasperating as this. Who could be much surprised if he heard that the next act in that drama were a divorce, a suicide, or even a murder? These crimes have been often committed under less provocation.

Here is another illustration of the working of this kind of legislation:

"Philadelphia, Pa., December 14, 1911.—Mrs. C., forty-five years old, was told she had no standing in court after she had caused the arrest of her husband, whom she left twenty-four years ago on a

charge of desertion and non-support. Husband and wife had not seen each other since except once, shortly after the separation, when C. was arrested on the complaint of his wife on a similar charge. In that case it was proved the wife was in the wrong.

"Since the desertion C. has prospered. When he faced his wife he had to look at her several times before he recognized her."

And right here at home we have:

"Y. Z. pleaded guilty yesterday in the Norfolk County Circuit Court to a charge of deserting his wife. A verdict of six months in the county jail was returned by the jury."

"The case of B., charged with desertion, was called yesterday in the Norfolk County Circuit Court, but was continued. B. is a fugitive."

It is likely that others will do well to follow B.'s example, for not long after his hejira the following program for establishing domestic peace and happiness was promulgated:

"At the meeting of those interested in the workings of the Juvenile and Domestic Court, held yesterday in the Police Court, Justice B. signified his intention of making it exceedingly warm for the wife-deserters and those who fail to support their families, and are brought before him.

"Instead of fining them as has been the case in

most instances heretofore, those who merit punishment will be sent to jail for two or three days, or for longer sentences in the more aggravated cases. In a great many instances after a man has been fined for non-support, his wife, being too loyal to him to let him go to jail, has had to pay his fine when she really needed the money badly for household purposes, and it is thought that the new method of jailing the offenders will settle the question more satisfactorily.

“There were quite a large number of ministers of both the white and the colored churches present at yesterday’s meeting, together with representatives from various organizations interested in the juvenile and domestic situation, and all pledged their support to the magistrate in helping to prevent a large number of children being brought into court.

“It was decided that in each instance where children enter into the cases an investigation into the home-life of the youngsters will be made; and where it is found that the influence surrounding the bringing up of the child is such that would tend to demoralize it, the parent will be held responsible and be made to bear the punishment for the child’s wrong-doing.”

The wives were “too loyal” to their husbands! So the State drives a wedge between them, and holds that “the method of jailing the offenders will settle the question more satisfactorily.”

We will suppose that the husband has been duly

“jailed,” and, after a certain time, comes out. Where will he go? Dinner-time comes, and we will stretch our imagination to the point of seeing the husband overcome his repugnance to ever entering the house, or seeing his wife again, and behold him sitting down at table with his family. Across the board sits his wife, she who has had him put in jail. She faces him, her mind full of what she has done, his mind full of what she has done. What topic of conversation could be found but the one which was boiling in the heart of each?

Are not such situations as this among those dreadful antecedents of the awful tragedies which we read of so often, where some man, exasperated beyond the limit of endurance, slaughters his wife and his children, and then kills himself over their dead bodies?

Far be it from the writer to be understood as counseling or condoning any such course. The trials of the husband should be endured with fortitude, and all the teachings of morality, virtue, and religion unite to lead him to repentance and a better course of life. We are here merely analyzing the situation, and probing into the causes of the awful scenes which are related to us so often. And here, let us say, that the real cause,—domestic anarchy,—is never given in the newspaper accounts. All is attributed to sudden fits of mental aberration. Persons never regarded in the least as insane are always so reported when these

tragedies occur. The policy which has been adopted by society in regard to these domestic matters seems, for the time being, to blind the eyes of the public to the real cause, or to make it unwilling to face the ghastly fact that this modern movement is fatally wrong, and is proving itself to be a dreadful failure.

It would seem that the indefiniteness of the word "support" would be of itself a sufficient objection to this legislation. What is a support? How much money must the husband earn, and use in the support of his family, not to render himself likely to be put in jail on the ground of wilfully neglecting to provide for the support of his wife or minor children? Poor people are accustomed to live on incomes which richer persons would deem wholly insufficient. Would not the daughter of a rich family feel that she had the right to put her husband in jail if he only supplied the sums which poorer people were accustomed to live on, even if this were the best that he could do? Why would not a servant girl have a right to put her husband in jail for not supporting her in the style her mistress lives in? Why should not every wife, ultimately, have the right to demand that she be supported in the best style known in that community? And what is the reason she is not so supported but the fact that her worthless husband does not make as much money as somebody else's husband makes? And such being the case, why should not all the

unfortunate, the incapable, and the weak husbands be put in jail together for not being rich, strong, and successful? It is their fault of course, and theirs only, that their families do not live just as well as anybody else. What a fruitful source of dissatisfaction as to the state of life in which their lots are cast is here opened up! The parties married "for better for worse, for richer for poorer." But if it turned out that their fate is worse and poorer, who is to blame but the husband? and if he be to blame, why not have him punished?

Then again, what are the "just causes" which will sanction the desertion or wilful neglect to provide for the support of one's wife or minor children in destitute or necessitous circumstances? An enumeration of these would be truly a difficult task. We look for them in the act, but they are not to be found.

Not satisfied with the legislation already in force, which is open to the just criticism above made, the Legislature of 1912 adds the following provision, amending a previous enactment, making it apply to all cities having over fifteen thousand inhabitants:

"It shall be the duty of the chief of police or the probation officer hereinafter provided for in any city of the State having fifteen thousand inhabitants and over, when in his opinion a person in his jurisdiction is a confirmed drunkard, or is guilty of failure to support his family, to admon-

ish said person; and if, after said admonition, there is not amendment, to bring such person before the court charged with being an habitual drunkard, or with failing to support his family, as the case may be.

“That whenever any person is brought before the judge of any court or any police justice in any city of this State, charged with being an habitual drunkard, or with failing to support his wife or children, and satisfactory evidence is produced that such person is guilty of the offense charged, or is such person as above described, such judge or police justice may, in his discretion, continue the case for final determination to some later day, to be fixed by him, and bail the accused for his appearance on such day, with or without security, and the said judge or police justice may commit the said person to the supervision of the chief of police or of an officer known as probation officer whose appointment is hereinafter provided for, under such directions, rules, and regulations as the said judge or police justice may give, direct, and prescribe.

“The said judge or police justice of any city in this State may, on the recommendation of the State board of charities and corrections, designate some discreet and proper person, either constable or police officer of said city, as he may think proper, to be known as the probation officer of such city. The compensation of said probation officer shall be prescribed by the city council, and

in all cases shall be paid out of the treasury of the city for which he is appointed. Where no such appointment is made, the chief of police shall be, and he is hereby, authorized and required to act as said probation officer.

“The said probation officer shall ascertain the name and address and such facts in relation to the antecedent history and environment of the person or persons committed to his charge as may enable him to determine what corrective measures will be proper in the case, and shall exercise a constant supervision over the conduct of such person or persons, and make report to the judge or police justice, whenever he shall deem it necessary, or be required to do so, and he shall use every effort to encourage and stimulate such person to a reformation. Whenever said chief of police or probation officer shall become satisfied that such person is violating the directions, rules, and regulations, given or prescribed by the judge or police justice, as the case may be, for his conduct, said chief of police or probation officer shall have authority to arrest such person without warrant and carry him before the judge or police justice before whom he was first brought, or some other judge or police justice acting in said city; and such judge or police justice may, in his discretion, declare the recognizance forfeited, or, in his discretion, extend the time of probation under like conditions as are above described. Every probation officer appointed as aforesaid is hereby in-

vested with all powers and authority of a police officer or of a constable while in the discharge of his duties.

“A man who, after having been placed under the probation officer for non-support, still declines to provide for his family, or who while under the probation officer leaves the city, shall be apprehended and, upon conviction, sentenced to the State convict road force until such time as he shall agree to support his family, when he shall be returned to the city, and placed under a probation officer as before. A man under the probation officer as a drunkard who, after being so placed, continues to drink, shall be sentenced to the said road force, where he shall remain until he gives evidence satisfactory to the superintendent of the penitentiary and the sergeant of the camp in which he works that he has reformed, when he shall be discharged from the camp, but shall continue in the custody of the probation officer of the city in which he has residence, until discharged by the court.

“Drunkards committed to the convict road force shall be dealt with in all respects as other prisoners except, first, they shall not, unless as punishment for attempt to escape, be compelled to wear the chain; second, they shall be examined upon their entrance into the camp by the physician, and said physician shall report the result of said examination to the sergeant in charge of the camp, with the view of enabling the said ser-

geant to give to the said drunkard such work as will not do the said drunkard physical harm.

“In the event that the cities of the State or any of them should establish workhouses or city farms on which prisoners are put to work, persons convicted of non-support or declared to be confirmed drunkards, under the provisions of this act, may be committed to said farms or workhouses instead of to the convict road force.

“In the event that the cities of the State or any of them should establish said workhouses or city farms, persons addicted to any drug habit may be placed on probation and committed to said farms instead of to the jails.

“All probation officers shall report to the State board of charities and corrections. The form of such report shall be prescribed by the said board.

“All acts and parts of acts in conflict with this act are hereby repealed.” (Acts 1912, p. 396.)

Under this enlightened legislation a man who fails in business (or who from sickness, or bodily or mental infirmity, or the sickness of his wife or children, or from the loss of his position, or on account of the general expense of living, or from any of the other casualties of life, loses his property, and is unable to support his family) may, after having been placed under the power of this “probation officer,” and being still unable to do what is demanded of him by this law, be condemned, and, loaded with an iron chain,

and guarded by men with rifles in their hands, be forced to work upon the public roads.

Your life and liberty are placed by this act in the hands of a judge or police justice, and of this probation officer, possibly some ward politician, who is to "determine what corrective measures will be proper in the case,"—matters which, regulating the liberty of action of all our citizens as they do, are of such high importance that they have been heretofore most carefully guarded by the highest constitutional provisions, and regulated and defined in the clearest way by the laws which were to be administered and applied by a judge and jury, sworn to decide the case impartially.

Judges are, by this act, authorized to commit you to this officer, or to the chief of police, "under such directions, rules, and regulations as the said judge or police justice may give, direct, and prescribe." That is, the judiciary is practically given powers of legislation, a matter which has been most carefully restricted to another coordinate branch of government,—the Legislature. Every offense should have a definite description and a definite punishment, not one arbitrarily laid down by a judge or police justice. Such a power is the grossest tyranny, and a flagrant violation of our principles of government.

No defense, except that of not having failed to support your wife or family, would be able to be set up against a prosecution under this act,

as the statute makes no qualification, nor recognizes any grounds of palliation. That it was your wife herself who ruined you, and spent your last dollar, would be no defense. If, for any cause, the poor wretch be guilty of "failure to support his family," he stands condemned. Some persons are not able to support themselves, to say nothing of supporting a family. Some have extravagant wives.

No exception is made even in the case of the wife or the children that have property of their own. They are not required to exhaust this before imprisoning the head of the family. If you occupy this position, whether the family be small or large, healthy or sickly, and fail to support the members of it, to the roads you go, with your chain clanking about you. No age limits are recognized. The white-haired father, bowed down with years, may be condemned for not supporting able-bodied members of his family, male and female. No faithful performance of corresponding duties on their part to him is required to be proved before the wife of his bosom, or his offspring, may cause the poor man to be dealt with as a common malefactor, on the ground that he has failed to support them. They may have treated him like a dog. That makes no difference. To the roads he goes.

It was before the passage of this act even that we have heard sung upon the stage a song which acquires steadily a deeper and deeper meaning:

“Lord! have mercy on a married man!”

The obvious way to secure this mercy is for men, married and single, to come to their senses, and repeal these recent unwise acts of legislation. So long as they remain they are the law, and the courts will have to enforce them.

The record of the last Legislature shows that this act was one approved along with others that same day, which cover one hundred and sixty pages of closely printed matter. Statute law is the most difficult, tiresome, and involved writing one is often called upon to read. It is hard to see how all this mass received the consideration it deserved at the hands of the governor who approved it. And it is more than doubtful if it were ever given the consideration anywhere that it deserved. Yet it is now the law; and will so remain until some one in the Legislature have the courage to propose its repeal.

It is no answer to these objections to say that one's wife, or the judge, or the police justice, or the probation officer, or the chief of police, would never think of applying this law in a way which would work the injustice which is here pointed out as possible. The liberty of the citizens of the Commonwealth ought not to be put at the mercy, or in the discretionary power, of any one. Under this law every unfortunate husband or father enjoys his liberty, not under the constitution and laws of the land, but under the sufferance of his wife and the officers enumerated. When they

think he should go in chains to work on the public roads, he must go. A more humiliating position it would be hard to imagine for the men of a free and powerful Commonwealth to occupy. Under this system a man's wife may become, not the object of his love and attention, but of terror.

Under this statute the following case arose a few days ago in this city; and was partly thus reported in the daily paper:

"That a quarrel between husband and wife does not justify the man in deserting his home and failing to provide for the support of his wife was clearly defined by Judge A. R. H. in the Corporation Court yesterday.

"X. was on trial for wife desertion, when this question arose.

"The jury rendered a verdict of guilty. X. will be required to furnish maintenance for his wife."

The situation presented by this case should afford food for thought even for the Legislature and the governor, who are responsible for the law under which it arose.

Civil war breaks out in the domestic circle,—the husband, commander-in-chief on one side; his wife on the other. Skirmishes, battles, and campaigns follow. The bird of victory perches finally upon the banner of the wife. The husband is overcome, and driven from the disputed territory, the family hearth and rooftree. Many other such wars have terminated in the murder of one and the suicide of the other. Here the husband, more sensibly,

merely withdraws. The place is no home for him. He has had enough, and leaves. He will have no more to do with such an establishment, and withholds his contribution to the support of a house not conducted according to his views, and where his wishes are not regarded. He is thereupon arrested, brought into court a prisoner, and placed before the judge and jury. He is charged, not with murder, highway robbery, arson, nor burglary, but with not supporting a woman with whom he has found it impossible to live in peace and quietness.

The instructions given by the judge to the jury, as appears by the record of the case, were as follows:

“The Court instructs the jury that a quarrel between Mr. and Mrs. — furnishes no defense to the claim against him for non-support, and if the jury believe from the evidence that the defendant has failed and is failing to provide a reasonable support for his said wife they should find him guilty, unless the jury believe from the evidence that Mrs. — refused and still refuses to go to live with Mr. — at a reasonably suitable house that was offered by him to her.”

The specific charge on which the husband was arrested was that on a certain day he did “unlawfully desert the said Mrs. —, his lawful wedded wife, and refused to contribute to her support.”

Under these instructions, which merely pre-

sent the law of Virginia which applies to every husband in the State, the only defense which it would be permitted the wretched man to make was the right of proving that his wife had refused, and still refused, to live with him at a reasonably suitable house provided for her by him. No investigation into the merits of the controversy between them, or as to who was responsible for it, would have been allowed. No requirement would have been held to exist on the part of the wife to show that she had performed her wifely duties to her husband before she could thus (for failure to discharge his duty to her) have him hauled into court to be condemned ignominiously to work in chains upon the public roads. No; all such matters would have been ruled out as irrelevant. Under this law, conquered and driven from home, the husband must yet support the establishment he is unwilling to live in.

Suppose he were to come back. There sits his triumphant antagonist, flushed with victory, in full possession of the field of battle, which once had borne the name of home, and with the power of the Commonwealth on her side compelling him to support her, or suffer the penalty. And all this on account of a woman who may have been recreant to every duty she owed him. What satisfaction could he possibly have, after these scenes, in living again with her? But whether he choose to live with her or not, in the matter of

support, it is all the same to her. Possibly a wife might much prefer her husband's not living with her, and might get up such a quarrel for the purpose of driving him away. All the same she must be supported by him. The only defense he can have against such a prosecution is for her to be unwilling to come to the place he provides for her, supposing it to be "reasonably suitable." This term is vague enough to bring on another civil war, if she be still so disposed. No matter what may be the lodgings the poor creature may think are the best he is financially able to provide, she could at once raise the point that they were not suitable.

In his distress a husband so situated has to choose between living with his conqueror in the house she then is, or in some other, or of incurring the additional expense of a separate establishment for himself, or of being condemned to the public roads.

What standard of action and duty on the part of the wives is set up by such a law, and by such proceedings as these? None. Under this law every wife in Virginia can, if she choose, make herself unbearable to her husband, and drive him from his home, and even do this thing on purpose, without incurring any penalty whatever therefor. All she has to do in order to keep her husband under obligation to support her, with the threat of the law over him, is to be willing to live in the same house with him, no matter what the

personal relations between them may be. The words "reasonably suitable" would be held to mean suitable to the woman, as the wife of a man of the financial resources and station in life of the husband, not suitable to him personally. No one would care what kind of house he might choose for himself to live in. The husband's judgment of what would be suitable for him and his wife to live in would not be conclusive. When she came to occupy any house the husband might provide the wife could object to it as not being suitable; and the court alone could finally settle that point. But this would not prevent her from again, by similar proceedings, driving her husband out of that, or any other, house.

There is no escaping the conclusion. The husband is beaten into fine dust. He is ground to powder.

No reflection is intended to be hereby made on the wife in the particular case cited above. The facts in that case are unknown to the writer. It is the principle of the law applicable to that case, and to every other case which could arise under that statute, which is here criticised.

CHAPTER V

It is an open and serious question what right,—moral at least, if not legal,—the Legislature has to pass laws of this nature at all, so far as it is intended to affect the rights of husbands who were married before this first act went into effect,—that is, before March 12, 1904. It is a proposition admitting of no legal question that marriage is a contract. The law reads many incidents into it which were probably never in the minds of the contracting parties. Their personal agreements, and the large body of legal rules on the subject, make up together the general contract between husband and wife at the time they were married. Their contract is thus made up, in much the larger part, by the rules of law in existence at the time of their marriage. Both parties are conclusively presumed to know the law, and all contracts are made with reference to, in the light of, and in subordination to, the law. One feature of the contract made by the husband was that he would support his wife, who promised to serve and obey him, and that the sheriff could sell his property in order to enforce his obligations in this respect. He did not agree that his wife was to have the power to put him in jail, if he did not support her. But the Legis-

lature comes upon the scene later, however, and says that she can do this very thing. This is a variation of the contract as made by the husband; and it may be that had such been the law at the time of his marriage, he would not have been willing to incur any such risk. In our opinion the Legislature is without proper authority in thus tampering with, altering, violating, and rewriting the contract as made by the parties.

Of course, all men who marry since the passage of these acts, do so at their own risk. There is the law, and there is the girl, and there is the jail; and if you marry her, she can hold the keys of it over your head at all times for desertion or non-support, under the circumstances contemplated by the acts. If you be unable to support her, go to jail. If she be so disagreeable that you cannot live with her, and are forced to run away from her, you are liable to be caught, brought back, and flung into jail. Knowing this when you marry, you cannot now complain that the Legislature has violated the contract you made with your wife.

It must be remembered, in considering this statute, that it is still the law, as it always has been and always should be, that a husband and father is legally liable,—that is, to the extent of his property,—for the support of both his wife and his children. This rule is absolutely proper. The objection to this statute is that for the first time in the history of our State certainly the fail-

ure to perform these moral and civil duties are made criminal offenses. This, too, at a time when husbands have the least possible assistance from their wives', or children's, property to aid them in discharging these obligations; and when, by virtue of other rules, their authority over their wives and children is reduced to the lowest point.

This objection is not to be disposed of by a superficial approbation of a rule which may have been intended mainly to apply to those wholly financially irresponsible, or who are flagrantly delinquent in these matters. This is a rule which is of universal application throughout the State; its effect will gradually permeate every household in Virginia, and tend to strain, or disrupt, relations which would otherwise be perfectly harmonious. Its effect will be similar to, although operating in the reverse order from, the case presented to us in the book of Esther (Chapter I, 10-22.) King Ahasuerus ordered his wife, Vashti, to appear at the banquet-table. She refused. The case was brought before a solemn council of state, and the queen was deposed, on the ground that she had done wrong not only to the King, but also to all the princes, and to all the people that were in all the provinces of the King. For this deed of the queen, they said, would come abroad unto all women, so that they would despise their husbands. In the same way, as a wife is a wife, whether in a high or low station, when the higher ones see the lower ones having their hus-

bands put in jail, they will naturally be impressed by their right to have their husbands also put in jail. It is thus that the whole of society becomes involved by such rules of law.

The strongest objection to this legislation is the intrusion of the civil authorities into the domestic circle, and its paralyzing influence on marital and parental authority. The husbands and fathers will be much less likely to desert their wives and children, if they have proper authority over them. This has already been badly shaken. Dissatisfaction on the part of the husband and father naturally follows. Dissatisfaction may increase to disgust, and he may leave the wretched establishment, in which, for lack of proper authority, there is no order. The wife, then, as a plan to make him love "Home, Sweet Home" the more, sends the policeman after him, and has him flung into prison. When he comes out what will be his frame of mind? The last state of that man, and of that family, will be likely to be worse than the first. In desperation he may possibly murder the whole family, and then blow out his own brains. This tragedy happens frequently. We read of it nearly every week. We do not say that it is due to this particular statute, but no doubt it is due to the disorder introduced into the domestic relations by this kind of legislation, which has disturbed natural order, and disorder is a natural consequence.

Why, may we ask, is there such a sudden and

tremendous increase in the duties which a husband owes his wife while there is no increase at all, but a steady decrease, in the duties which a wife seems to owe her husband? The relation is as old as the human race. Now what has happened recently to make it proper that husbands should be treated in this way? If arresting people be the proper way to secure domestic happiness, why arrest only the husband on account of failure to discharge marital duties? If breakfast be late, or the buttons be not sewed on, why not arrest the wife? Or, if the children be disobedient, why not arrest them? In short, why not, in order to secure real peace and happiness at home, put a policeman in every household, make them the general custodians of domestic tranquillity, and turn over every home to the sheriff and the court? Alas! peace and happiness are flowers of too delicate a growth to flourish under this system.

The husband, as we have stated, was already fully enough responsible for the support of his wife, the Legislature having taken care that this liability, even in two exceptionally rare cases, should be also expressly provided for by statute, thus: Section 1707 makes the husband liable for the support of his wife if insane, and this liability of the husband is expected to relieve her estate from her own support during this period. And, by Section 4117, if the husband be confined in the penitentiary, his estate is liable for her support in the same proportion as if he were dead.

An edifying illustration is afforded by the following case of the extent to which the ideas of what is necessary for a support can be carried.

“Indianapolis, June 13.—That diamonds have become so great a necessity for the proper appearance of a well-to-do woman that her husband is liable for their purchase by her as necessities was recognized by the Appellate Court in affirming a judgment for \$246 worth of jewelry bought by the second wife of Dr. X., of Kokomo.

“The purchase included a diamond stud for \$150, from which she removed the diamond, having it reset in a ring for herself; a gold watch; a \$50 scarf pin, and several small articles.

“The second Mrs. X. was a widow, aged twenty-seven, and employed as a milliner when she married Dr. X., aged sixty-five. She had roomed at the X. home before the death of the first Mrs. X., and Dr. X. bought her a fine diamond engagement ring before their marriage, with the statement that she should have more diamonds after marriage.

“Dr. X. owned more than \$75,000 worth of property, but was always inclined to the simple life, taking care of his own horse, while the second Mrs. X. was inclined to dress and appear well among her associates. After the marriage the way of true love jolted over financial questions and the purchases of Dr. X. for his new wife were not sufficient to satisfy her longings, and she made a trip to the jewelry store herself.

“The most expensive purchase was the diamond stud, which the new Mrs. X. soon was wearing as a ring. Dr. X. then ordered the jewelers not to sell his wife any more jewelry.

“He began proceedings later, and when the jewelers’ bill was presented, the doctor refused to pay it. The Howard Circuit Court gave the jewelers a judgment against the doctor and he appealed.

“The Appellate Court, after reviewing the authorities and showing the former holdings relative to what are necessities for a wife for which a husband is responsible, says:

“‘Under the Indiana rulings, we must hold it to be a question of fact as to what are the means and station of life of the parties and as to whether the goods purchased are suitable to such means and station. The standard of living is so far advancing, and appellant admits that the standard has advanced in Kokomo, that we cannot restrict the meaning of the terms “necessaries” and “articles suitable to one’s station in life” to such articles as they might have included some years ago.

“‘It is a matter of common knowledge, of which not even courts can be ignorant, that persons of even much smaller means than appellant (Dr. X.) are accustomed to provide their wives with jewelry such as that which is the subject of this suit, and that such articles can certainly be said under modern conditions to be suitable to the

station in life of persons of the financial and social standing of appellant.'”

If diamonds, the most purely luxurious and unnecessary articles imaginable, can be held by the courts as necessaries, anything else on earth could be, and every husband might be liable to be plunged into expenditures contracted for by his wife without his knowledge or consent, or even against it, and his fortune, built up by his labor, intelligence, self-denial and perseverance, may be scattered to the winds; and he then, possibly unable on account of advancing years to make any more money, be held liable to be flung into prison for non-support.

When legislation of this sort acquires momentum there seems to be no limit to the extent to which it will go. Since the above was written a bill has been introduced in the Legislature of Virginia proposing to make the non-support of wives a felony, punishable by confinement, in the penitentiary. This proposition not only makes the punishment very much more severe, but makes this an extraditable offense, for which the wretched husband may be arrested in another state or country, and brought back to his home for trial. There is thus, even by flight, no place of safety left for him. He is put on the same footing as a murderer.

Then another wiseacre brings in a bill to give justices of the peace jurisdiction of these cases, so as to make it more convenient, easier, cheaper,

and more informal for the wives to have the husbands locked up. Just run around the corner and get the justice, instead of having to go through with an orderly and solemn proceeding in court.

An ex-governor of a Southern State now joins in the hue and cry against husbands, and advocates the following extravagance, if the newspaper report be correct. Here is what it says:

“Chicago, January 30.—A curfew law for husbands was advocated by Robert B. Glenn, former governor of North Carolina, in a speech here last night on the subject, ‘The Country’s Need of Sterling Men and Women.’

“‘The man who stays away from his family at night is the most contemptible creature on earth,’ he says. ‘I wish we had a curfew law for husbands,—a law that would make every husband stay at home from eight o’clock in the evening until six o’clock the next morning. A man’s place is at home with his wife, helping to train the children in the way they should go.’”

A New York magistrate at once takes hold of this brilliant idea, and the papers, a few days after the promulgation of the curfew idea, heralded forth this wise decree:

“New York, February 13.—The nine o’clock curfew will ring for one year for C., an employment agency manager. His failure to report home at that hour every night will result in a workhouse sentence.

“C. was brought into court on his wife’s complaint that he abused her and stayed out nights.

“‘For twelve months,’ said the magistrate, ‘you will have to be home nights by nine o’clock, and you will have to treat your wife properly.’”

Soon after this the judge of one of the courts of the newly enfeminized State of California is represented by the papers as advising as a proper punishment for husbands who stay out late at night that their wives give them no breakfast the next morning.

Men, by their voluntary actions, bring a good deal of this upon themselves by not assuming the proper place in regard to the highest things in life. They too often abandon the leadership in regard to the highest matter,—religion; and we see them meekly led along by their wives to the church which the wives attend, instead of taking them to their own churches. If they would open their ears when they get there, and listen to the reading of the recorded Word, they would hear that they, not their wives, were the heads of the families, and, consequently, might understand that they were the husbands’ churches which should be attended. Having made this fundamental error, it is not an unnatural transition then to see the husband in public places rolling the baby-carriage; or if for any reason their pictures should be put in the paper, to see the wife portrayed in heroic size, while her husband is struck off in miniature in the corner.

Then the ingenuity of the women begins to work, and a mass of novel propositions are advanced: that married men should have to wear wedding-rings; that a modification should be made in the title of Mister, to show whether a man be a married or a single man; that all unmarried men be taxed for the selfish luxury they enjoy of being single; that the women should keep their maiden names; and so forth, and so on.

All these propositions have one end in view,—to break down the position of man, and to have women dictate to men their status in marriage, instead of having this relation such as the men of the world have thought best to make it. The weakness with which the men of the United States have resisted and resented these changes has already prejudiced the position of men in this country for generations to come. To yield still further will ruin it forever. The “American husband” has already become a byword; he has not much further to go to become the laughing-stock of the nations.

As in the days of the Spanish Inquisition, when the wretched victim was brought forth to be burnt at the stake, and his inhuman tormentors ingeniously diminished the sympathy which his sufferings might have been calculated to awaken in the hearts of the spectators by making him an object of ridicule, dressing him up in absurd costumes, with figures representing the devil sewed upon his clothes and with other grotesque devices, so

the victim of the modern persecution of the head of the family is made ridiculous, and often spoken of and joked about as "Hubby," a word never heard before the era of his persecution began, but which, if allowed by men to be applied to them, may confidently be counted upon to do its part in helping to degrade the husband even more than the word "Dad" will undermine the fathers.

A fair sample of all this is a bill-board sign recently posted in this city of a "funny" moving-picture show,—“Mr. Hubby's Wife,”—in which the "hubby" is presented on his knees, hands opened, and eyes rolling up to heaven, while his wife is beating him over the head with a clothes-tree.

A less important, but still noticeable fact, is the tendency to drop out of the language the words "son" and "daughter." They are supplanted by the words "boy" and "girl." The word boy applies just as well to the office-boy, the elevator-boy, or the stable-boy. Girl applies just as well to the shop-girl, the cash-girl, or the house-girl. Son and daughter are much deeper, and mean they who are descended from one. There is an exclusiveness and dignity which belongs to these words, which it seems is displeasing to those who wish to take children away from their parents, or to those who lightly regard family life. One can more easily break into the family circle when the children are generalized under the words boys and girls. This makes them

members merely of the whole community, instead of sons and daughters, which words unite them by a so much firmer bond to their parents.

Even the word "Home" has been lowered. We now hear of the "home" of this or that national bank, the "home" of a piano store, the "home" of a club, the "home" of a shoe store, and so on. Is it possible that the explanation of this is to be found in the fact, not that the men who use the word do not know what a home means, but because they find more of that blessed content which is supposed to belong to such a spot in their business places than they do anywhere else?

Our civilization is off the track. The further the locomotive is forced ahead along this line the deeper the whole train will sink into the quagmire. The attempt to subordinate men to women and children, and to tie husbands to their wives' apron-strings, if it succeed, would simply mean the ruin and disgrace of the race.

If they stand in mortal terror of arrest by their wives, and are shut up in their homes every night as in a jail, while their children roam the streets, and their wives are out at a party, "The Land of the Free and the Home of the Brave" is a description which could no longer be applied, except in jest, to that portion of the earth inhabited by the men of the United States of America.

The issues raised by the new laws on this subject are of such a fundamental character that the subjects here discussed rise above any question

of chivalry. No women on the face of the earth ever put forth such audacious demands as the women of America are putting forth to-day. The welfare of the race is at stake; for no less a question is ultimately involved in these measures than who is to control public and private affairs in this country, the men or the women?

When all the women such as we have always thought of women as being, or trying to be, or at least being told that they should be, shall have been ruined and utterly exterminated by these new laws, what have the men of the world to expect in the way of pleasant companionship, affectionate coöperation, sympathy, and love from the race of shrews, scolds, termagants, amazons, viragos, furies, and suffragettes who would take their places? These last are surely insatiable. With all that has been done for women in the past few years, their present demands convict them of being true daughters of the horseleach.

What powerful influences have been at work to make such legislation possible? Why have legislatures composed of men been willing to enact rules which bear so heavily upon other men, and so degrade them in respect to their highest relations, those of husband and father? It would appear that the irresponsibility for their financial obligations, which has been created in the last few decades for all debtors, may be partly the cause of the adoption of these laws.

The husband is civilly liable for the support of

his wife. But between him and the grocer's bill, the butcher's bill, the milk bill, the dressmaker's bill, and so on, there stand the "poor man's exemption," which covers nearly all the household goods; the fifty dollars a month salary exemption, and the "Homestead Exemption," covering two thousand dollars' worth of any kind of property, from the home in which the family lives down to barrels of whiskey, in which a "Homestead" has been known to be claimed by a solemn deed spread upon the public records. The consequence of these exemptions is that, although the husband is liable and judgment can be obtained against him, yet in the vast majority of cases he is what is called "execution proof," and nothing can be actually realized from the judgment after it is obtained.

Add to these exemptions that favorite scheme of putting such property as he may have in his wife's name, and then try to collect a bill from him, and you will find yourself engaged in a hopeless enterprise. This situation, resulting in so many cases in complete immunity from just liabilities, has occurred too often not to call for some measure of relief. But the remedy which has been applied, instead of repealing these demoralizing and dishonesty-creating exemptions, is a recurrence to the essential principles of the law of imprisonment for debt, repealed in Virginia in the year 1850, now making it apply, however, only to the moral obligation of a man to his wife and family, instead of making it apply, as the

Legislature might have done, to his legal obligation to his creditors, who have given valuable considerations for their particular claims, by furnishing supplies for the support of the family. By creating, claiming, and using these exemptions to defeat the just claims of their creditors the men have helped to bring upon themselves a worse affliction than having to pay their debts. "Cheating works never thrive." They can now be put in jail, a proceeding which, while ruining the home, neither supports the family nor pays the bills.

With reference to the care and custody of the children, the law is that the husband is entitled to them, and that they will not be taken from his custody without the strongest reasons therefor; and this right is not affected by the voluntary separation of the parties. (See *Latham vs. Latham*, 30 Grattan, 307.) By Section 2610 it is provided, however, that the court may take them from him when the husband and wife are living in a state of separation, without having been divorced.

Formerly the law protected the relation of husband and wife from intrusion by the outside world, or by the State. What the husband told the wife could not be proved against him; what the wife told the husband could not be proved against her. The relation was held sacred and inviolable. There was then some one in the world that either consort could unburden his or

her heart to freely and live with, without danger.

What has the Legislature done with this rule? It has changed it completely so far as civil suits generally are concerned; but it is still fairly well preserved as to criminal proceedings. Under Section 3346 A (Acts 1901-2, p. 798), the title to your property may all be taken away from you, and all sorts of liabilities may be fixed upon you, by putting your wife on the stand to prove the case against you,—that is, by any other evidence which she may give than your communications made to her during the marriage. She cannot prove the case against you by what you told her; but she can by what she may have seen and learned, which she would not have seen and learned probably but for being your wife.

As to criminal cases, this statute provides that either a husband or wife "shall be allowed, and, subject to the same rules of evidence governing other witnesses, may be compelled to testify in behalf of each other, but neither shall be compelled nor, without the consent of the other, allowed to testify against the other; provided, however, if either be called and examined in any case as a witness in behalf of the other, the one so examined shall be deemed competent, and, subject to the same rules of evidence governing other witnesses, may be compelled to testify against the other. The failure of either husband or wife to testify shall create no presumption against the accused, nor be the subject of any comment

before the court or jury by the prosecuting attorney."

It would seem much the wiser to have this principle apply also to civil proceedings in general. What a happy relation would be likely to prevail in a family in which the husband had lost his whole fortune by the evidence his wife had given against him! Domestic peace and harmony is too precious a thing to be allowed to be broken up in this way; at least, such was the view formerly taken of it. And there is no reason why it should not be as precious to-day as it was then.

CHAPTER VI

The rules on the subject of divorce have not been changed in as radical a way as in regard to property rights and other personal rights of the parties; and, compared with them, may be considered fixed and somewhat more reasonable. Still, they are far removed from the Scriptural view of this relation, which is that of absolute identity.

“The Pharisees also came unto him, tempting him, and saying unto him, Is it lawful for a man to put away his wife for every cause?”

“And he answered and said unto them, Have ye not read, that he which made them at the beginning made them male and female,

“And said, for this cause shall a man leave father and mother, and shall cleave to his wife; and they twain shall be one flesh?”

“Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder.” (Matthew XIX, 3-6.)

South Carolina is the only State where this view is enforced, no divorce being there permitted.

The New Testament, however, allows one ground (Matthew V, 32). The law generally should conform to this.

The code of Virginia recognizes twelve grounds of divorce (Sections 2257, 2258). In marriage either consort takes the other for better or for worse. But the Legislature comes in and authorizes an absolute divorce where either of the parties is sentenced to confinement in the penitentiary, and provides that in this case no pardon granted to the party so sentenced shall restore such party to his or her conjugal rights. This is not a proper ground. Persons sometimes get sentenced to the penitentiary for offenses they never committed. Or, even if they did commit them, the sentence might be for only a short time. But in any case it is not a good ground for a divorce. Because you have lost your liberty is no reason why you should lose your wife or your husband. You should have one friend at least whom you may still retain when your term is over. What a noble example was presented by the heroic efforts of Madame Dreyfus, who, while her husband was a prisoner on Devil's Island, instead of getting a divorce from him, established his innocence and had him set free.

Another improper ground is that where, prior to the marriage, either party, without the knowledge of the other, has been convicted of an infamous offense. What is an infamous offense? And what has that to do with a marriage contracted

afterward? It establishes it as a rule of law that once be convicted of an infamous offense, and you cannot contract a valid marriage unless you disclose the fact to the person you expect to marry. Why not let the dead past bury its dead?

Another utterly objectionable ground of absolute divorce is that where either party charged with an offense punishable with death or confinement in the penitentiary has been indicted, is a fugitive from justice, and has been absent two years. One can easily imagine cases of the greatest hardship under such a rule as that. Two years is a very short time. Your alleged crime may be a political one,—rebellion, treason, or some such charge. Why should that authorize the tearing of your wife from you? And as to being a fugitive from justice, anybody is likely to become a fugitive from justice, if he think he will probably be convicted of something that he may not have done. It is much more likely to appear in his eyes that he is a fugitive from injustice than from justice.

Another objectionable ground is the rule allowing an absolute divorce, where either party wilfully deserts or abandons the other for three years; such divorce may be decreed to the party abandoned. The objection to this rule is that it is very likely to be due to the person abandoned that he or she is abandoned. The rule can be worked this way. Make yourself so disagreeable that your consort prefers to abandon you rather

than to live with you, then get a divorce on the ground of desertion.

A qualified divorce may be obtained for cruelty, reasonable apprehension of bodily hurt, abandonment, or desertion (Section 2258).

The abandonment or desertion in this case may have existed for one day. The cruelty and reasonable apprehension of bodily hurt may be only due to all sorts of ill-founded fears and notions.

We will have reached a worse point in the development of this divorce system when we add incompatibility of temper, which simply means that the parties cannot get on together, or do not choose to, or are tired of each other, and so on.

An illustration of the length to which these doctrines go in breaking up homes is shown in the following newspaper extracts, taken at random from the daily papers in St. Louis, Mo. This is from the *St. Louis Republic*, September 8, 1904, the names only being here suppressed:

"A. B. C. charged in her suit for divorce, filed in the Circuit Court yesterday, that her husband, Frederick, had his picture taken with another woman.

"She also alleged that he called her bad names and said that he was tired of married life. They were married at Clayton, Mo., August 21, 1901, and separated November 12, 1903. She asks for the restoration of her maiden name, X."

"W. Z. alleges that her husband, Z., compelled

her to work to support herself and him, and that he refused to work and spent his time hunting and fishing. His father and sisters lived with them, and his father cursed her and called her bad names, she alleges. The couple were married November 9, 1892, at Nashville, Ill., and separated in August, 1902. She asks for the restoration of her maiden name, Y."

"X. Y. charges that her husband, Y., drank and failed to support her. They were married November 13, 1889, and separated June 2, 1904. She asks for the custody of their child."

"A. B. alleges that her husband, B., abused her and failed to support her. They were married September 2, 1898, and separated March 23, 1899."

"A. B. C. charges that her husband, C., failed to support her and deserted her. They were married February 12, 1902, and separated April 15, 1902."

"X. Y. Z. charges that his wife, F., deserted him, August 6, 1897. They were married June 7, 1897."

"W. X. Y. charges that his wife, C., subjected him to indignities. They were married February 16, 1893, and separated September 1, 1904. He asks for the custody of their two children."

"A. B. C. alleges that her husband, C., drove her out of the house and locked her out at night. They were married June 25, 1893, and separated

August 9, 1904. She asks for the custody of their two children."

"B. A. alleges that her husband, A., failed to support her, was cruel to her, and drove her out of the house. They were married June 20, 1898, and separated September 4, 1904. She states that her husband receives \$250 a month."

"X. Y. alleges that her husband, Y., deserted her in December, 1900. They were married at Oakley, Ill., March 5, 1889."

"A. B. charges that his wife, B., subjected him to indignities. They were married October 11, 1898, in St. Louis, and separated April 3, 1901."

"C. D. charges that her husband, D., failed to support her, and deserted her. She was compelled to live with her mother, who supported her and her child, she states. They were married in St. Louis, June 1, 1901, and separated August 8, 1901."

"A. B. alleges that her husband, B., abused her and failed to support her. They were married April 26, 1893, and separated February 8, 1904. She asks for the custody of their child."

The same paper, two days afterward, reported the daily crop as follows:

"X. Y. Z., in his suit for divorce, filed in the Circuit Court yesterday, alleges that his wife, M., was jealous and disturbed him in his occupation of hotel clerk. They were married June 19, 1894, and separated August 2, 1904."

"A. B. charges that her husband, B., drank and failed to support her. They were married September 14, 1899, and separated February 10, 1903. She asks for the restoration of her maiden name, C."

"X. Y. Z. charges that her husband, Z., stayed out late at night, abused her, and failed to support her. They were married December 1, 1898, and separated May 5, 1904."

"A. B. alleges that his wife, B., refused to prepare his supper, and struck him with a towel-stick while he was bathing. They were married June 15, 1902 and separated May 1, 1904. He asks for the custody of their child."

"X. Y. charges that his wife, E., subjected him to indignities. They were married March 30, 1892, and separated September 7, 1904."

"A. B. alleges that his wife, A. subjected him to indignities. They were married in June, 1885, in Philadelphia, Pa., and separated in April, 1899. He asks for the custody of their five children."

Under this system, any disturbance is seized upon as a ground of divorce. The fundamental relation of the race is to be broken up, the family torn asunder, the children fought over, whenever husband and wife get put out and engage in the least quarrel. Patience, resignation, fortitude, fidelity, meekness, long-suffering, and other kindred virtues are not inculcated nor fostered by

such a system. To the contrary, they are left to wither and vanish from the earth.

A fine case of cruelty as a ground of divorce comes from New York:

“New York, September 7.—Mrs. Y. Z. filed a suit for separation from Z. on the ground of cruelty. One of her chief allegations is that on many occasions he taunted her because of her size and weight.

“She said that in May last he came home one night, awakened her, and thrust in her face a newspaper advertisement of a remedy to reduce weight, and advised her to use it.

“Mrs. Z. also said that a letter was sent to her from a Denver concern advertising treatment for stout women. It was an answer to a request for information. She believes her husband had the letter sent to humiliate and distress her.”

An effect of these proceedings, well worthy of mention, is the vulgarization of marriage. Under the former rules of law a veil was drawn around the home. What happened there was not for the public to know, to comment upon, to criticise, to laugh at, or to weep over. Personal and family dignity was protected, and, in that fact, fostered. The family troubles are now too often promptly “aired” in the police court. The reporters are on hand, and the daily papers reveal the disgraceful scenes to everybody.

“Fort Collins, Col., December 28.—Chief of Police S. is peeved. He thinks he has a right to be. He declared shortly after midnight that he doesn't mind being called out of bed to run down criminals, but does object to being asked to determine whether a newly married husband or wife is entitled to the right side of a bed.

“Called by an anxious voice over the telephone he rushed immediately to an address in the eastern part of town. S. arrived to find a newly married couple in the midst of a lively debate.

“A nineteen-year-old wife informed him that her husband had in two short months of married life been in the habit of going to bed first and appropriating the choicest side, to which she claimed an equal right.

“When Chief S. and two deputies left the home, after spending an hour in an attempt to settle the dispute, the wife occupied the coveted place she sought.”

The effort has apparently been made to make the wife independent of, and therefore separate from, her husband, giving him little or no interest in her property, and no control over her person, and instead making the husband amenable to the civil authorities for any injury to or neglect of her.

This is an impossible scheme for satisfactory matrimonial relations. It is fatally defective in

dividing, neutralizing, or destroying the authority of the husband as the head of the family. It is unphilosophical, and opposed to the known needs of society, and the construction of all human institutions, every one of which must have a head,—a recognized legal head, with known rights and powers which are unquestioned by those within its sphere of influence. Order is necessary for peace; peace is necessary for happiness. All the analogies we are familiar with bear out this proposition; there is only one foreman over a band of laborers, one leader of an orchestra, one presiding officer of a meeting, one president of a company, one principal of a school, one conductor of a train, one captain of a ship, one general over an army, one Governor of a State, one President of a Country, one King over a Kingdom.

This rule prevails throughout all the combinations of life. The most important combination of all is the domestic circle. Here that rule must also prevail. There must be one head, or there is discord, confusion, anarchy, and unhappiness. Happiness is the object to be attained, not for one member of the family only, but for all,—the husband, the wife, and the children,—and this is to be found in a due and orderly construction of the family, assigning to each his or her proper place. Disorder and anarchy are the greatest of all misfortunes which can befall man-

kind. The crew of a ship which has mutinied are not in a happy state. The overthrow of lawful authority merely gives rise to the erection of illegal and violent authority. It is only under an orderly arrangement in the State, city, or family that peace, and consequent happiness, is to be found. Such was the former rule; but this rule has in very recent years been shaken to pieces by the Legislature.

The head of the house, to be the head of the house, should have the command of the family means; in order to discharge his obligation to support the family. This is an old principle. Upon marrying, a man assumes a large burden of responsibility. The customs of our own ancestors formerly recognized this, as is still the case on the continent, and the family of the bride, if she had no means herself, made up a sum which he received with her. He was entitled to it. The plan now in vogue is to deny him nearly everything.

The psychology of this on the part of the wife is also bad. It make a separation. All is not given. The bride gives herself, but withholds her property. This is not the full, whole-souled adoption of the husband as her head, leader, protector, and counselor, which he should be.

The greatest writer in our language, and one of the greatest known exponents of human nature, has drawn a very different picture of the

natural attitude of a woman toward the man she loves. Bassanio has risked his choice of the caskets for the hand of the beautiful and rich heiress, Portia. He has chosen well, and Portia is to be his wife. Her feeling toward her future husband is thus beautifully expressed when she says to him:

“You see me, Lord Bassanio, where I stand,
 Such as I am: though for myself alone
 I would not be ambitious in my wish,
 To wish myself much better; yet for you
 I would be trebled twenty times myself:
 A thousand times more fair, ten thousand times
 more rich,
 That, only to stand high in your account,
 I might in virtues, beauties, livings, friends,
 Exceed account; but the full sum of me
 Is sum of—something; which, to term in gross,
 Is an unlesson'd girl, unschooled, unpracticed;
 Happy in this, she is not yet so old
 But she may learn; then happier in this,
 She is not bred so dull but she can learn;
 Happiest of all, in that her gentle spirit
 Commits itself to yours to be directed,
 As from her lord, her governor, her king.
 Myself and what is mine to you and yours
 Is now converted: but now I was the lord
 Of this fair mansion, master of my servants,
 Queen o'er myself; and even now, but now,
 This house, these servants, and this same myself,
 Are yours, my lord; I give them with this ring.”

How could Bassanio help loving such a wife as that!

It should be the object of the lawmakers to insure, promote, and increase love between husband and wife. If this be accomplished, all the

rest will work out satisfactorily and automatically. The question is therefore a most important one in this connection; which system will more tend to promote love between husband and wife? On the one hand, a policy of full trust and confidence in the husband, or, on the other, a policy of distrust and a separation of interest between the consorts. There is a lot of human nature in husbands. Marriage is a state which men are free to enter, or not, as they choose. No sane man takes such a step if he does not expect to gain something by it. If the Legislature adhere to the policy of stripping the husbands of all benefit, advantage, or pleasure which they might derive from marriage, a natural consequence of this policy would be to discourage men from entering into that state. It has some advantages, and many responsibilities, restrictions, burdens, and limitations. Add to these burdens and these responsibilities the policeman, the sheriff, the criminal courts, and the jails, and take away as many of the advantages as possible, and the men may prefer to find their happiness in the pleasures of single blessedness,—in clubhouses, or in the lower pleasures of bar-rooms, and other such resorts. When marriage is sought to be made, on these modern lines, thoroughly satisfactory to the women, it will be found probably not to please the men. It will probably also not really suit the women, for this scheme of married life tends to

extract all the sweetness from the relation, and to supplant love, trust, devotion, and honor with distrust, reservation, conflicts of authority, and discord.

This policy is, as we all know, a new thing in Virginia, only dating back to April 4, 1877, and going from that date rapidly from bad to worse.

Its effect on the social and business status of married men has already been bad, and the injury tends to increase rapidly. We all know many persons who were married under the old system. Very many of us are the children of marriages made under that system. These two classes yet leaven the lump of society, and, in a measure, keep alive the ideals which formerly characterized this relation. But, as with every revolving year we get farther and farther away from that time, and there are fewer and fewer representing the former conditions, and more and more who have never known anything but the present system, the relation will become more and more demoralized.

The fact should be emphasized that around the old system,—the system of love, confidence, and trust,—sprung up and blossomed the flowers of poetry and romance. All our love stories, and all the dear traditions of the past on this subject, were coexistent with the laws which have been so recently overthrown; while around the present system has grown up the noxious weed

of divorce, and the too often repeated scenes of violence, terminating in murder and suicide.

Divorce will continue to increase, and these tragedies will increase, not until the laws relating to divorce merely be made more strict, as is the frantic demand of so many well meaning men and women, public speakers and writers, but until the marriage relation be made again more satisfactory. A system contemplating two heads in one house, or the unmanly surrender of leadership to the women, is a system which will forever foster divorce, if indeed it do not undermine marriage and society itself.

There is no disgrace in a wife's obeying her husband. We all have to obey someone; most of us, a great many persons. We must obey God. We must obey the laws, we must obey the civil authorities, the governor, the policeman, the conductor, the captain, our employers, and so forth. If there were to be no obedience, the world would be a pandemonium. All lawful authority must be obeyed, without question, promptly and cheerfully. With obedience, there is satisfaction to both parties. With disobedience to lawful authority, nothing can be expected but turmoil. The religion, the laws, and the customs of the race leave no question as to which is the one to exercise this authority. It is the husband. The reasonableness of this is well stated by Shakespeare in these lines, in which the once terrible Katharina, softened into a loving and dutiful

wife, tells to the women of all time their proper duties to their husbands:

“Fie, fie! unknot that threat’ning, unkind brow;
 And dart not scornful glances from those eyes,
 To wound thy lord, thy King, thy governor;
 It blots thy beauty, as frosts bite the meads;
 Confounds thy fame, as whirlwinds shake fair buds;
 And in no sense is meet or amicable.
 A woman moved is like a fountain troubled,
 Muddy, ill-seeming, thick, bereft of beauty;
 And while it is so, none so dry or thirsty
 Will deign to sip, or touch one drop of it.
 Thy husband is thy lord, thy life, thy keeper,
 Thy head, thy sov’reign; one that cares for thee,
 And for thy maintenance; commits his body
 To painful labor, both by sea and land,
 To watch the night in storms, the day in cold,
 Whilst thou liest warm at home, secure and safe;
 And craves no other tribute at thy hands
 But love, fair looks and true obedience,—
 Too little payment for so great a debt.
 Such duty as the subject owes the prince,
 Even such a woman oweth to her husband;
 And, when she’s froward, peevish, sullen, sour,
 And not obedient to his honest will,
 What is she but a foul contending rebel,
 And graceless traitor to her loving lord?—
 I am asham’d that women are so simple
 To offer war, where they should kneel for peace;
 Or seek for rule, supremacy, and sway,
 When they are bound to serve, love and obey.
 Why are our bodies soft and weak and smooth,
 Unapt to toil and trouble in the world,
 But that our soft conditions, and our hearts,
 Should well agree with our external parts?”

When it is said that it is the right of the husband to command, what is meant is not that he is to do this in a loud voice and in an insulting manner. No gentleman, nor reasonable man, would do this. Such a course would make living together on the part of any two persons, so re-

lated, impossible. What is meant is that his definitely expressed wish, or judgment, is to be observed in all uncertain or debated matters. His views in these cases should be followed without question, as a matter of course, just as the orders given by the physician to his patient, the lawyer to his client, the judge to the sheriff, the officer to the soldier, the general to his staff, the War Department to the generals, the Bishop to his clergy, or any other order which emanates from lawful authority.

The propriety of a wife's promising to obey such orders was brought up for decision in a case which was probably the highest which could arise in our race. Victoria, Queen of the United Kingdom of Great Britain and Ireland, and Empress of India, was about to be married to Albert, Prince of Saxe-Coburg and Gotha. Her ministers raised the point that if she promised to obey her husband, as the marriage service of the Church of England required, the control of the Kingdom might thus pass from her to this foreign prince, and the rights of her subjects be put under his authority. They therefore advised, in this extraordinary case, that the form of the service be altered, so that the promise on her part "to obey" should be omitted. That great woman brushed all these arguments aside, refused to have the words of the marriage service changed, and declared that she not only intended to be a good queen, but a good wife also.

Josephine, the lovable Empress of France, says: "Our glory, the glory of woman, lies in submission; and if it be permitted us to reign, our empire rests on gentleness and goodness."

Obedience lies at the very foundation of everything. It is the indispensable condition of progress and safety. The Bible enjoins upon us the rule: "Be ye subject one to another," not, "Be ye all independent one of another, and no one obey any one else." Human society would have come to an end long ago, had it worked according to any such plan. The truth and importance of this is emphasized in times of very great national danger and difficulty, when the last resort of all is made use of, in the appointment of a Dictator, to whom every one,—man, woman, and child,—must yield immediate and absolute obedience.

Why should a woman not obey her husband? Single headship and unity of purpose is indispensable to the success of every undertaking. A house divided against itself falls. What would become of the ship, if two steersmen tugged in conflict at the rudder; what would become of the coach and its passengers, if two drivers each held a rein; or, of the automobile, if two directed its course? Are not the affairs of the family most important of all, and is it not inevitable that the rules which regulate human conduct in other matters are applicable in the same way to the domestic circle?

HUSBAND AND WIFE 107

The man a woman marries holds thereby the office of husband. Her obedience to him is obedience to lawful authority; and obedience to lawful authority never disgraced anyone. No matter what laws, made by human authority, may do to undermine this office, its foundation and dignity rest upon decrees which cannot be repealed. They were established by the Creator of the Universe.

CHAPTER VII

The supposed, or alleged, trouble which this modern legislation in England and America sought to correct was the creation of so great an interest in the wife's property in favor of the husband solely by virtue of the marriage. The solution of this trouble might have been, either the development of a system involving a community of interest on the part of the husband and wife in regard to all the property which belonged to either, or a system of separate ownerships by the two consorts, the wife to keep hers, the husband to keep his, with certain rights for each in the property of the other, after the death of either.

The latter plan has been adopted, to the complete exclusion of the former; but no modification in the duties and responsibilities of the husband was made to correspond with the change which very seriously affected his rights. Instead, having found him willing to submit to having these rights taken away from him, the husband has become the butt or target for legislation of a very hostile nature. It seems to be the policy of our Legislatures to see how much he will stand. The situation in England in this respect,

though not nearly so bad as with us, has yet called forth from a very high authority the following criticism:

“A law which was preëminently favorable to the husband has become a law that is preëminently favorable to the wife, and we do not adequately explain this result by saying that a harsh or unjust law is like to excite reaction; we ought also to say that if our modern law was to be produced, it was necessary that our medieval lawyers should reject that idea of community which came very naturally to the men of their race and of their age. We may affirm with some certainty that, had they set themselves to develop that idea, the resulting system would have taken a deep root and would have been a far stronger impediment to the ‘emancipation of the married woman’ than our own common law has been. Elsewhere we may see the community between husband and wife growing and thriving, resisting all the assaults of Romanism and triumphing in the modern codes. Long ago we chose our individualistic path; what its end will be we none of us know.” (Pollock and Maitland’s “History of English Law,” Vol. II, p. 431.)

Of course we do not know the future, but we know from the past how such a similar system worked out in the later Roman jurisprudence. In Inge’s “Society in Rome Under the Cæsars,” on page 182, we find the following:

“Rich wives were not much sought after by

wise men. Their complete emancipation made them difficult to manage, and many a henpecked husband acknowledged the truth of Martial's epigram—

1. "*Uxorem quare locupletem ducere nolim quæritis? Uxori nubere nolo meæ,*"¹

and exclaimed with Juvenal,

2. "*Intolerabilium nihil est quam femina dives.*"²

"Accordingly, since rich and poor wives were both objectionable, the large majority of men never married at all. So strong was the aversion to matrimony that neither taxes on bachelors nor rewards to fathers had any effect. In republican days a Metellus had expressed the common opinion when he said, 'If, Romans, we could exist without a wife, we should all avoid the infliction; but since nature has ordained that we can neither be happy with a wife nor exist at all without one, let us sacrifice our own comfort to the good of our country.' In the first century A. D., men were less patriotic, but not a whit more disposed to married life."

On page 62 of the same work we find this: "Without further details, then, let us state that the Empire found the whole of society pervaded with the grossest immorality, that marriage was avoided to an extent which threatened the extinc-

1. You ask why I am unwilling to marry a wife rich in lands? I am unwilling to be in subjection to my wife.

2. Nothing is more intolerable than a rich wife.

tion of the Roman stock, that divorce was practiced with a scandalous levity and frequency."

On page 37 of the same work we read: "So great were the advantages of childlessness that Seneca consoles a mother who had just lost her only son by reminding her of the greater consideration she will now enjoy. A man who married was regarded as hardly in his senses,—'*Certe sanus eras? Uxorem, Postume, ducis?*'"*

Such was the final result at Rome of a policy similar to our new rules on this subject.

This system naturally leads to divorce, the proportion of divorces to marriages increasing rapidly. And it has been estimated that eighty per cent. of the divorce suits are brought by the wives against their husbands.

The following statements are probably correct:

"Kansas City, Mo., September 25.—Woman, not man, is the real homewrecker, according to statistics that are being compiled from the divorce court records here. So far as the statistics show, eighty per cent. of the divorce suits now on the docket of the Circuit Court are brought by wives, while virtually the same percentage of the suits are brought on so-called trivial charges, such as incompatibility of temper, quarrels, and other allegations which do not charge infraction of the moral or civil laws.

"Previous statistics showed that in Jackson

*You certainly used to be sane. Are you going to get married, Postumus?

County, in which Kansas City is, there were three suits for divorce filed for every five marriage licenses issued, and this startlingly high percentage prompted an investigation into divorce statistics.

“It was found that while eighty per cent. of the plaintiffs were women, and eighty per cent. of their suits were brought on trivial charges, that less than ten per cent. of the suits filed by the men were based on trivial charges, while ninety per cent. were based on the more serious charges of desertion, immoral conduct, or neglect of the home through a preference for working. Men, too, it was shown by the suits, were long-suffering, the average duration of married life of pairs in which the husband was the plaintiff being twice the duration of the marriage in suits in which the wife was plaintiff.

“Women, too, the statistics show, have apparently less regard for the future of their children. Whereas, where men are plaintiffs in divorce suits, the average is only one child to a family, three hundred suits taken consecutively from the docket in which women are plaintiffs, show nearly one thousand children, or an average of a little more than three to the family.”

“Boston, Mass., October 16.—‘Women themselves are almost entirely to blame for the large number of divorces,’ declared Miss Mary F. Macomber, pastor of the Wales Avenue Baptist Church of Brockton, in a recent sermon. The

causes for divorces, according to Miss Macomber, are:

“Late, cold, and hurried meals; too much gossiping and talking; too many teas, parties, and socials; too many club meetings; too little home attention; too much domestic extravagance; too many fads, fancies, and follies, and not enough care for a tidy, comfortable, bright, and homelike home.

“‘The women blame it on their husbands,’ says Miss Macomber, ‘and accuse them of staying away at night, of drinking, of preferring other society to theirs, and so forth. But true as these charges may be, the root of the evil is always that the husbands have not found in their homes congeniality enough to make them desire to remain in them.’”

Mrs. Hetty Greene endorses these views, if the following newspaper version of an interview with her be correct:

“‘Another thing,’ she said, ‘that’s all wrong is the home life of people. There aren’t any homes. Women are too busy trying to take men’s work away from them. I don’t believe in suffrage. Women spend all their time and money on their clothes and amusements and let their homes take care of themselves.

“‘Nowadays women feed their husbands and children on canned food, because its easier, and the husbands get mad and holler, and then there’s a row and a divorce. And if there isn’t the

husbands get sick on the canned cooking and die. My husband lived till he was eighty-two years old. I never fed him any canned food. That's what my cooking did.'"

When a divorce suit is brought by a wife against her husband, the following provision of the Code of Virginia applies: "The court in term or the judge in vacation may, at any time pending the suit, in the discretion of such court or judge, make any order that may be proper to compel the man to pay any sums necessary for the maintenance of the woman and to enable her to carry on the suit, or to prevent him from imposing any restraint on her personal liberty, or to provide for the custody and maintenance of the minor children of the parties during the pending of the suit, or to preserve the estate of the man, so that it be forthcoming to meet any decree which may be made in the suit, or to compel him to give security to abide such decree." (Code, Section 2261.)

To anyone who comprehends the full meaning of this statute it is little less than terrible. Your wife, having become estranged from you, probably from no fault of yours, decides to sue for divorce. Her picture will possibly be put in the paper, and she will think herself a heroine.

You and your estate are at once put by this statute at the mercy of the judge who has jurisdiction of the case. Your wife's lawyers, it may be personal enemies of yours, help themselves to

such part of your property as they may consider a proper compensation to them for bringing the suit against you. You pay them for tormenting you, for breaking up your home, and tearing your wife from you. You are also to pay all other costs which your wife's suit against you calls for. You are also ordered to pay at once such sum as may be necessary for your wife's maintenance. If you be a poor man, the sum will take a large part of your earnings or savings. If you be a rich man, it will amount to a handsome income. But, you say, you would not do it, that you consider it an outrage to plunder you in this manner for the benefit of your wife, who has acted very badly toward you, that the whole difficulty was due to the unreasonableness of your wife, and that it was all brought on by the bad advice given her by her relations. For these reasons, you say, you are fully justified in declining to pay one cent to aid her in her most unjust conduct. Very well, the judge will order the sheriff to put you in jail for "contempt of court," in not paying what he has ordered you to pay; and off to jail you will be marched, locked up, and treated as a criminal, until, appreciating the hopelessness of your situation, you raise the money and pay it over.

Having thus provided those who are now your open and avowed enemies with the sinews of war against you, the suit proceeds. Your wife wants a divorce from the bond of matrimony, the custody

of all the children, to resume her maiden name, and to have a large and steady income paid over by you to her, under the name of alimony. The facts justifying the divorce have to be taken by depositions, a long and costly process, for which you have to pay. Your actions are put under the microscope. Your estate, resources, and "earning capacity" are all investigated; and at the end of the ordeal you find yourself under a decree to pay probably a large lump sum, or a large proportion of your income, or what you might earn, for the rest of her life, for the support of your former helpmeet, who has now become the cause of your greatest earthly misery.

You rebel again, you protest, and declare that you will not submit to such gross injustice. You will sell your property, and leave a country where such injustice is tolerated. But your wife's lawyer, whom you have paid, has been too smart for that. You forget about the injunction which had been entered, which prevents your parting with any of your property; and when you decline to pay the alimony allowed, the jail again closes upon you. Now just read over again that statute, and you will appreciate what it means, and what position you really occupy in this modern construction of society. With such a threatening danger as that hanging over him, even a brave man is apt to be unnerved when he considers the trouble which might be brought upon him at any time by her from whom he had expected his

greatest comfort and pleasure. And when this trouble comes it is real trouble,—so real that it is often extinguished in the blood of all the parties to the suit.

The husband in this proceeding is reduced, we might say, to his lowest expression. Weak and contemptible as is his position in many respects in regard to this relation, it is nowhere so pitiful as here. A few extracts taken from the daily papers will show the application of these rules:

“Judge L., in the Circuit Court of _____ County, yesterday signed a decree granting Mrs. X. Y. Z. temporary alimony of twenty dollars a month, pending her suit against X. Y. Z. for divorce. The court not only orders Z. to pay the monthly sum for the support of his wife and child, Y. Z., but he is also directed to pay, within a reasonable time, the sum of fifty dollars to C. W. and I., attorneys for his wife, with permission to the attorneys to apply for an increase of this allowance if the circumstances of the case justify an increase.”

“Two divorces were granted yesterday in the City Circuit Court. A. B. C. was released from the bonds of matrimony with his wife, B. C. They were married in 1876 and lived together until 1896, when the plaintiff alleged his wife deserted him because he refused to give her a deed to their home. They have six children.”

“X. Y. Z. was granted a divorce from her husband, Z., who is required to pay one-fourth

of his net earnings for the support of their two children, who are left in the custody of the mother.”

“Wheeling, W. Va., January 28.—Mrs. A. B. C., wife of A. B. C., whom she was charged with attempting to poison, was released on her own recognizance by Judge J. in the Criminal Court to-day, the bail being left at ten thousand dollars.

“A few minutes before, she had been served with papers in a divorce action filed by her husband in which it was stated that application would be made February 4 for an injunction to restrain her from communicating with or harassing her husband or from interfering in any way with her children, X. and Y., or from entering their house on the island. A counter suit for divorce is being prepared by Mrs. C.’s counsel, and the papers, it is said, will be served early next week. Since A. B. C. neglected to announce that he would not be responsible for the debts contracted by his wife, it is held that he will be called upon to pay the costs of the late trial, about one hundred thousand dollars.”

“When Mrs. X. Y. secured a divorce from X. Y., of Fairmount Park, on December 20 last, on the grounds of cruelty, Y. was ordered by the court to pay the fee of his wife’s counsel, C. P. F., amounting to twenty-five dollars. Attorney F. has informed the Court that Y. has not paid this fee, and a rule was issued against

Y. yesterday in the Circuit Court of Norfolk County, requiring him to show cause on February 20 why he should not be punished for contempt of court."

Where these fees and allowances for support are small sums, as in the particular cases given, one can tell at once that the parties to the suit are poor people. Let a rich man be before the court, and the amounts will be very different. Judges are but human, and it is easy to be liberal in giving away another person's means.

What an encouragement to divorce is found in the statement just issued that X. has settled a million on his divorced wife. He appears to have been the plaintiff in the suit for divorce, and so the settlement of this sum may have been of his own choice; but it helps to form a standard by which courts may be influenced in arriving at amounts to be decreed in cases where the wife brings the suit. It was bad enough in the past, when a man was married merely for his money. But now he may be married for his money in a much truer sense than ever before. One case has been heard of where a woman married a man with the deliberate purpose of afterward quarrelling with him, and obtaining a decree for alimony. The temptation to do this increases steadily with the progress of the movement here discussed.

A poor or unfortunate man under the new

“progressive” ideas embodied in the recent acts of legislation may be put in jail for non-support. The man of average means can be driven from his home and still compelled to support it. The rich man can be plundered.

It was said a few days ago in the papers that the clinging type of woman was becoming rarer. Of course everybody knows what is meant by the word clinging,—the dear, sweet women that men can love and trust, and who are fulfilling the duties which are naturally theirs as the helpmeets of their husbands. Under existing rules, is there any wonder that they are becoming rarer? The question may be asked, how long will it be before they vanish altogether?

Women are what men choose to make them. The woman of the past, who was a friend to man, was so made by the rules of society formulated by men. The woman of the future may be anything but a friend to man. Developed according to rules which she may desire to lay down, she may become his competitor, his rival, his opponent, in the outside world, and in his home the source of vexation and misery untold.

In a general way up to very recently the approved attitude of men toward women was that of protection. The attitude of women toward men was that of allegiance to them as the heads of their families; and, partly in fair exchange for the labor and care expended by the men in their behalf, they were taught and they expressed a

desire to save and please them. Mutual good will and the exchange of good offices resulted. Each, working in different fields supplementary to each other, helped the other. What shall be said of the work of the agitators who seek to change this harmony into discord, and to set the units of society, now amicably coöperative, into antagonism and strife among themselves over an issue which need never have been raised?

CHAPTER VIII

Marriage is still respected in Virginia. Divorce is on the increase. It is talked and jested about, and the stage makes a great noise over it, but among the upper classes it is nearly an unknown thing. The people who get divorces are people who, as a rule, are not socially prominent, most likely persons who have recently moved to our State. This is due, of course, mainly to the laws of Virginia on this subject, which, while they allow divorces for several causes, most of the causes are so rare that in practical application they amount to nothing. Only the more serious grounds are acted on with us. Such should always be the case. If any change ought to be made in our laws, it should be in the way of repeal of some of the grounds now allowed, not in the addition of others.

Above all things, we want no "uniform divorce law," applying to all the States. The people who urge that sort of thing are the people who have no regard for the sovereignty of the States. We already have a uniform divorce law. The law on this subject in Virginia is uniform over the whole territory of Virginia. If Missouri or Nevada choose to enact bad laws on

this subject, that is their error, not ours. If anything on this subject were proposed, it would be in the nature of a resultant of the conflicting views of many States with laws much worse than ours; and the effect would probably be to leave ours in a worse state than they now are. This matter of marriage and divorce is one of the highest possible expressions of the full power of the several States to legislate as they deem best; and they would act most unwisely if they were practically to delegate this important part of their rights to Congress, or even to a majority of themselves. It is better policy for the State of Virginia to keep out of this movement for uniformity on any and all subjects. We have much more to lose than to gain by it. The plan will always be to have us adopt the views of some one else. If they desire uniformity, they can copy our statutes. They can get in that way a uniformity we would not object to. South Carolina allows no divorce. We doubt if that would be the uniform law which the Western States would want. No more do we really want their laws. Because the men in the West have torn the domestic relations to pieces is no good reason why we in the East and South should do the same.

Indeed, it is scarcely too much to say that, modeled on the basis of these recent laws, this institution is no longer Christian marriage. It

is opposed to the teachings of the New Testament and the Church as well as to the experience and judgment of mankind since the dawn of history.

In discussing this subject, which is as broad as the scattered habitations of the race, as deep as human nature, and as old as mankind,—a relation fraught with all the possibilities which can affect the life of man or woman,—it should not be lost sight of that it has ever, even at best, been regarded by thinking men of antiquity as well as those of the present day as being beset with inherent difficulties.

Even under the former system of law, by which order was recognized as essential and so was secured, or at least attempted to be secured as far as possible by the rules which regulated it, marriage has been presented to us as a more or less difficult relation. Here is what has been said of it by some of the thinkers of the race:

Solomon says: "It is better to dwell in the wilderness than with a contentious and an angry woman." And again: "It is better to dwell in the corner of the housetop than with a brawling woman and in a wide house." And still again: "For three things the earth is disquieted. . . . for an odious woman when she is married."

Socrates, being asked whether it were better to marry or not, replied: "Whichever you do, you will repent it."

Plutarch preserves a saying of Pittacus: "Every one of you hath his particular plague, and my wife is mine; and he is happy who hath this only."

"He (Thales) was reputed one of the wise men that made answer to the question when a man should marry; a young man not yet, an elder man not at all." —Bacon.

"There is scarcely a lawsuit unless a woman is the cause of it." —Juvenal.

"Is not marriage an open question," asks Montaigne, "when it is alleged, from the beginning of the world, that such as are in the institution wish to get out, and such as are out wish to get in?"

"Marriage and hanging go by destiny," says Burton.

"Oh, curse of marriage, that we can call these delicate creatures ours, and not their appetites," says Shakespeare.

"Marriage is a desperate thing," says Selden.

"The reason why so few marriages are happy is because young ladies spend their time in making nets, not in making cages." —Swift.

"Thus grief still treads upon the heels of pleasure, Married in haste, we may repent at leisure," remarks William Congreve.

Bacon says: "He that hath wife and children hath given hostages to fortune; for they are impediments to great enterprises, either of virtue or mischief."

Balzac has much to say on this subject. "Marriage must incessantly contend with a monster which devours everything, that is, familiarity." "Marriage is a science. A man ought not to marry without having studied anatomy, and dissected at least one woman." "To contend advantageously with the tempest which so many attractions tend to raise in the heart of his wife, a husband ought to possess, besides the science of pleasure and a fortune which saves him from sinking, . . . robust health, exquisite tact, considerable intellect, too much good sense to make his superiority felt, excepting on fit occasions, and finally great acuteness of hearing and sight. . . . Even when equipped with these advantages, a husband enters the lists with scarcely any hope of success."

"'Early marriages were misery; imprudent marriages idiotism, and marriage at the best,' he was wont to say, with a kindling eye, and a heightened color, 'marriage at the best,—was the devil.'"

—Lytton.

"Marriage—monotony multiplied by two," according to George Meredith.

"Wedlock's a saucy, sad, familiar state,
Where folks are very apt to scold and hate."

—Pindar.

"Courtship to marriage is a very witty prologue to a very dull play."

—Congreve.

"Marriage is a desperate thing. The frogs in

Æsop were extremely wise; they had a mind to some water, but they would not leap into a well because they could not get out again."

—John Selden.

"Marriage is a step so grave and decisive that it attracts light-headed, variable men by its very awfulness."

—R. L. Stevenson.

"It's the silliest lie a sensible man like you ever believed, to say a woman makes a house comfortable."

—George Eliot.

"Marriage is a field of battle, and not a bed of roses."

—Stevenson.

"What courage can withstand the ever-during and all-besetting terrors of a woman's tongue?"

—Irving.

"Death itself, to the reflecting mind, is less serious than marriage."

—Landor.

"Debt leads man to wed, and marriage leads to debt."

—Kipling.

"After forty, men have married their habits, and wives are only an item in the list, and not the most important."

—George Meredith.

"A second marriage is the triumph of hope over experience."

—Dr. Johnson.

"Marriage is a feast where the grace is sometimes better than the dinner."

—Colton.

"Needles and pins, needles and pins,
When a man marries, his trouble begins."

—Old Proverb.

"There is probably no other act of a man's

life so hot-headed and foolhardy as this one of marriage.”
—Stevenson.

“They saw two men by the roadside sit,
And they both bemoaned their lot,
For one had buried his wife, he said,
And the other one had not.” —John Hay.

“They (the men) know they are only human after all; they know what gins and pitfalls lie about their feet, and how the shadow of matrimony waits resolute and awful at the crossroads. They would wish to keep their liberty, but that may not be; God’s will be done.” —Stevenson.

“If marriage licenses were sold with a return coupon ticket attached, and there were a stop-over station anywhere in the early stages of the journey, few would make the through trip.”

—Dorothy Dix.

“Idleness, which is often becoming, and even wise in a bachelor, begins to wear a different aspect when you have a wife to support.”

—Stevenson.

“What they do in Heaven we are ignorant of; what they do not, we are told expressly; they neither marry nor are given in marriage.”

—Swift.

“To be without a wife . . . would be about as conducive to happiness as to be dead. Negative happiness, very negative. Negative happiness is better than positive discomfort.”

—F. Marion Crawford.

“Marriage from love, like vinegar from wine,
A sad, sour, sober beverage.”

—Byron.

“Ho! pretty page, of the dimpled chin,
All you wish is woman to win;
This is the way that boys begin.
Wait till you come to forty years.”

—Thackeray.

“Marriage is so unlike everything else. There
is something even awful in the nearness it
brings.”

—George Eliot.

“Honest men marry young, wise men never.”

—Old Proverb.

“It is very beautiful to be in love, but it is
a great relief to be out of it.”—R. W. St. Hill.

“Oh! how many torments lie
In the small circle of a wedding ring.”

—Colley Cibber.

“Marriage, which is the bourne of so many
narratives, is still a great beginning, as it was
to Adam and Eve, who kept their honeymoon
in Eden, but had their first little son among the
thorns and thistles of the wilderness.”

—George Eliot.

“I consulted him of marriage; he tells me of
hanging, as if they went by one and the same
destiny.”

—Ben Jonson.

“The life of an intelligent bachelor is very
well worth living.”

—Max O'Rell.

“Woman has always managed to make man
provide for her; . . . under the pretext of

giving him the upper hand, she has left him all the anxiety and responsibility."

—John Davidson.

"I'd rather be married in October than any other time of the year, if I've got to be. It's kind of melancholy then, and one sees everything goin' to pieces, and don't mind what he does."

—Hezekiah Butterworth.

"Well, Madeline, so I'm going to be married,' Bertie began.

"There's no other foolish thing left that you haven't done,' said Madeline, 'and therefore you are quite right to try that.'" —Trollope.

"A young man married is a man that's marred."

—Shakespeare.

"A bachelor

May thrive by observation on a little,
A single life's no burden; but to draw
In yokes is chargeable, and will require
A double maintenance."

—John Ford.

"Times are changed with him who marries; there are no more by-path meadows, wherein you may innocently linger, but the road lies long and straight and dusty to the grave."—Stevenson.

"I know not,' said the princess, 'whether marriage be more than one of the innumerable modes of human misery.'" —Dr. Johnson.

"Make 'im take 'er, an' keep 'er; that's Hell for 'em both."

—Kipling.

"When we are born our mothers will take

care of us, and when we die our Father will take care of us. But when we marry we must take care of ourselves and another besides."

—Lavinia Hart.

"Pleasant the snaffle of courtship; improving the manners and carriage;

But the colt who is wise will abstain from the terrible thorn-bit of marriage."

—Kipling.

"If ever you feel disposed, Samivel, to go a-marrying anybody—no matter who—just you shut yourself up in your own room, if you've got one, and poison yourself offhand." —Dickens.

"Once you are married there is nothing left for you, not even suicide, but to be good."

—Stevenson.

"Ne'er take a wife till thou hast a house, (and a fire) to put her in." —Poor Richard.

"It's an impious, unscriptural opinion to say a woman's a blessing to a man now."

—George Eliot.

"The moment a woman marries, some terrible revolution happens in her system; all her good qualities vanish, presto, like eggs out of a conjuror's box. 'Tis true that they appear on the other side of the box, but for the husband they are gone forever." —Bulwer.

"An object in possession seldom retains the same charm it had in pursuit," says Pliny the Elder.

"The gout is a disease as arises from too much

ease and comfort. If ever you're attacked with the gout, Sir, just you marry a widow as has got a good loud voice, with a decent notion of usin' it, and you'll never have the gout again. It's a capital prescription, Sir; I takes it reg'lar, Sir, and I can warrant it to drive away any illness as is caused by too much jollity." —Dickens.

Stevenson, after some very severe observations intended to show that women may be at heart very different from what their fair exteriors and ordinary habits would indicate, concludes by saying that the doctrine "of the excellence of women, however chivalrous, is cowardly as well as false. It is better to face the fact, and know, when you marry, that you take into your life a creature of equal, if of unlike frailties; whose weak human heart beats no more tunefully than yours."

History abundantly proves the truth of this conclusion. Along with the host of bright and shining women, whose characters have adorned the annals of the race, and who have been an inspiration to the generations which followed them, there has been a vast number of other women, who have been as bad, as unwise, and as dangerous political leaders as any one could be. Now, the men have to live with the one class as well as with the other. The laws should therefore be so conceived as to ensure a reasonable *modus vivendi* as to all. They are now apparently drawn on the theory that the men are all bad and the women all good.

A few conspicuous and well-known examples will suffice for illustration to show that such has never been, and is not now, the case. Consider then:

Rebekah, wife of Isaac, who, a good woman and wife in other respects, yet planned the fraud which was practiced upon him, by which he was led to bestow upon Jacob the blessing which belonged to Esau.

The wife of Potiphar, captain of Pharaoh's guard, who so unjustly caused the disgrace and the imprisonment of Joseph.

Jezebel, the wife of Ahab, King of Israel, who murdered Naboth, in order to take his vineyard from him, and who slew the prophets of the Lord.

Herodias, the wife of Herod, tetrarch of Galilee, who had John the Baptist beheaded, because he denounced the life of sin in which she was living.

Helen, wife of Menelaus, King of Sparta, whose elopement with Paris, the son of Priam, King of Troy, brought on the war which ended in the destruction of that city.

Clytemnestra, the unfaithful wife of Agamemnon, King of Mycenæ, who murdered him upon his return from Troy.

Medea, daughter of the King of the Colchians, and wife of Jason, who, from jealousy, murdered Creusa; and plotted against the life of Theseus.

The wife of Polydectes, King of Sparta, who

after the death of her husband proposed to Lycurgus, his younger brother, the heir apparent to the throne, to destroy the life of her unborn child, on condition that he would marry her, and allow her to share the kingdom with him.

The stepmother of Cræsus, who gave poison to the breadmaker so that her stepson might die, and be removed from the succession of his father's throne, in order that one of her children might reign. The faithful breadmaker, however, gave the poison to the queen's own children instead.

Olympias, the mother of Alexander the Great, who is believed to have been instrumental in the assassination of her husband, Philip, King of Macedon, and who, to satisfy her rage against her dead opponent, Antipater, murdered Nicanor, his son, and about a hundred of his relatives and friends. She even tore from the tomb the dead body of another son, in order to dishonor it, and then murdered Philip, Alexander's half-brother, and his wife, Eurydice.

Tarpeia, who agreed to betray the city of Rome to the Sabines for the sake of their bracelets and rings. They threw their shields upon her instead, and killed her.

Cleopatra, Queen of Egypt, who murdered her brother, caused her sister to be put to death, and lived with Cæsar and Anthony in open infamy.

Agrippina, the wife of the emperor Claudius, who poisoned her husband, in order to raise her son, Nero, to the throne.

Lucretia Borgia, the sister of Cæsar Borgia, who has been credited, or discredited, with nearly every offense which a woman could commit.

The sister of Kenelm, the Anglo-Saxon King, for whom she was acting as regent, who had him murdered in order to possess herself of his throne.

Mary, Queen of Scots, who consented to the murder of her husband, Darnley, and then married his assassin.

The Princess Sophia, of Russia, who attempted the assassination of her half-brother, Peter the Great, in order to retain the power which she enjoyed under the reign of her brother John. Although the crown had been left to Peter, she kept him for a while out of his kingdom, by a revolution which caused the death of many persons, and then tried to kill him.

Catharine II, of Russia, who with the aid of her lover dethroned her husband, then probably murdered him, and shocked the world with her vices.

Isabella, Queen of Castile, wife of Ferdinand, King of Aragon, who, although an exemplary woman in most respects, yet authorized the establishment of, and maintained, what we know as the Spanish Inquisition, one of the grossest abuses which ever disgraced or afflicted humanity, and which condemned men to unheard of tortures and death, because of religious belief. Persons were even convicted after their death, and their

bodies torn from their graves and burnt with the living. The wars which grew out of this persecution convulsed Europe for a century.

Margaret of Anjou, wife of Henry VI, of England, who, although a good wife and mother, showed in the hour of her triumph, after the battle of Wakefield, such cruelty and ferocity toward her enemies as to cause the revival and continuation of the War of the Roses, which devastated the land.

Catharine de Medici, mother of Charles IX, of France, who, besides other enormities, instigated the perpetrators of the massacre of St. Bartholomew, during which one hundred thousand persons were murdered.

The Marchioness de Pompadour and the Countess du Barry, the mistresses of Louis XV, who were, possibly, as much responsible as any other two persons for sowing the seeds which brought upon France its revolution.

Marie Antoinette, the wife of Louis XVI, of France, who was noble and brave to the highest degree, and a good mother and wife, but who, by her many indiscretions, want of tact, and lack of judgment, made herself the storm-center and chief object of the hatred of the populace, and more than any other one person, was the cause of this revolution, the most appalling calamity which is recorded on the pages of history, and which involved Europe in wars which lasted a generation.

The knitting women who sat at the foot of the guillotine, and gloated over the deluge of blood poured out during this French revolution.

Let not the distance in point of time, nor the remoteness of the countries in which many of these women lived diminish the significance of their actions. Time and place have little or no effect in changing human nature. Ambition, passion, hatred, avarice, selfishness, love, and jealousy are primordial forces which have ever swayed the human heart, and these characters illustrate the power of their influence upon the women of the world of to-day as truthfully as the events recorded in the morning's paper.

We will stop here. The melancholy list of course could be continued still further, and will probably be added to by to-morrow's newspapers.

True enough, the day after the above was written, the morning paper brought the following:

"Paris, December 8.—The most hideous white slave scandal in the history of Paris has been discovered, according to the Prefect of Police, who declared to-day he has evidence which proves that more than three hundred girls, ranging from nine to seventeen years, have been sold by their mothers.

"V. F. G. A., and other rich men are implicated, according to the police. F., now in jail,

until recently was editor of the *Lantern*, a government organ. He formerly was a friend of ex-Premier B. and other officials, and owned châteaux in various parts of France. The wildest orgies in which mere children took part are said to have been held at F.'s beautiful dwellings."

From the days of Mother Eve down to those of our own times the works of the evil one have been made sadly manifest in the case of poor sister woman as well as in that of her brother man. The assumed attitude of superiority now observable on the part of some women toward men is a poor return for the consideration and the generally indulgent and flattering attitude with which the men of the western hemisphere have treated their women. This element among the women has misunderstood and abused this consideration shown them, and has enlarged the "better half" idea into thinking that they are intellectually and morally man's superiors. They have listened to words of flattery so long that it has spoiled them, and has given them an unduly enlarged idea of their real position in the scheme of creation.

Viewed as a class, women are not showing off particularly well under the new order of things. They are losing their accomplishments together with the softer and sweeter graces which were formerly their own,—in short, the femininity which made them so much admired and beloved,—and are substituting for it self-assertion

and Amazonian qualities, which may finally cause to perish from the earth the regard in which they were formerly held and all the dear associations clustering around the ideas of wife and mother and home. It is fair for men, in considering these things, to ask themselves whether they will further encourage a movement which will deprive them of the domestic happiness which once was found in the home, and substitute for it the disgraceful scenes of strife and disorder which so often are pictured on the stage, in the moving-picture shows, in the police courts and the papers. If the situation be bad now, it promises to be infinitely worse with women voting.

Suppose it should get so bad that all the husbands are hunted down and chased off the face of the earth,—what then? Will we make a desert, and call it peace? “Down with the tyrant man,” will involve down with a good many other things,—down with husbands, down with fathers, down with home, down with children, down with all domestic order. If this be an age and land of freedom, if everybody should be released from constraint and set at liberty, why are not these so-called blessings to enure to the benefit of the whole population? Why should not that very large and important number of human beings, known as husbands and fathers, also share in this freedom? As matters stand they are not only not included in it, but they are reduced to a new, but none the less real, though refined, form of slav-

ery. We do not believe in nor in any way advocate a system of general laxity, nor the breaking asunder of the bonds which unite families; but we call attention to the amazing spectacle presented to the world of a domestic system in which the head of the family has less rights than anybody else.

The word slavery has not been used unadvisedly. The severe punishment and disgrace of being immured in the public prison, or of being in chains, condemned to the public roads, is inflicted on the husband who, living in a city of over fifteen thousand inhabitants, escapes from his wife,—that is, “leaves the city,” as the statute describes it; or, living anywhere within the State, who escapes from her, or “deserts” her, as the statute calls it, she being in destitute or necessitous circumstances. The same punishment is to be inflicted upon him if, under corresponding conditions, he do not work for his wife,—that is, if he “neglect to provide for the support of his wife.” What essential feature of slavery is lacking under these conditions, except the assignability of the slave? He cannot leave without being liable to arrest. A new form of what we might call the fugitive slave law applies to this offense. He cannot stop working, and must work successfully, profitably to his mistress, to prevent being arrested for non-support. Is not the primary fact in connection with slavery the compulsory work of one person for the benefit of another, and is not this a severe

feature of this particular form of slavery,—the legal requirement that the work result in a profit? All men are not employees, working for a stipulated amount. Many are the independent heads of enterprises. For all these, under such laws, failure may mean jail. The only barrier behind which the husband can protect himself from the full operation of these drastic laws is an independent fortune of his own, which, so long as it lasts, can still secure his liberty. But, should he lose this defense and become, like the great majority of men, dependent upon his daily work for his support, he becomes, for the rest of his life, or the rest of the time the marriage continues, a slave. Even if the wife should have means of her own, the rule in regard to cities of fifteen thousand inhabitants takes no account of this. A poor husband could, under this act, be imprisoned for not supporting a wife who was rich; and they have been so imprisoned in the West.

The duties which the husband and father owes to those dependent upon him are thus enforced by the government by the process of imprisonment. The duties they owe him are not enforceable in any way. He surely does not owe them duties, and they owe him none. Duties are correlative. If wife and child have such a strong claim upon the husband and father that his liberty is held by the State as security for their fulfilment, it should only be so when there exists equally obligatory duties on their part toward him. But

here the system wholly breaks down, with the result that, burdened with responsibilities, and with penal statutes threatening his liberty, the head of the family stands alone and unprotected, everything due by him, nothing due to him, the power of the State against him, no power in his favor which the government will recognize. We have called this condition one of slavery.

It is doubtful if even a carefully drawn marriage contract would avail to protect the husband from much of the effect of these recent acts. Such an agreement might assist materially in regulating the property rights of the husband and wife, so that the husband would be better protected; but it would still leave him liable to be imprisoned for violating any of these criminal provisions, which, raising issues as they do between him and the Commonwealth, could not be nullified by private contracts between the parties. They could, however, still do much in the way of adjusting dower, distributive interests, the control of children, and, above all, alimony, a reasonable sum for which could, in the event of a divorce, be validly agreed to in advance. All such contracts the courts could be called upon to uphold. At least, this could be done until some suffragette sat upon the bench. As to how the law would then be construed we would not be willing to venture an opinion.

CHAPTER IX

If marriage have proved a more or less difficult relation in the past, when the laws lent their aid to make of it an orderly system of domestic government, under these new laws which foster disorder it may become an impossible relation. What would then become of our civilization?

If any one should doubt that the present condition of marriage is one of the greatest disorder, let him consider the following news items which have recently, from time to time, appeared in our daily papers.

“Pittsburgh, Pa., October 27.—A. B. was fined twenty dollars this morning, with the alternative of serving twenty days in the workhouse, because he objected to a snoring and flea-stricken dog sleeping between him and his wife. Mrs. B. had called the police and ordered them to ‘arrest that brute.’

“‘The only thing I did, Judge, was to say the d——d dog is snoring, Lizzie, and I can’t sleep. Its fleas are biting me, and I have been kept busier than a one-armed paper-hanger with the hives, scratching myself. I gave her to understand that no longer would I allow that dog to sleep between us.’

"Mrs. B. interrupted her husband. 'Your Honor, this dog is just like a human,' she said. 'Every night when the clock strikes nine, he crawls into bed, gets under the covers, and sleeps just like you would.'

"'Keep me out of this, please, madam; I don't care to be classified with a dog,' exclaimed the Judge.

"B. was unable to pay the fine."

This meant that he got twenty days in the workhouse for objecting in the way he did to having this dog, full of fleas, sleeping in the bed with him.

"Brownsville, Pa., January 8.—During a quarrel as to which should get up first this morning, X., aged thirty-five years, a miner, shot and killed his wife, Mary, and then ended his own life, firing a bullet into his head. The couple leaves a four-months'-old child which was asleep in the same room at the time of the shooting."

"Mobile, Ala., December 31.—Arrested within a few minutes after the bloody remains of her son-in-law, Policeman Z., had been found in a pond near the western city limits, Mrs. X. Y. to-night made a full confession of the deed. Z. had been shot three times, twice through the head and once through the arm.

"The killing occurred at the home of Z. after, according to the confession, insulting remarks

were made to Mrs. Y. As a result of the insult Mrs. Y. says she saw X.'s gun on a hall-rack, picked it up, and returned to the room. 'I raised the pistol, and looking him straight in the face, pulled the trigger. I thought I would do a good job while I was at it, so I pulled the trigger again.'

"Subsequently Mrs. Y. took the body in a wagon and dumped it into the pond where it was discovered.

"Mrs. Y. has been married three times. X. Y., her last husband, was murdered in a manner similar to the deed of to-day, but the grand jury failed to indict her. Another husband, named Q., mysteriously disappeared."

"Detroit, Mich., December 29.—Four members of one family, all suing for divorce at the same time, is the unique condition of domestic affairs in the A. B. household, in the village of Richmond, near Detroit.

"B. himself has filed a cross bill against the suit instituted against him by his third wife, Anna, a bride of a year, while I., his daughter, expects a decree in her suit against X. Y. W. B., a son of B., has also instituted proceedings against his wife."

"Kansas City, December 31.—X. becomes his wife's 'star' boarder, and the divorce petition filed against him by his wife was dismissed, by a

peculiar arrangement made in Judge F. D. H.'s division of the Wyandotte county district court.

"After hearing both sides, the Judge decided that the couple should be able to make up. Accordingly, he suggested that the husband rent the front room of his own home, and pay his wife three dollars a week for his board and room, and a lump sum in addition of twenty-five dollars a month.

"In return the wife is to lavish all the care and consideration upon her husband that she would on a 'star' boarder, and the Judge expects the cooking of the 'landlady' and her kind attention to do the work of a divorce proctor.

"X. is a railroad employee and lives in Rose-dale. His wife's petition charged neglect."

On a par with that, is the following:

"Wilmington, N. C., April 6.—The New Han-over county commissioners have hired Z., a white man, to his wife for six months, Z. requesting that arrangement rather than to serve this period on the county roads, to which he was sentenced yesterday from the recorder's court on a charge of non-support. The judgment was so worded as to give the commissioners power to hire Z. out. His wife, who caused his arrest, was about the only one that wanted him, and she got him."

"New York, September 30.—Mrs. X. Y., out for a walk, met her husband, who for three years

she had believed dead. In a panic he fled. She outran him, however, and turned him over to the police."

"San Francisco, August 2.—Unable, she said, to 'make a man' of her husband, X., a frail woman, nineteen years old, to-day shot and killed him. They had been married fifteen months.

"Early to-day X. left home, saying he did not intend to return. Mrs. X. bought a revolver and started to hunt her husband. She found him in a saloon. According to bystanders, X. turned on her with a torrent of abuse. Without a word, the wife fired four shots. One struck X. and he died on the way to the hospital. Mrs. X. was arrested.

"'I do not see why I should be detained,' she said at the city prison. 'I did nothing wrong and I am not sorry. Since our marriage I have supported my husband and myself by working as a stenographer. I tried to make him stay away from saloons. I endured his abuse. I tried to instil some ambition into him and coached him for the fireman's civil service examination. He would not try. I could endure no more.'"

"Kansas City, Mo., August 10.—A husband can be too affectionate and too poetical, according to the testimonies of Mrs. Z., who was granted a divorce in the Circuit Court here to-day.

"'Too much poetry, too many kisses, too much

love, too many smiles, and too little work make an unfit husband,' she said. Mrs. Z. said that when she married ten years ago she was temporarily blinded by love and a deluge of poetry.

"'He was positively irresistible, but he would not work, Judge. When our last cent was gone he went to South Carolina, where he has an uncle, who, he said, had money and liked poetry and wine too.'"

"Chicago, September 16.—A. B., a piano manufacturer, told Municipal Judge N. to-day that last night's was the first quiet sleep he had had in the thirteen years he had been married. He was in jail.

"'We had been having a spat,' he told the court. 'My wife said she would call the police. Anything to please her, I told her. I'll call them myself.'

"'When B. reached the police station there were half a dozen relatives waiting to bail him out, but the husband refused.

"'It was the first time I ever got the best of my wife,' he said. 'I'd rather go to jail than listen to a woman, wouldn't you?'

"'Judge N. did not answer, and B. added, 'Oh, well, you don't know my wife.'"

How meaningless, under such a system, become the beautiful lines of Cowper:

“Domestic happiness, thou only bliss
Of Paradise that has survived the fall.”

“Benton, Ark., December 27.—Despondent, according to a note found to-day, X., prosperous farmer and merchant, clubbed his wife, five children, and stepson to death at his home near Benton last night, and then hanged himself.

“X.’s body was found suspended from a rafter in a barn and those of the woman and children were found at the dwelling, their skulls crushed.

“H. X., a sixteen-year-old son, made the gruesome discovery when he returned from a holiday celebration on a neighboring farm.

“The note explains that ‘Owing to deep despair and that I see nothing for me or my children, who I believe would be better off in heaven, I commit this act.’”

“Chicago, November 28.—Mrs. Z. was shot and fatally wounded by her divorced husband to-day as she was preparing a Thanksgiving Day dinner for her five young children. Z. then failed in an attempt to commit suicide.

“Mrs. Z. was at a delicatessen store near her home when her former husband called. Unaware of his presence she returned with her arms full of dainties for the dinner.

“‘Are you going to invite me to your dinner?’ asked the former husband.

“‘No, I’m not,’ replied Mrs. Z. ‘The children are all I want. This is going to be a happy party.’

“Z. then drew a revolver and fired three times. One of the bullets struck her in the head.

“Z. then turned the revolver on himself. He fired into his neck, but surgeons said the wound would not cause death.”

“Seattle, Wash., March 29.—The following advertisement appeared in the ‘Help Wanted’ columns of an afternoon paper yesterday:

“‘Wanted: A man to thrash a wife-beater; ten dollars reward; easy work, Mrs. X., 116 N. Avenue.’

“Eight men applied for the job soon after the paper was on the street. The first applicant was a little fellow, and Mrs. X. sent him away. The second, a big, husky youth, said it would be a pleasure to do the work for five dollars. Mrs. X. engaged him at once and gave him instructions. Her husband must not be permanently disfigured or disabled, but must be slapped, choked, knocked down, and rolled on the floor.

“When X., formerly a water front broker, returned home late in the afternoon Mrs. X. and her ‘beater’ were waiting for him. Mrs. X. telling the story to-day said her young man’s work was so excellent that she compelled him to take the full ten-dollar fee.

“X. could not be seen to-day. He is fifty-three years of age, and his wife is about the same age.

They have been married ten years. Before advertising, Mrs. X. had complained to the mayor, chief of police, and prosecuting attorney, without satisfactory results, she says."

"Dalton, Ga., December 9, 1912.—Despite the efforts of his daughter to secure possession of the shotgun, Z., aged seventy-five, shot and killed his son, H. Z., near here to-day. Since separating from his wife two months ago Z. is said to have ordered his son to stay away from the father's residence. The killing resulted when H. Z. entered the home to-day. Z. is a Confederate veteran. He is under arrest charged with murder."

Killing the children is not confined to the husband:

"Fort Smith, Ark., December 28.—In a fit of insanity resulting, it is believed, from the reading of wild west and detective stories, Mrs. X., twenty-six years old, to-day with an axe crushed the heads of her two children, A., two years old, and B., four months old, killing them instantly. The crazed mother then cut her throat with a razor. She died to-night."

"New York, August 1.—'You bet your life I'll be the boss.'

"Mrs. A. B., eighteen years old, a prepossessing bride of three weeks, flung this answer to her

husband's complaint before Magistrate H., in the Brooklyn police court and stamped her foot when she said it.

"A., exhibiting a cut over the eye and one behind the ear, had his wife in court on a summons to show cause why she should not be charged with assaulting him. He said he just couldn't stand his wife's abuse. 'She wants to be the boss,' he said.

"'Yes, and you bet your life I'll be the boss,' broke in Mrs. A. 'I'll not take orders from you nor any other man, so there!'

"Magistrate H. placed the couple in charge of the probation officer."

What a contrast such a scene presents to the ideal portrayed by Campbell:

"Their home knew but affection's looks and speech,
A little Heaven, above dissension's reach."

"Worcester, Mass., November 20.—A grocery clerk of Worcester, X., killed his wife and a baby of four months, then killed himself, some time last night.

"Two other children, a little girl of thirteen years, and her sister, ten years of age, found this morning, on rising, a note written by their father, in which he explained to them the tragedy.

"The two little girls attempted to go into the chamber of their parents, but the door being locked, they could not get in. They then called the neighbors, who broke open the door.

"A doctor, who was called at once, found that the parents and the child had died from inhaling chloroform. X., who was thirty-eight years of age, had been employed by the same house for more than twenty years. They think that he took his fatal resolution because of dissensions in his household."

"Richmond, Va., December 9, 1912.—Rather than pay his wife six dollars a week as he was ordered recently to do when arraigned in police court on the charge of deserting her, X. Y. Z., grocer, twenty-seven years old, blew out his brains with a revolver early to-day in a stable in the eastern section of the city.

"Besides his wife, he is survived by a baby boy."

"Chicago, Ill., April 28.—A wife has a right to rob her husband, according to a decision of Judge Gemmill, in the Municipal Court yesterday.

"X. had his wife arrested for taking money by force.

"'My wife robbed me right in my own home,' said X. 'She got a boarder and her brother to help hold me. Then she went through my pockets and got eleven dollars.'

"Mrs. X. was led up in front of the court's desk. 'Did you rob him?'

"'Yes, I did,' she said. 'There was no other way to get money out of him. He hasn't given

me a cent for over a year. So I decided to rob him. I called my brother and we held him and I got what was in his pockets.'

"'This is a plain case of robbery, but it was perfectly justifiable under the circumstances,' said the court. 'The defendant is discharged. A wife has the right to hold up her husband when he squanders his wages and don't give her enough for her support.'"

"New Haven, Conn., March 15.—That Mrs. Z. shot and killed her husband at their home in Branford on March 8, their ten-year-old son X. on the day following, and then inflicted wounds upon herself, as a result of which she died on March 13, was the finding of the coroner, made public to-day.

"The coroner says his investigation developed that on March 7 Mr. Z. became aware that 'his wife was indebted in large amounts to a dry goods establishment in New Haven, and also that she had incurred debts to a considerable amount to other parties, and that he had expressed his disapproval of her conduct in this respect.

"The report says that Mrs. Z., fearing exposure or criminal proceedings, secured a revolver and shot her husband in the head, causing instant death. The following day she shot her son X. while he lay in bed, and then turned the revolver on herself."

"Asheville, N. C., (*News-Gazette*).—About

the only interesting case on the docket, and one with a human interest side and withal amusing, had to do with a charge against a citizen of Madison for abandonment and failure to support his wife. The defendant went into court unrepresented by counsel; the wife made her statement under oath; the defendant when asked by the court if he had any evidence in rebuttal, any witnesses, replied, No; neither did he care to go on the stand, that he guessed what had been testified to was about the fact. Judge Justice, however, directed an attorney to represent the man, but his efforts to induce the defendant to put up any defense was a complete failure. The defendant was told that the judge might send him to the chain-gang, but even this prospective dire punishment failed to impress the alleged wife-deserter. In an effort to arouse interest in his unresponsive client the attorney went at him with a hot shot,—in effect that the judge might send the defendant to the penitentiary for a term of five years; that abandonment and failure to provide support was a mighty serious thing. At this the defendant manifested a bit of interest, but of a different sort from what might have been expected. His face sort of brightened, and in reply he said something to this effect, 'Well, by gad, I'd rather go to the penitentiary for five years than to have to live with that woman,'

"That was a clincher and all effort at defense was abandoned. The man was of course con-

victed, but Judge J. tempered punishment with mercy; he neither sent the man to the penitentiary nor back to live with the wife. Provision was made that the man pay unto his wife every month a stipulated sum, and that they be allowed to live apart."

"New York, March 10.—'When I married X.,' said Mrs. X. to-day in the police court, 'he promised to provide for me, and last night his pay envelope was thirty cents short.' Mrs. X. is a bride of eight days. Although she has a personal bank account of one thousand dollars which she refuses to share with X., she hauled him into court on representations that he had treated her cruelly.

"'X. makes twenty dollars a week,' she continued, 'and I want every cent of it. If he needs anything I'll get it for him. I know what's due a wife and that's why I brought him here.'

"'Suppose your husband wants a cigar?' suggested the magistrate.

"'I'll buy it for him,' replied Mrs. X. firmly."

"New Orleans, March 25.—B., fifty, a wealthy society leader here, shot and fatally wounded his wife to-day, seriously wounded his daughter A., fourteen, and a six-year-old son, and then killed himself.

"The quarrel that led up to the tragedy is said to have occurred Thursday night. Z., presi-

dent of the F. P. Company, a son-in-law of B., is said to have refused jestingly to permit B. to accompany the family to a theater.

"B. left in a rage and when the family returned is said to have fired at them, but no one was hurt. The community was aroused by the screams of the B. family and the sounds of the shots."

"In granting a separation to Mrs. A., of Mount Vernon, from her husband, A., with three hundred dollars monthly alimony, Supreme Court Justice M. gave it as his opinion that it is not enough for a man to provide well for his wife and be kind sometimes. He intimated that a husband should always be considerate. He said:

"The plaintiff is a frail, sensitive, and nervous woman; the defendant is a strong, healthy, vigorous man, with a violent temper. In language and manner he was at times rough and harsh, although after these acts he was kind and considerate. He provided for her well; he kept two servants; he was kind to her family and relatives; he permitted one of her nieces to reside at times with her, but his conduct toward her during her married life was such that the plaintiff was justified in her complaint and in bringing this action, in which she must be sustained.'"

"Chicago, September 28.—Z., who to-day married Miss X., sought to avoid future domestic in-

felicity by filing with the county recorder a guarantee to be as nearly the model husband as possible. The guarantee, signed and witnessed by a notary, promised:

“She may do as she pleases. She is free to go and come when she likes, to go with whom she chooses, and I will not be jealous. I will not go gunning for a fellow because he admires her beauty, and because she smiles when he speaks to her. I will not interfere with any of her plans.

“I will be kind and good to her. I will give her all my earnings, and it will be her privilege to do with my income as she likes, so long as she feeds me well.

“When we have a surplus, and it goes to the bank, I agree not to hold the keys. The checks may be signed by either of us. I agree to come home at a proper hour each night, or give her a valid excuse.

“And I further agree that I will let her get a divorce if I fail to behave as a kind, loving, gentle, considerate husband should.’

“When the guarantee had been duly placed on record, the couple sought a minister and were duly married.”

“Chicago, November 6.—Sentenced to walk the floor for two hours each night, with his baby in his arms, was the fate of X., arraigned on

“When Judge S. saw Mrs. X., with the baby in complaint of his wife for non-support.

her arms, he ordered the husband to take the child. X. took the baby while the mother talked with the Judge. The baby's hand stole up and caressed the father's face. He smiled. The wife turned to look and smiled, too.

"'That's better,' said the Judge to X. 'X., I sentence you to go home with your wife and walk the floor with the baby for two hours every night from now until December 20. Besides that, you will turn your wages over to your wife every payday. On December 20 you will come here, and you and I will discuss the kind of Christmas presents you are to buy for your wife and baby.'"

"The law dealing with wife desertion provides for the punishment of men 'who abandon and fail to support their families.' The 'and' is ambiguous. It has been found impossible to punish men who 'hang around' their families and live on the hard-earned dollars of their wives and children.

"Chief Justice O. will endeavor to put an 'or' in place of the 'and' in the law. The change is necessary and just, for married loafers and shirkers who do not abandon their families are often worse than the deserters.

"But if the law is amended merely to provide for the imprisonment of such loafers the poor families will gain little or nothing. If the former could be compelled to work for the State and their earnings were paid to the wives a real reform would be achieved. Such proposals have been made at meetings of criminologists, but the difficulties in

the way are enormous. Let us hope that the threat of imprisonment may prove sufficiently deterrent."—*Chicago Record-Herald*.

"San Francisco, November 25.—Judge G. has divorced A. B. from B. The hookworm was the cause.

"'My husband was dull, stupid, lazy, languid, slow,' said Mrs. B.

"'He must have been a victim of the hookworm,' said the court.

"Mrs. B. expressed some doubt as to this diagnosis, but Judge G. stuck to his opinion and granted the decree."

Another reported case contained this gem:

"What's the charge in this case?" asked the judge.

"That's just what I'm waiting to find out, your Honor," replied the prisoner. "I had the satisfaction of hittin' that woman who's been the plague of my life these ten years, under the name of wife, and I'm willing to pay any charge in reason."

See how differently these cases are decided when they are appealed to the higher courts, where the judges better appreciate the effect of their decisions. But the mere fact of a wife's having brought such a suit as the following shows the demoralized state of the feminine mind on this subject:

New York, October 4.—“This is the first case I ever heard of where a woman brings an annulment suit because her husband is not making enough money,” said Supreme Court Justice K. as he refused a decree to Mrs. Z., in her suit against her husband, X. Z.

“Mrs. Z. lives with her mother. She was married in Passaic, N. J., in July, 1908. She testified that her husband joined the army after she had lived with him about two months. She said he was willing to support her, but was away a great deal, and his income was inadequate to take care of a wife. Incidentally, she said, she was under age at the time of the marriage.

“‘Marriage would be a farce if I granted an annulment on this evidence,’ said Justice K.”

“Chicago, December 26.—The death penalty will be asked in the case of Mrs. Y., who to-day was placed on trial charged with slaying her husband, Y., June 10, last.

“The jury was completed in two hours, breaking all recent records in murder cases in Cook County. All of the jurymen said they would inflict the death penalty if they thought the evidence warranted it.

“Mrs. Y. will plead self-defense. She alleges her husband abused her while intoxicated.”

“Norfolk, December 27.—In a frenzy precipitated by remonstrances when he stamped a

vase of flowers which had fallen from the mantel shelf in their home in P Street, South Norfolk, X., twenty-eight years old, an employee of the E. K. Mills, shot and severely wounded his wife Christmas Day. His wife is five years his junior. They have two children."

"San Francisco, January 13.—Y., son of a wealthy Brooklyn family, shot and killed his wife, X. Y., well known in society here, as she sat at dinner with other members of the family to-night. He then shot and fatally wounded himself.

"The couple had been married seven months, and until a short time ago had been leaders in the smart circle, in which Mrs. Y.'s family held a high place. She was nineteen years old and her husband six years older.

"For two months the young couple lived with Mrs. Z., the wealthy grandmother of Mrs. Y., in P. Avenue. According to members of the family, Y. and his wife quarreled ten days ago, and the young husband left the house in a rage.

"To-night, when all the family,—including the young wife's mother, grandmother, aunt, and brother,—were at dinner, Y. came into the dining room, apparently happy and ready for reconciliation. He approached his wife smiling, kissed her tenderly, and in a flash whipped out two revolvers and shot twice.

"Both bullets took effect and the young woman died instantly. Before the horrified relatives could move, Y. placed the muzzle of the revolver

to his head and pulled the trigger. He fell unconscious and was immediately rushed to a hospital, where he died later.

“The wedding of the dashing young woman and Y. was one of the leading society events of the city last June.”

“Lake Providence, La., January 23.—Dr. X. Y. Z., a physician, was shot and killed by Mrs. Z. to-day in a sanitarium owned by Z., shortly after they had breakfasted together. Mrs. Z. immediately surrendered to the authorities. Mrs. Z. has so far made no statement.”

The spectacle of a wife and daughter-in-law putting their husband and father-in-law in bankruptcy is presented by Bankruptcy Case No. 1412, in the United States District Court for the Eastern District of Virginia, brought February 12, 1913.

The Creditor's Petition in the case is brought in the names of the wife and daughter-in-law first, and the owner of the house in which the family lived, who joins on account of the rent which would be due him. The debtor is alleged in the petition to have lived for the greater portion of six months preceding the date of the filing of the petition in Portsmouth, Va. The nature and amount of the petitions' claims are: the amount due the wife, \$1,000 for money lent and interest; and to the daughter-in-law, \$50.50, wages. The petitioners present that the debtor is insolvent,

and, within four months next preceding the date of the petition, committed an act of bankruptcy in making an assignment of a large portion of his chattels to one F., and that he had since absconded. The prayer of the petition is that a subpœna may be made upon him, and that he may be adjudged a bankrupt. This petition is sworn to by the wife, the daughter-in-law, and the owner of the house.

All that was wanting to finish the picture presented by this proceeding is supplied by reading the return on the summons, which states that it was executed by tacking a true copy of it, with Petition attached, to the front door of the man's "residence," a word used in the law, to supplant the word home. Should he return, the first thing which would greet his eyes would be this sinister paper fluttering in the wind, tacked on the front door of his home by the officer of the law, acting on the orders of his wife, with the object of putting him in bankruptcy. This is the welcome awaiting him.

"Suffolk, Va., March 7, 1913.—X. Y., who was struck by his wife with a big stone several days ago, continues in a serious condition at St. Andrew's hospital. The stone, according to Chief B., must have weighed ten or eleven pounds, and the woman, taking it in both hands, mauled Y.'s head.

"C. Y. is still in jail awaiting developments."

“Memphis, Tenn., March 15, 1913.—M. N., contractor, 35 years old, was shot and probably fatally wounded by his wife, Mrs. N., in their home here to-night. N. has a bullet in his right lung, and his wife, repentant, is under arrest pending the result of his injuries. She declared an intercepted letter to her husband from another woman crazed her.”

The cases of violence and bloodshed here cited are not the necessary killing of the men of one army by those of another, in order to accomplish some end deemed important enough to justify it, with the hope that the result will be of a lasting peace. Far from it. They are the manifestations of a disorder that grows greater every day, a disorder, the inevitable end of which must be the firm establishment of chaos and anarchy within the sacred precincts of the home, at the family table, and at the sacred fireside. They represent the devastation and ruin of the most sacred of shrines, whose destruction is enough to bring upon our race of men an age darker than the Dark Ages known to history.

The confusion now existing in the relation of husband and wife is analogous to the political confusion which arises in cases of doubtful or questionable sovereignty,—a situation which naturally culminates in civil war. The rules of domestic law, which have come down to us through the past history of the race, have in the last few years

been so badly shaken and broken in upon that instead of there being the legal unity of husband and wife, with the acknowledged leadership in the husband, the case is now sometimes stated in what is intended as a humorous question. Husband and wife are one in law; but which one? In other words, where is the sovereignty vested? It was this uncertainty as to which was the real sovereign, the State or the Federal Union, which brought on our civil war. It was this question,—which had the right to be sovereign,—that deluged England with blood in the struggle between the houses of York and Lancaster; France, in the days of the Bourbons and Napoleon; the Roman world, in the days of Brutus and Cassius, representing the Republic, and Octavius Caesar, representing the rising Empire. No more dreadful question can be asked than that. Our legislation has been so radical as to open that question. The men should have the courage to answer it, to answer it promptly, and to undo the mischief already done, before it be too late. The temple of Janus can never be closed so long as that question is open.

Of course many of the decisions which we read of in these cases of domestic broils do not properly represent even the law of the State in which they occur.

They are rendered by police justices, and such other lower tribunals, which lean to what they consider the popular side of the controversy,

and which decide at once against the man, with little or no regard to the cause of the trouble. In particularly shocking cases the decisions are at once spread abroad by the newspapers, and go into every State in the Union as the law of the land, and still further demoralize the standards and the ideas on the subject in the minds of both the men and the women. The case, generally involving a man of limited means, is not carried by appeal to a higher tribunal, where judges appreciating the effect of the decision may pass upon it.

The defendant, the unhappy and maltreated husband, is probably not even represented by counsel in the lower court. Ignorant of his rights, and unwilling or unable to pay for legal aid in his distress, he thinks the shortest and easiest way out of the trouble is to pay the fine imposed upon him by the justice, or, in case of inability to do this, to go to jail for the necessary time instead.

Thus the decision, whether right or wrong, stands; and having been reported all over the country as good law, is taken to be such by the millions of the ill-informed who read it, and who do not comprehend that, in the first place, the decision was possibly in violation of the law of the State in which it was rendered; and, in the second place, that if really law in that State, it does not follow that it is the law in the State where they live. All these matters, of course, are regulated exclusively by the laws of the sev-

eral States. The Western States, by their foolish rules on this subject, are demoralizing the whole country; but what they choose to enact is only of force within their borders, and we need suffer no such affliction unless our Legislature be silly enough to copy their statutes. But the average man is too ignorant to realize this; and when he sees in the paper that in Chicago a husband has been put in jail on some ridiculous complaint on the part of his wife he concludes at once that he, in Virginia, is liable to be treated in exactly the same way.

Conditions are thus forever going from bad to worse, and will do so until the men wake up to the seriousness of the situation, and reverse the tide which threatens to overwhelm them with dire afflictions.

Woman's suffrage is the worst thing that could happen to them, for the men of Virginia can with confidence expect that if women have the right to vote every radical enactment adopted by any other State will, sooner or later, be attempted to be forced upon Virginia. And, since men have by their weakness, indifference, or apparent willingness to submit to such treatment encouraged these attacks, the ingenuity of our legislators will be further directed against them. A husband is now viewed with an evil eye. He seems to have been placed in a very unpopular position. Nothing seems to be bad enough for him. No one ever says a word in his favor. He

is a target to shoot at. Take him and kill him, for there is none to deliver.

Husbands, too, need not suppose that these divorce suits, which their wives have now learned to bring so promptly against them, involve only the separation from their helpmeets. This separation they might be able to stand, in some cases, with great fortitude. But if that were all that is to be obtained by the divorce, not so many of these suits would be brought. Probably the main object of the proceeding may be to obtain a decree for alimony, a decree which, while giving your wife an independent income at your expense, may put you in jail, or in bankruptcy, or in both.

Some of these decrees for alimony are exceedingly severe; the papers referred to one which ordered a poor husband to pay \$50 a week out of a salary of \$100 a month. Another held that the fact that the husband had no money with which to pay alimony was no excuse for his not paying it. Not to pay alimony, whatever be the cause, may be held to be a contempt of court—and to jail you go.

It has always been held that being a husband and the father of a family is the full attainment of manhood. The perpetuation of the State and the race are involved in this, as well as the continuation of the life of the families which compose the State. One would think that this were of sufficient importance for a wise public policy to hold out some inducements to men to marry, to

realize the possibilities of human nature, and to enjoy all the domestic relationships. But, to the contrary, the policy of our newly enacted laws is just the reverse. From the moment he leaves the altar with his bride the rules of law are now against the husband. Everybody in his family is to be considered before him. As between him and his wife, everything is in favor of her; as between him and his children, everything is in their favor, as opposed to him.

Napoleon, when he gave the poor woman the money to make up the dowry for her granddaughter, said: "I want soldiers, and for that purpose must encourage marriages." Every State should encourage marriages, not only for soldiers, but for the continuity of the State and the race itself. If this great man could return to earth and take in charge the State of Virginia with its network of laws on this subject, we can imagine no legislative work which would sooner command his attention than that of sweeping away the whole illogical and ridiculous system,—a system which is enough to freeze marriage to death.

What wonder is it, therefore, that men are beginning to see that they are better off without the blessings, comforts, and pleasures which were formerly understood to belong to them as married men? A striking example of this occurred the other day, if the newspaper account of it be correct, Mr. X., the great railroad man, and a multi-

millionaire, died, and as usual incidents of his life were then brought before the public. An account was given of the visit of a friend to his fine estate on L. I. The visitor admired the appointments of the establishment, the beauty of the surroundings, and remarked to Mr. X. that all that was lacking to make the place ideal was a wife. "Wife," replied Mr. X. sharply; "wife be d—d. I would not have one if she were as fair as Venus, and as pure as the Virgin."

As these ideas grow, marriage however still remaining indispensable to the State, a distinct tendency has now shown itself to drive men into marriage. As the system in itself presents less and less attractions the men are to be propelled toward it, if other means fail, by abuse. Thus we read the following definition of a bachelor, accredited to a Mississippi preacher: "A parasitical dodger, a solitary satellite around his own ego, and a sluggish human of exuberant egotism."

What coercive measures may not become necessary, to keep the institution in any degree of flourishing condition, when the ideas of the public in regard to the relation have become so demoralized that one finds exposed for sale in a reputable art store a colored, printed card, intended probably to be put up in one's office, bearing the words: "Don't tell us your troubles, we are married too?" And, illustrating what is meant by trouble, a picture is presented of a window in the man's home, through which, de-

picted in bold silhouette, is seen the husband on his knees, with both hands uplifted in agonized supplication to his wife, while she is beating him over the head with a rolling-pin!

CHAPTER X

Among the better-off the men are deserted for a large part of the year. The wife and the children go off to a summer resort for three or four months. The husband has to stay at home, in an empty house at night, and bearing the heat and burden of the day, at work, to make the money to keep his family in a distant place. No one is at home to help him, to cheer him, to comfort him. We have heard of one husband who, under these circumstances, utterly neglected and alone, and taken suddenly sick at night, died, with no one to call a physician, or render him the least aid.

During this dreary period of the long summer vacation for the women and the children, which becomes longer and longer each year, the poor husband has all the disadvantages of both a married and a single man, without any of the compensating advantages of either.

“‘What news have you heard from your wife?’ asked the neighbor.

“‘Nothing except that she needs money again,’ replied the lonely husband.’”

The position of a parent will be made one degree more miserable, if we should ever adopt the

compulsory-education theory. The plan would be to put you in jail if you did not send your child to school. And you might at any time find yourself in the position of the parent in one of the Western States for whose arrest there were two warrants out. He had a bad son who would not go to school, so the father gave him a whipping in order to make him go. He was then arrested on the charge of cruelty to the child, for giving him the whipping; and also by the school authorities for not having his son at school.

Another source of much misery is the overdoing of the life insurance system. The poor husband, having been despoiled of nearly everything else, has at least his life left him. But he is not left in peace to enjoy this last asset, his life must be insured for the benefit of his wife,—in case anything should happen to him,—as the expression is. Something is certainly going to happen to him after his life is insured; those heavy premiums are going to fall due with unerring regularity. Still the phrase is an alluring one,—“insuring one’s life.” That sounds well; we would all like to be assured of life. The idea in the minds of the husband and the wife is at first that the danger that hangs over the household, due to the contingency of the death of the husband, the supporter of the family, is neutralized by the insurance, and that both can thereafter breathe in peace, that danger having been provided against.

So the first payments are cheerfully made.

Soon other dues are payable; the needs of to-day have to be put aside, to keep up the life insurance, the protection for the future. Years pass; the quotas fall due with clock-work regularity, money always going out, nothing coming in; expenses meanwhile ever increasing; nothing in hand, nothing put aside of a visible and tangible nature,—all the faith and the hope of the family centered in the life insurance, which some day is to be of such great advantage to them. Probably during these years the husband's earning power has diminished, what was once easily paid has now become difficult to pay. However, it must be paid, or a loss occurs; still nothing coming in, everything going out. Now, is it not in human nature that a psychological change should have gradually taken place in this family during this time, and that the period when the life insurance is to be at last paid in to them, and the payments to be made by them for it are to cease, become a time to be desired? But that time is only to come, in most cases, by the death of the husband. It is a pitiable situation which is here presented.

The writer has seen the head of the house a veritable sacrifice led to the slaughter, with his needy family hanging around him waiting for his death, all the family hopes centering around the time when the wretched victim should expire, and the money for his death be collected,—the insurance for which so many thousand dollars had been paid out in premiums. And then the life in-

insurance was contested, and most of it lost by failure to pay the last premium. He has known another case where it was wholly lost. He has heard an insured husband say that he was worth more to his family dead than alive. The family most likely had found that out long before he did. So the change comes from looking to the life insurance as a fund to arise if the husband die, to a fund which they will only reap any advantage from when the husband dies. It is a wretched situation, and one in which faith in God is probably supplanted by faith in the life insurance. "I have been young and now am old," said King David; "yet have I not seen the righteous forsaken, nor his seed begging bread."

We say these things against life insurance because we believe it is a bad policy for the individual, as well as a bad policy for the State. For the individual, because there is this everlasting drain on his resources to keep alive an obligation on the part of a distant company to pay money to his family after his death. This money he should invest during his own lifetime. Each acquisition would render him stronger, and it would be a source of pleasure to him to see his possessions grow. It is a more cheerful form of investment, and a safer one; for who can tell but what the company may be insolvent when the time comes to pay? Besides, it prevents his family's gaining by his death, which is an unutterably miserable position for the head of a family

to occupy toward its members; they should look forward to his death with sorrow, not with relief. If the premiums were invested as is here suggested, on the whole,—that is, in the vast majority of cases,—they would amount to more than the principal of the insurance. This fact is proved by the enormous surpluses the life insurance companies sometimes pile up. When a man who has invested his money during his lifetime dies his family lose him, but his property, already in the family, passes by his will, or according to the law of descent. His heirs have learned by experience how to manage such property as may have been acquired, and on the whole are in a much safer condition than if suddenly presented with a large sum in cash, which may possibly be lost or squandered.

So far as our State is concerned the life insurance system has few redeeming features. It drains the Commonwealth of money which is sent to the larger cities, where it forms a part of vast reserve funds which are used for the building up of those places to the impoverishment of ours, as of course on the whole transactions of the companies the rates are made high enough to leave a large margin of profit. It would vastly improve our condition to have this money stay at home, and be used here for the building up of our section.

What a contrast is presented by this life insurance system, with the wife possibly looking forward to the time when the principal will be

collected as the only one probable opportunity that she will ever have in this life for liberty and independence, to the suttee system which prevailed in India, when, in the event of the husband's death, the faithful wife gave herself to the flames in order to accompany and serve him in the land of spirits! His death meant her death, not her independence and affluence. What a difference in the care and the treatment a husband would be likely to receive under these different systems. "You die; our struggles are over, our self-denial is over, and I become rich." "You die; and by the customs of society it is expected that I die also. I will therefore endeavor to help you to live."

If this thing, instead of being called insurance of life, which it can in no wise prolong, were called what it really is, insurance of death, which it no doubt often accelerates, it would soon become much more unpopular.

"Macon, Ga., December 27, 1912.—Mrs. A., widow of the prominent Round Oak, Ga., planter, who was killed near here December 12, to-night confessed that she plotted with B., a farm hand, to kill her husband so that she might marry B. and secure \$2,000 life insurance carried by her husband.

"The widow of the dead man was arrested to-day after B. had confessed to the police that he shot and killed A. because Mrs. A. offered him

\$600 to commit the crime, promising to marry him.

"In her confession Mrs. A. declared that if it had not been for the \$2,000 insurance policy she never would have planned to kill her husband.

"For more than two hours after her arrest the woman refused to discuss the tragedy. Detectives related to her details of B.'s confession, and finally she collapsed, crying: 'Do you think God will forgive me? Then with God as my help, I will tell you all. For I cannot meet my God with a lie on my lips. Ask the people to have mercy on me, not for myself but for my children.

"'Last March,' added Mrs. A., 'B. and myself were sitting alone in my dining room. B. told me that he didn't have a friend in the world, and patting him on the back I told him I would be his friend. From that time on our relations were most intimate. We met at frequent intervals and had signals so that I could let B. know when my husband was away from home.

"'Had it not been for the \$2,000 insurance we would never have planned to kill my husband. My first attempt was to kill him with strychnine. B. bought the strychnine and we put it in my husband's whiskey. When he became deathly sick he took an antidote and recovered.

"'It was then that we planned to shoot him. B. told me that we would catch him out hunting and kill him with his own gun. The day of the killing Mr. A. was sick. The doctor told him that he should not eat pork so he took his gun and went

into the woods to kill some birds. He left home about 3:30 in the afternoon, and when he had been gone about an hour B. came. I told him my husband had gone hunting, and he said, 'Now is our time'; and I said, 'Yes.'

"When my husband did not return I knew he was dead, and I sent C. D. and E. F., my son-in-law, to hunt for him. After they had gone B. told me that it was all over. We didn't discuss the killing until December 17, when Detective M. called to talk with me. After M. left, B. told me he knew they suspected him, but I told him to brace up and give nothing away, even if he was on a scaffold with a rope around his neck. I did not believe he would give me away. When B. was arrested I made up my mind I would go to the gallows before I would tell a word. Later I came to the conclusion that I could not meet my God with a lie on my lips.

"I was a good Christian woman before I met B., and had never done a wrong in my life. I have been a member of the church for fourteen years, am thirty-five years old, and have six children. The oldest is eighteen and the youngest four.'"

It is not the object of this work to make it appear that it would be well to establish in America the suttee system, nor the usages of antiquity, nor the present customs of the East. These are all as foreign and ill adapted to the ideas, traditions, and usages of our race as are

the enactments of the Legislature passed during the last few years, adopted, as we believe, without due consideration or appreciation of their ultimate effect. What we think should be done is to lop off the excrescences brought about by these recent acts by repealing them, and, so far as possible, reestablish the institution of marriage on the basis it was at the time our fathers and mothers were married. The system then in force was in harmony with, and founded upon, the rules laid down in the Bible. It was in accord with the genius and the traditions of our race and constitute the well tried way, the beaten path, by which this race has progressed throughout the whole course of its history. Under that system, the wife was not an owned chattel, as the suffragettes would have people believe.

Martha Washington bore no such relation to General Washington, and Mrs. Lee bore no such relation to General Lee. Indeed the whole construction of society in Virginia from the days of Washington to those of Lee, in regard to the dignity, elegance, propriety, and harmony of domestic life would compare to the system of turmoil and discord put into operation since the days of the latter only as light compares to darkness. We are moving, but it is not forward nor upward.

The wife, under the system which we now seem bent on destroying was the honored consort of a man, who was himself respected in his position

as the natural and legal head of the family group. He was respected within the domestic circle by his wife and his children; and without, by society and the government. Where is the human wisdom to be found which will improve upon the experience of ages and the rules laid down by the Creator? For any one not to know the truth of the first part of this statement would convict him or her of gross ignorance of the history and institutions of our race. For anyone not to believe the latter part would convict him or her of disbelief in the statements of the Bible, which are as clear on that subject as the revealed word can make them. To adopt, therefore, the views of the suffragettes would involve a determination to attempt the reconstruction of society according to the theories of the ignorant, or of the unbelieving, or of those who are both ignorant and unbelieving. To follow the lead of the ignorant would be foolish; to follow the lead of the godless would be worse than that,—it would be calamitous, for it would conduct us into who can tell what abysses of disorder?

Just before the French Revolution false philosophy had undermined the Christian religion. One of the objects of its attack had been the sacredness of the domestic relations, all idea of which had withered beneath the blight of infidelity.

A new application of the doctrine of the present-day infidelity is now attacking our family

life, and, under the specious plea of elevating women and bettering the condition of children, is annihilating the home.

If these recent enactments were to be repealed, the common law of England would stand revived. If it were thought that, in regard to the personal relations of the husband and wife, there were any points which should be modified to conform more to the ideas of the present age, they could be specifically provided for. In regard to the property rights of the consorts, if the simplicity of the common law in practically vesting the title of all the property of the wife except her real estate in the husband were deemed too favorable to him, some other method whereby a reasonable community of interest in the property owned by either consort would be secured to the other could be adopted. It would not require a Lycurgus nor a Solon to devise some better method than that now in force, whereby the husband is too often reduced to zero, and creditors defrauded of their just debts.

CHAPTER XI

Any one or more of the following characters might easily be seen during a day's stroll about one of our cities.

The man you see over there in seedy clothes and shiny elbows, with the careworn expression on his face, is on his way to the office of the life insurance agent, to pay the premium which falls due to-day.

The well-dressed man with the shifty appearance about him, who will not look you straight in the eye, has just come from his lawyer's, where he has executed a deed to his wife, in consideration of love and affection, conveying all his property to her. Some notes of his fall due to-morrow, and there is no means of payment in sight.

The two men you have just passed walking like brothers side by side and very close to each other are not brothers: they are a husband and a deputy sheriff who has arrested him for contempt of court in not paying the alimony due this month to his wife. They are now on their way to the court-house.

The group of idlers you saw on the corner are the boys just discharged from the theater, in order to put girls in their places as ushers.

The funeral which passed in front of you at the corner was that of a man who had been shot by his wife.

The row of deserted-looking houses you noticed in the west end were those of the leading citizens, whose wives and children are away until the fall.

The pallid face of the man you saw at the morgue was that of a business man who shot himself. His wife had just brought a suit against him for divorce.

The cluster of newly-made graves that you were struck with while passing through the cemetery were those of the family that had been killed by the father before he committed suicide. The single one in the next lot was that of the father who had been killed by his son.

The men in the cells on the side of the jail you looked at were those who had been imprisoned for non-support. The one about to be taken out of the city was he who had been condemned to work on the public roads for deserting his wife, who had threatened him with a divorce.

The very fashionably dressed widow who drives down the street in a "smart" turnout is the lady whose husband committed suicide not long ago. No one knew why.

The man who walks rapidly past you with a preoccupied air is on his way to the court-house—the divorce case pending between him and his wife is up for trial, and the amount of alimony to be decreed against him will be decided to-day.

The pretty house which you particularly noticed as being "For Sale" was the home of the wealthy young couple whose marriage was the leading social event last spring, but who could not get on together. The bride is now living with her parents, and the husband is traveling abroad.

A large crowd is collected about a formidable looking building. It is the Court House. Some of the crowd are witnesses, others defendants, and still others idle bystanders. A number of cases are set for trial. Some of these are warrants against men for deserting wives with whom they cannot live in peace; or, being out of work, for not supporting them. Other cases involve whole families in which rows have broken out, the blame for everything being of course laid upon the husbands, who are to be vigorously prosecuted, their wives and children testifying against them. Their fate and the future conduct of their homes depend upon the decision of a judge and jury who decide matters of fundamental importance to the whole of society as best they may under the pressure of business due to an overcrowded docket, and with a general notion in their minds that the public expects them to render nothing but judgments of guilty against all husbands and fathers brought before them.

On a more prominent street a larger crowd, mainly composed of matrons and young women, are pressing into an attractive building. The *matinée* is about to begin; the play they will see

has as its theme the tearing asunder of husband and wife.

The lady in mourning, with the pleased expression on her countenance, riding in her new automobile, is the widow of the man who worked himself to death last month. She has just collected the life insurance.

The chatty group of ladies on the other side of the street, well kept and well dressed, having just come from a card-party, which took up the morning, are now on their way to a suffrage meeting, to demand more rights.

Father and Child

Father and Child

CHAPTER I

“Honor thy father and thy mother; that thy days may be long upon the land which the Lord thy God giveth thee.” (Exodus XX, 12.)

One would think upon studying the construction of American society, that this commandment had been written: “Honor thy son and thy daughter, that thy days may be short upon the land which the Lord their God giveth them.”

The subordination of children to their parents is manifestly the order of nature, and there is no good reason for the way in which we see this relation so often reversed. It is here that modern life presents possibly the most striking contrast to past usages and customs. Everything now is in favor of the child, and at the expense of the head of the family—the father. The sum total of the rights which exist in the world must remain practically the same, so when rights are changed it must be that what is given to one is taken away from another. Now all the present freedom and liberty of women and children, together with all the incidents connected with it, are at the expense of

someone else, and that someone is the husband and the father. It is at his immediate expense, in the way of money, loss of authority, loss of services, and loss of consideration, that all these things are asserted and claimed by his wife and his children. They are supposed to be the gainers; he is undoubtedly the loser.

As between the two parents—the father and the mother—nature, history, custom, law, and natural authority clearly indicate the father as the principal parent, as he also should in all respects be the undisputed head of the family. There is here again a modern tendency to lay the stress upon the other parent, and emphasize unduly the maternal relation. The novels and the stage are full of this idea, and one would think on studying them that a child had only one parent—its mother.

It is interesting to see what view antiquity took of this matter—one about which they knew equally as much as we do—and we find that the ancients were in complete opposition to the modern idea.

In the very scholarly work of De Coulanges, "The Ancient City," on page 48, in discussing the family religion, he says: "But we must notice this peculiarity—that the domestic religion was transmitted only from male to male. This was owing, no doubt, to the idea that generation was due entirely to the males. The belief of primitive ages, as we find it in the Vedas, and as we find vestiges of it in all Greek and Roman law, was that the reproductive power resided exclusively

in the father. The father alone possessed the mysterious principle of existence, and transmitted the spark of life. From this old notion it followed that the domestic worship always passed from male to male; that a woman participated in it only through her father or her husband; and, finally, that after death women had not the same part as men in the worship and the ceremonies of the funeral meal. Still other important consequences in private law and in the constitution of the family resulted from this."

In order to appreciate fully the loss of power and importance which fathers have suffered in this matter, it is necessary to review these powers as they once existed. They are known as the *Patria Potestas*, or Paternal Authority. We find an enumeration of them in "The Ancient City," between pages 117 and 122. They consisted of these rights on the part of the father:

"The father is the supreme chief of the domestic religion. . . . No one contests his sacerdotal supremacy. The city itself and its pontiffs can change nothing in his worship. As priest of the hearth he recognizes no superior."

"As religious chief, he is responsible for the perpetuity of the worship, and, consequently, for that of the family. Whatever effects this perpetuity, which is his first care and his first duty, depends upon him alone. From this flows a whole series of rights:

“The right to recognize the child at its birth, or to reject it. . . .

“The right to repudiate the wife, either in case of sterility, because the family must not become extinct, or in case of adultery, because the family and the descendants ought to be free from all debasement.

“The right to give his daughter in marriage,—that is to say, to cede to another the power which he has over her. The right of marrying his son; the marriage of the son concerns the perpetuity of the family.

“The right to emancipate,—that is to say, to exclude a son from the family and the worship. The right to adopt,—that is to say, to introduce a stranger to the domestic hearth.

“The right at his death of naming a guardian for his wife and children.

“It is necessary to remark that all these rights belonged to the father alone, to the exclusion of all the other members of the family. The wife had not the right of divorce, at least in primitive times. Even when a widow she could neither emancipate nor adopt. She was never the guardian even of her own children. In case of divorce, the children remained with the father,—even the daughters. Her children were never in her power. Her consent was not asked for the marriage of her own daughter.”

“There could be in each family but one proprietor, which was the family itself, and only one

to enjoy the use of the property,—the father.”

“The property not being capable of division, and resting entirely on the head of the family, neither wife nor children had the least part in it. . . . The dowry of the wife belonged, without reserve, to the husband, who exercised over her dowry not only the rights of an administrator, but of an owner.”

“The son was in the same condition as the wife; he owned nothing. No donation made by him was valid, since he had nothing of his own. He could acquire nothing; the fruits of his labor, the profits of his trade, were his father’s. If a will were made in his favor by a stranger, his father, not himself, received the legacy.”

“We see in the Roman laws, and we find also in the laws of Athens, that a father could sell his son. This was because the father might dispose of all the property of the family, and the son might be looked upon as property, since his labor was a source of income. The father might, therefore, according to choice, keep this instrument of labor, or resign it to another. To resign it was called selling the son. . . . His liberty was not sold; only his labor. Even in this state the son remained subject to the parental authority.”

“Of all the family the father alone could appear before the tribunal of the city; public justice existed only for him; and he alone was responsible for the crimes committed by his family.

“Justice for wife and son was not in the city, because it was in the house. The chief of the family was their judge, placed upon a judgment seat in virtue of his marital and parental authority, in the name of the family and under the eyes of the domestic divinities.

“This judicial authority, which the chief of the family exercised in his house, was complete and without appeal. He could condemn to death like the magistrate in the city, and no authority could modify his sentence. ‘The husband,’ says Cato the Elder, ‘is the judge of his wife; his power has no limit; he can do what he wishes. If she has committed a fault, he punishes her; if she has drunk wine, he condemns her; if she has been guilty of adultery, he kills her.’ The right was the same in regard to children. Valerius Maximus cites a certain Atilius who killed his daughter as guilty of unchastity, and everybody will recall the father who put his son, an accomplice of Catiline, to death.

“Facts of this nature are numerous in Roman history. It would be a false idea to suppose that the father had an absolute right to kill his wife and children. He was their judge. If he put them to death, it was only by virtue of his right as judge. As the father of the family was alone subject to the judgment of the city, the wife and the son could have no other judge than him. Within his family he was the only magistrate.”

This statement of the rights of the father by De

Coulanges* is amply verified by other works on this subject.

Maine, in his great work on "Ancient Law," on page 132, and those following, gives a similar account of the Paternal Authority as it existed in Rome.

"Father and son voted together in the city, and fought side by side in the field; indeed, the son, as general, might happen to command the father, or, as magistrate, decide on his contracts and punish his delinquencies. But in all the relations created by private law the son lived under a domestic despotism, which, considering the severity it retained to the last and the number of centuries through which it endured, constitutes one of the strangest problems in legal history."

"So far as regards the person, the parent, when our information commences, has over his children the *jus vitæ necisque*, the power of life and death, and *à fortiori* of uncontrolled corporal chastisement; he can modify their personal condition at pleasure; he can give a wife to his son; he can give his daughter in marriage; he can divorce his children of either sex; he can transfer them to another family by adoption; and he can sell them. Late in the Imperial period we find vestiges of all these powers, but they are reduced within very narrow limits."

*Reproduced by permission of the Lothrop, Lee & Shephard Company.

“We cannot tell how far public opinion may have paralyzed an authority which the law conferred, nor how far natural affection may have rendered it endurable. But though the powers over the person may have been latterly nominal, the whole tenor of the extant Roman jurisprudence suggests that the father’s rights over the son’s property were always exercised without scruple to the full extent to which they were sanctioned by law. There is nothing to astonish us in the latitude of these rights when they first show themselves. The ancient law of Rome forbade the children under power to hold property apart from their parent, or, we should say, never contemplated the possibility of their claiming a separate ownership. The father was entitled to take the whole of the son’s acquisitions, and to enjoy the benefit of his contracts without being entangled in any compensating liability.”

Inge, in his interesting work, entitled “Society in Rome under the Cæsars,” on page 172, gives a brief account of the paternal authority thus:

“From the moment when he first saw the light the Roman child was absolutely under the power of his father. As the family, with its sacred rites and continuous existence was the unit of society, so the *pater familias* was the despotic head of the group he represented. As he had called his child into being, so it rested with him whether that being should be continued or not. A sickly or

deformed child was generally drowned at once, and no obligation was felt to rear even a healthy infant. If the question was decided in its favor, the child was given one of the few *prænomina* in use at Rome; the sacred ceremony of lustration admitted him into the family circle; the golden token, the sign of free-birth, was hung round his neck; his birth was entered in the *acta diurna*, and formal notice of the same given to the Prefect of the Treasury. Still the father by no means lost his authority over the person of the child. He might punish him to any extent he liked, sell him as a slave, or put him to death."

These rules began with the foundation of Rome, and may account, in some measure, for the ascendancy which that State acquired among the nations of the world. The following statement of the policy of the founder of that city is taken from Abbott's "Life of Romulus," page 240:

"The great leading objects of his life, from the time that he commenced the government of the new city, were to arrange and regulate social institutions, to establish laws, to introduce discipline, to teach and accustom men to submit to authority, and to bring in the requirements of law, and the authority of the various recognized relations of social life, to control and restrain the wayward impulses of the natural heart.

great stress upon the parental and family relation.

"As a part of this system of policy, he laid

He saw in the tie which binds the father to the child, and the child to the father, a natural bond which he foresaw would greatly aid him in keeping the turbulent and boisterous propensities of human nature under some proper control. He accordingly magnified and confirmed the natural force of parental authority by adding the sanctions of law to it. He defined and established the power of the father to govern and control the son, rightly considering that the father is the natural ally of the state in restraining young men from violence, and in enforcing habits of industry and order upon them at an age when they most need control. He clothed parents, therefore, with authority to fulfil this function, considering that what he thus aided them to do was so much saved for the civil magistrate and the state. In fact, he carried this so far that it is said that the dependence of the child upon the father, under the institutions of Romulus, was more complete and was protracted to a later period than was the case under the laws of any other nation. The power of the father over his household was supreme. He was a magistrate, so far as his children were concerned, and could thus not only require their services, and inflict light punishment for disobedience upon them, as with us, but could sentence them to the severest penalties of the law, if guilty of crime."

Instances showing the exercise of this paternal

power occur in several places in the Bible. The most conspicuous is that afforded by the contemplated sacrifice by Abraham of his son Isaac, as given in the twenty-second chapter of Genesis: "And Abraham stretched forth his hand, and took the knife to slay his son." The sacrifice was not made, a substitute for the son was found; the test of Abraham's faith and obedience had been made. But, if he had killed Isaac, it would not have been murder. He would not have been called in question on account of it, for, if he had ever been prosecuted in any earthly tribunal, his simple and complete defense would have been that he was the boy's father, and, as such, had the right to put him to death, if he thought proper to do so.

Another illustration is found in Genesis, forty-second chapter, thirty-seventh verse. It had been proposed to Jacob to let his son take Benjamin back with them into Egypt, as demanded by Joseph. Jacob is unwilling that this should be done, as he is afraid he will never see him again. Those who had been down to Egypt, knowing the necessity of complying with Joseph's requirement, insist upon it. "And Reuben spake unto his father, saying, Slay my two sons, if I bring him not to thee: deliver him into my hands and I will bring him to thee again."

In this case the father asserted the power to delegate to another the right to execute his children. Jacob might have had this right himself

as grandfather, however, but Reuben clearly claims this power as father.

Another case illustrating the existence of this rule is found in II Kings, Chapter III, verses 26 and 27. The Kings of Israel, Judah and Edom, are fighting as allies against the King of Moab, who had rebelled against the King of Israel. A strategem that the allies resort to deceives the Moabites, and they are completely routed in battle; and Israel, pursuing them into their own country, lays waste their cities, fills up their wells, and cuts down the trees. "And when the King of Moab saw that the battle was too sore for him, he took with him seven hundred man that drew swords, to break through, even unto the King of Edom; but they could not. Then he took his eldest son that should have reigned in his stead, and offered him for a burnt offering upon the wall. And there was great indignation against Israel: and they departed from him, and returned to their own land."

The story of Jephthah and his daughter is another,—Judges XI, Verse 29 and those following: Jephthah, as a leader of the army, is going forth to meet the Ammonites in battle. He is very anxious to achieve a victory.

"And Jephthah vowed a vow unto the Lord, and said, If Thou shalt without fail deliver the children of Ammon into mine hands,

"Then it shall be that whatsoever cometh forth of the doors of my house to meet me, when I

“And she said unto her father, Let this thing be done for me; let me alone two months, that I may go up and down upon the mountains, and bewail my virginity, I and my fellows.

return in peace from the children of Ammon, shall surely be the Lord's, and I will offer it up for a burnt offering.”

“So Jephthah passed over unto the children of Ammon to fight against them; and the Lord delivered them into his hands.

“And he smote them from Aroer, even till thou come to Minnith, even twenty cities, and unto the plain of the vineyards, with very great slaughter. Thus the children of Ammon were subdued before the children of Israel.

“And Jephthah came to Mizpeh unto his house, and, behold, his daughter came out to meet him with timbrels and with dances; and she was his only child; beside her he had neither son nor daughter.

“And it came to pass, when he saw her, that he rent his clothes, and said, Alas, my daughter! thou hast brought me very low, and thou art one of them that trouble me; for I have opened my mouth unto the Lord, and I cannot go back.

“And she said unto him, My father, if thou hast opened thy mouth unto the Lord, do to me according to that which hath proceeded out of thy mouth; forasmuch as the Lord hath taken vengeance for thee of thine enemies, even of the children of Ammon.

“And he said, Go. And he sent her away for two months; and she went with her companions, and bewailed her virginity upon the mountains.

“And it came to pass at the end of two months, that she returned unto her father, who did with her according to his vow which he had vowed: and she knew no man. And it was a custom in Israel that the daughters of Israel went yearly to lament the daughter of Jephthah the Gileadite four days in a year.”

This awful human sacrifice, so sublimely acquiesced in by the daughter, and kept fresh in the memory of that people by the annual celebration of it, appears to have been in complete harmony with the law and the custom of that time and that race. It did not prejudice those of his day against Jephthah. He leads the Gileadites soon afterward in a battle against the tribe of Ephraim, defeats them, and is judge,—that is, chief magistrate and commander in chief of Israel,—for six years, until his death. (Judges XII, Verse 7.) And his fame and achievements are mentioned by St. Paul, as one of the illustrations of the triumph of faith. (Hebrews XI, Verse 32.)

No wonder under such a system, and with such obedient children, we find their praises sung: “Lo, children are an heritage of the Lord. . . . As arrows are in the hand of a mighty man; so are children of the youth. Happy is the man that hath his quiver full of them. . . . they shall

“speak with the enemies in the gate.” (Psalms, 127.)

Such was the law and the custom of the past. What is the present status of a father with reference to his own children? How have his rights and privileges with reference to his children been dealt with by modern legislatures? He has been treated as if he were a public enemy. One by one his rights with reference to his children's persons and property have been taken away, modified, reduced, nearly extinguished. We know of no single provision of modern legislation which has for an instant contemplated favoring, in any respect, a father. He is carefully left with all the burdens and responsibilities he ever had, and more are added. He is liable still, as he has always been at common law, for the maintenance and support of his children; he is expected to exercise the highest forms of self-abnegation and self-sacrifice for them, but when it comes to giving him a corresponding and compensating authority over them, their persons, or their property, we find that by one recent act of legislation after another all such authority has been practically taken away. The father is to have all the burdens possible, but not to enjoy any advantages which might flow from this relation.

CHAPTER II

Turning to the Code of Virginia, we will see by an examination of existing laws, most of them very recent, what the Legislature of Virginia has done for fathers. These changes which are of far-reaching importance were never openly debated. The bills making them law passed quietly through the Legislature, and no one knows that a domestic revolution is being effected until it is all accomplished.

The father now has no interest in property which belongs to his living children. They may be millionaires and he a pauper. He may become guardian, if permitted by the proper court; and in this case must give bond, keep strict accounts with his child, settle the accounts promptly, be liable for interest on funds not invested, held responsible for compound interest in certain cases, and be allowed out of the child's estate only the child's necessary expenses for maintenance and a small commission, just as if the child were some one's else. He is held to accountability for every cent. (Sections 2599, 2600, 2603, 2606, and the following.)

When the father and mother are living apart, undivorced, a court has discretion to take the

children from the father and give them to the mother. (Section 2610.) In case of divorce, the decree of the court may take them from the father altogether, (Section 2263), although he is still recognized as the natural guardian and custodian, and, in general, entitled to their custody. (Latham vs. Latham, 30 Grattan, p. 307.)

In order to bind a minor as an apprentice, his father as such has no right to do it, if there be a guardian. If there be no guardian he can do so, but not without the consent of a court, unless the child be fourteen years old, in which case, if the child consent to the proceeding, the consent of the court may be dispensed with. (Section 2581.) The earnings of the apprentice are only to go as the court may direct (Section 2589.) The father has no positive right to them.

The guardian of any child, with the consent of the court, may have him taken from his father, and put in any incorporated association, asylum, or school, instituted for the support and education of destitute children, which will thereupon be entitled to his custody, and may bind him out as an apprentice. (Section 2582.)

Any overseer of the poor, when allowed by the court, may place any child in such institution, or bind him out as an apprentice, if he be found begging, or likely to become chargeable to the county or city. (Section 2583.)

A new provision of law now allows a stranger in blood, with the consent of the court and of the

legal guardian of the child, to adopt a child and take it from its father for good and all, on the ground that the parent is either hopelessly insane, or is habitually intemperate, or has abandoned the child. If there be no such guardian, the child may be taken away with the coöperation of any "discreet and suitable person appointed by the court as the next friend of such child."

When all this has been done to the satisfaction of the judge, the child is lost to its parents forever, and becomes the child of another. (Section 2614 A.)

The father may now, under a very new statute, passed in 1904, be put in jail if without just cause he desert or wilfully neglect to provide for the support of his minor children who may be in destitute or necessitous circumstances. This statute applies also to his relation as husband, and under it now husbands are being prosecuted in various parts of the State. (Section 3795 C; Acts 1904, p. 208.)

But this act was not deemed sufficiently drastic, so, in order to define fully the obligations and responsibilities of parents, and bring them entirely under the shadow of the court, the sheriff, the policeman, and the jail, the following bill was passed, which took effect March 17, 1910:

"Be it enacted by the general assembly of Virginia, That any person within the State of Virginia of sufficient financial ability, earnings, or income, who shall refuse or neglect to provide for

any child under fourteen years of age, of which he or she shall be the parent or guardian, such food, clothing, and shelter as will prevent the suffering and secure the safety of such child, or shall subject a child under seventeen years of age to vicious or immoral influences, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to punishment by a fine of not more than one hundred dollars, or by imprisonment in jail for a period not to exceed sixty days, or in lieu thereof to hard labor on the public roads for a period not to exceed sixty days, but the court in its discretion, having regard to the earning capacity of the defendant, shall have the power to suspend the execution of such sentence and to make an order, which shall be subject to change by it from time to time as the circumstances may require, directing the defendant to pay a certain sum monthly for the space of one year to the guardian or custodian of such child, or to any society or association approved by the court, and to release the defendant from custody on probation for the space of one year, upon his or her entering into recognizance, with or without sureties, as the court may direct.

“The conditions of the above recognizance shall be such that if the defendant shall promptly make such payments, and shall make his or her appearance in court whenever ordered to do so within the year, and shall further comply with the terms of the order, and of any subsequent modification

thereof, then the recognizance shall be void, otherwise of full force and effect. If the court be satisfied, by information and due proof, under oath, that any time during the year the defendant has violated the terms of such an order, it may forthwith proceed to enforce the original sentence. The court may direct any probation officer of such city or town, at any time, to ascertain and report to it if the defendant is obeying such order of the court." (Acts 1910, p. 570.)

This Act, passed in the midst of the hurry and turmoil of the very last days of the session of the Legislature, was approved by the Governor on the day of its adjournment, and on the same day that other Acts, covering one hundred and eight pages of closely printed matter, were approved by him. What human mind could, in such a period of time, give to such a mass of legislation due attention?

This drastic legislation is important enough to be made the subject of a party measure, publicly discussed and debated. It is of far more importance than the tariff, the pensions, whether a Democrat or Republican be elected president, and so forth. But they are never thus discussed. These measures, which tear society to pieces, glide through the halls of the Legislature with the silent tread of a tiger, and become fastened upon the public before it knows that such measures were even under discussion. No thoughtful man can view such proceedings with approbation, and

his judgment on the reasonableness of such domestic rules is not to be impeached by the mere fact that they are now the law. It is proper to inquire how such acts become laws and why they should not be repealed.

The Act concludes with another sweeping provision, intended to protect children under seventeen years of age from all the ills which afflict fallen human nature. This principle in itself is most commendable, and is one which the moralists and religious teachers of all times have struggled for. But when put into law it would have the effect, if enforced to the letter, of entitling possibly a large proportion of the population, who from their poverty cannot maintain their children in the surroundings which this Act makes imperative, to be heavily fined and put in jail. And it makes the position of a parent or guardian still more dangerous, if indeed it do not threaten with jail the whole adult population, for the Act makes it unlawful for "any person" "to knowingly permit" any boy or girl under seventeen years of age to "be guilty of any vicious or immoral conduct." It is vicious or immoral to steal apples. If you see a boy under seventeen years of age do this, and knowingly permit it, you may be brought within the operation of this statute. A fine of possibly one hundred dollars, or jail for a year, or hard labor on the public roads for six months thus now stares everybody in the face. The less you have to do with children under these rules the

better; they are dangerous creatures to have around. It was not under such rules as this that it was said: "Happy is the man who hath his quiver full of them."

Juvenile Courts, one of the products of this modern legislation in regard to children, sometimes presided over by a woman, are another manifestation and result of the decay of parental authority, and a demonstration of the need for the exercise of the very power they are usurping. A bed-room slipper, a willow switch, or a piece of shingle judiciously handled by the fathers of America would be worth all the machinery of these august tribunals put together, more certain, swift, economical, and effective. For more serious matters the courts and the juries have generally tempered justice with mercy when called upon to decide the fate of youthful offenders.

An infant accompanying a convict mother to the penitentiary, or born after her imprisonment therein, shall be returned on attaining the age of four years to the county or city from which the mother came, to be disposed of as the circuit court of said county, or the hustings or corporation court of said city, having jurisdiction, may order. (Code, Section 4124.) In this case the father, although he may be well known, is entirely ignored. He appears to have no rights at all as to his own child.

An elaborate and formidable statute is also enacted authorizing the courts to exercise practically

unlimited authority in taking children under fourteen away from their parents, either on the ground that the child is destitute, or without proper place of abode, or proper guardianship, or is deserted or neglected, or ill-treated, etc., and holding over any poor parent who dares interfere with the custody in which he may be placed a fine of fifty dollars and a three months' term in jail. (Code, Section 3795, Acts 1901-2, p. 125.)

It sounds strange in reading this general nullifier of parental authority that certain incorporated bodies who take the children away from the parents shall have the power and the right "to exercise parental authority and control over such children." Parental authority indeed! We would like some one to point out anything more than the merest shadow of it that the Legislature has left in force in Virginia.

The ancient parental authority of giving the child a whipping is transferred to the courts by a statute which provides that when any minor under sixteen years of age is convicted of a misdemeanor,—that is, an offense not punishable by death or confinement in the penitentiary,—the justice or the judge before whom such conviction is had may, if the parent or the guardian shall inflict on such minor such punishment as the court may think adequate, discharge such minor from custody. The stripes imposed under this Act shall be administered by the sheriff or any constable of the county or sergeant of the Corporation wherein

the conviction is had, upon the order of the judge or justice imposing the sentence, and at such time and place as the said justice may direct. The parent or guardian shall have the right to be present when such stripes are administered. (Code, Section 3902 A; Acts 1897-8, p. 859.)

For fear that it had missed something, the Legislature adds another long and formidable provision applying to all minors charged with crime, or with being vagrant or disorderly or incorrigible, on the mere ground of their being arrested, and even before a conviction. This provision allows minors to be turned over to the Prison Association of Virginia for custody and control, the association to enjoy all the powers which the authorities of the penitentiary have with reference to convicts confined there. The consent of the parent or legal guardian is necessary in order to have children turned over in this way before conviction. That much at least is reserved to the parent. The commitment may last until the child be eighteen years old. For helping a child to escape, or knowingly harboring him after escaping, such tender-hearted offenders may be punished by a fine of five hundred dollars, and by a term of half a year in jail; and it is made the duty of all the officers of the State to hunt the child down, catch him, and bring him back. Rigorous punishments are provided for any officer that lets him escape, or that fails to receive him and confine him. One ray of hope left in the

Act is that the youthful wretches are not placed beyond the governor's power of pardon, and consequent freedom. (Code, Section 4173 D.)

A very similar provision is made by another long and formidable statute, applying to the Negro Reformatory Association of Virginia. The poor parents, however, are not relieved of all their liability for the support of their children when the latter are taken in hand by this association, as Section 12 of the Act provides that they may still be held under a "continuing judgment" for eight dollars a month for the support of the child that is committed as a disorderly or vagrant person. It is to be hoped that the very excellent gentlemen named in the Act as trustees will temper the wind to the shorn black lambs placed by this law under their power. (Code, Section 4173 E.)

CHAPTER III

The Legislature, not having yet enacted enough on the subject, now takes a fresh start, and produces a blood-curdling statute on the subject of cruelty to children. It does not specially name fathers, but it is evidently aimed at them, and includes them, as they are not excepted from its provisions. It harrows one's feelings even to read over the awful things which this Act declares must not be done to children, such as placing them in dangerous positions, endangering their lives, limbs and health, or overworking, cruelly beating, torturing, tormenting or mutilating them. It also prohibits their being employed in certain occupations, and provides for the children's being taken into the wardship of humane societies on account of "neglect, crime, drunkenness, or other vice of parents," and ends up with the usual provision about fines and terms in jails. (Code, Section 3795 A; Acts 1895-6, p. 701.) In case it might be thought better for this interference with parental authority to be conducted under a corporate name, and with corporate powers, on the ground of preventing cruelty to children, this may be done under the provisions of the Code, Section 1105 D, and no capital stock is required of such corporation.

What remained of parental authority has about been swept away by the following Act, adopted, March 14, 1912:

"Any child adjudged a dependent, a wayward, or a delinquent child by any court in this State may, with the consent of the State board of charities and corrections, be placed by the judge or justice of said court in the custody of the State board of charities and corrections, and the said board is authorized to place such child in a selected family home or in an institution for the care and training of destitute children, as the said board may deem best for the interest of said child, until the said child shall arrive at the age of twenty-one years." (Acts 1912, p. 621.)

Nearly all the children are "dependent," and about the same number may be found to be "wayward" or "delinquent," so, practically, all fathers now hold their children under the sufferance of the association, which is supposed to be so much more solicitous for their welfare.

If a child have any property, we have said that the father, as such, has no interest in, nor control over, it. It must be attended to by a guardian. This guardian is also entitled to the possession or custody of the child, and the father is only entitled to this if in the opinion of the Court he be "fit for the trust." (Section 2603.)

If a misguided father, in the tenderness of his heart, give to his child under sixteen years of age cigarettes or tobacco in any form, or a pistol,

or dirk, or bowie-knife, he may be fined as much as one hundred dollars. (Section 3828 B.) Of course it is understood that not to pay a fine means a term in jail. (Section 726.) This statute is general, and includes fathers because it does not except them.

It fairly makes one's hair stand on end to read what may happen to the father, along with anybody else, who might accidentally happen to give his child "any toy gun, pistol, rifle, or other toy firearm, if the same shall, by means of powder or other explosives, discharge blank or ball cartridges, if his child be under twelve years." In this case a little fine of at least fifty dollars, and possibly one hundred, awaits him, or a trip to jail for not less than one month and possibly three months, or both fine and jail; and for acquiring any of these articles for the child is a worse offense yet; a fine of between one and two hundred dollars or jail between one and six months, or both, await the transgressor. (Section 3828 C.)

For fear that the parents were having too easy and pleasant a time under these humane and enlightened provisions, and might yet be enjoying some spark of comfort and pleasure in having the children, the Legislature provides in the Charter of the City of Norfolk an additional method of curbing them. This provision is as follows:

"When by the provisions of this Act the City councils have authority to pass ordinances on any

subject, they may prescribe any penalty not exceeding five hundred dollars, except where a penalty is herein otherwise provided for, for a violation thereof; and on failing to pay the penalty recovered, shall be imprisoned in the jail of said City for any term not exceeding three calendar months, which penalties may be prosecuted and recovered with costs in the name of the City of Norfolk. And the City Councils may subject the parent or guardian of any minor, or the master or mistress of any apprentice, to any such penalty for any such offense committed by such minor or apprentice." (Charter of the City of Norfolk, Section 19, Paragraph 20.) There you are again,—fines and jail for things that the poor father did not even do, but all the same they can take all his money away, and fling him in jail for what his bad boy may have done.

With the mania that exists for copying every piece of new legislation that can be found, it is more than likely that most, if not all, of our cities have this, or some such similar provision. This is one of the worst of all these enactments. It embodies all the severity of the ancient system, which held the parent alone responsible for the offenses committed by his household, but it is put in force in an age when the State has paralyzed parental authority. The father is no longer allowed to control his children, but he may be severely punished for what they do.

So much for the father's power and control

over the persons of his children. We might estimate the result of these enactments thus: When we subtract from the common law rights of the father the sum of the above statutes the remainder is nothing.

What was once thought a proper way to secure and enforce parental authority is thus laid down by Moses, the great lawgiver of Israel, who was, by divine authority, enunciating the rules which were to govern a nation:

“If a man have a stubborn and rebellious son, which will not obey the voice of his father, or the voice of his mother, and that, when they have chastened him, will not hearken unto them: Then shall his father and his mother lay hold on him, and bring him out unto the elders of his city, and unto the gate of his place; And they shall say unto the elders of his city, This our son is stubborn and rebellious, he will not obey our voice; he is a glutton, and a drunkard. And all the men of this city shall stone him with stones, that he die; so shall thou put evil away from among you, and all Israel shall hear, and fear.” (Deuteronomy, XXI, 18-21.)

In giving the foregoing rules of ancient law in regard to the power of life and death which the father and husband had over the members of his family, the object has been, not to make it appear that such would be a desirable thing to re-establish to-day (we are too far away now from those times and customs, and society has been too

long arranged upon another basis, with its elaborate system of courts), but to present to the minds of the men of the present age the dignity and the power with which they were formerly surrounded, so as to enable them to appreciate the striking contrast thereby afforded; and to submit to them in practical form the result, as affecting them, of modern legislation, and to ask whether they think that with women voting their position in the world will be improved.

Turning again to the father's relation to the property of his children, we find that as father he has no control over it. He is nowhere recognized as *ex officio* guardian. He might be allowed to act as guardian or curator, but the real power in this selection is in a court. (Section 2600, 2602, 2603, 2564.)

The father has no right to bring a suit for his child; this must be by his "next friend," the statute not even noticing the father in that connection. (Section 2614.)

A father has no right to defend a suit brought against his child; this must be by a guardian *ad litem*, and the father is utterly ignored. (Sections 2618, 2629, 3255, 2435.)

As it is apparently the fixed purpose of the Legislature to deprive the father of all interest in the property of his child, as a branch of this plan it is provided that the wages of a minor shall not be liable to garnishment or otherwise liable to the payment of the debts of his parents. (Sec-

tion 3652 C.) That the debts might have been contracted for the support of the child is made no ground of exception to the rule.

A father cannot even make a lease of land belonging to his child, without an order of court, much less sell or encumber any of it. (Sections 2615, 2616.)

A wonderful and striking exception to all this line of legislation is presented in a miserable little statute which allows a sum of money belonging to an infant (arising from the sale of land or otherwise coming into the hands of a court in some proceeding therein, when the amount is less than three hundred dollars) to be paid over by the court "without the intervention of a guardian" to one of the parents of the infant (it does not even say the father) for the education, maintenance, and support of the child, if it be very young. (Acts 1908, p. 45.) The reason for this is probably because the amount is so small that no guardian would be likely to be found who would be willing to be made responsible for it.

CHAPTER IV

In the case of the death of an infant that had property, the father is given the priority which naturally belongs to him, as there cannot be in this case any further question between him and the child. This applies in all cases where the infants are under eighteen years of age, as under this age they cannot make a will of real nor personal property. (Section 2513.)

Taking, therefore, the case of the death of an infant under eighteen years of age, the law is that he must die intestate, that is, without a will, as even if he should make one it would be of no force. What becomes of his property?

If he have any children it goes to them. If there be no child, nor the descendant of any child, then it goes to his father.

If there be no father, then to the mother, brothers, and sisters, these latter sharing equally, while the father alone inherits. Such is the general rule that applies to his real estate. (Section 2548.)

But if the infant die without issue, having title to real estate derived by gift, devise or descent from one of his parents, the whole of it shall descend and pass to his kindred on the side of that

parent from whom it was so derived, if any such kindred be living at the death of the infant. If there be none such kindred, then it shall descend and pass to his kindred on the side of the other parent. (Section 2556.) That is, in the case of the death of an infant nearly twenty-one years old (on whom the father may have expended thousands in care, support, and education) having title to a piece of property,—say, the home in which they live, which he may have acquired by will or descent from his mother twenty years ago, and which might have been given to the mother by the father,—on the death of the infant, the home might go to the fifteenth cousin on the mother's side, to the exclusion of the father.

This is an interesting point of law for those men to think about who, in order to protect their property from their creditors, are so fond of putting it in the names of their wives. They seek security. They are really running the risk of total loss.

So much for real estate. The personal property of infants stands on a different basis. As to this, if the infant be as much as eighteen years old, he may leave all of this form of property to whomsoever he pleases. He may be a millionaire, the father may own nothing; yet the father may be absolutely ignored. (Section 2513.)

Should the infant die without a will, however, his personal property follows the general rule of descent of land and of the law applicable to

the disposition of the property of all adults, and passes first to his children and their descendants, if there be any; and if none, then alone to the father, and if there be no father, then to the mother, brothers, and sisters equally. (Sections 2557, 2548.)

The law on the subject of the control and the management of property owned by a married woman who is a minor belongs to the chapter on husband and wife. It will be sufficient to say here that the Legislature has carefully excluded both the two persons who naturally and properly should control and manage it,—the father, or more properly the husband. These two relations are treated with the customary hostility and contempt. (Section 2291.)

In the case of damages recovered for the wrongful death of an infant, the jury may exclude the father altogether from the fund, or put him on the same footing as his wife and his other children. All of those in this class, however, are made subordinate to the wife, the husband, and the children of the deceased. (Section 2904.)

It will be observed that not one word in this scheme of legislation has been said about lessening or relieving in any way the father from the obligation he is under at common law for the support, the maintenance, and the education of his children. For all these things he is still liable, as he has always been. Those who supply these things to his children can sue him for the money

due therefor, obtain judgment against him, and sell his property by the sheriff in order to secure payment. Not one line of any of these statutes has relieved him of any thing, nor in any way. They are all, without exception, hostile provisions as to him.

On obtaining a decree of divorce, the court may take all the children from the father, and may compel him to support them, while they remain in his wife's possession. (Section 2263.)

As to the rule as to who shall have the custody of the children, we are not surprised to be told that it is the welfare of the child that is the controlling consideration, as the parents,—or at least the father,—is, of course, no longer deemed a proper object of any consideration. (Meyer vs. Meyer, 100 Va., 228; Stringfellow vs. Somewille, 95 Va., 707.)

The consent of the guardian of an infant can be given to his or her proposed marriage, which consent will overrule any objection the father or mother may have. (Section 2218.)

In reference to guardians, it affords food for thought to consider the fact that it is only in the presence of death that the Legislature of Virginia allows a father to nominate a guardian for his children. So long as the father be alive he is regarded with suspicion, and his children's property must be protected from him. So long as he be alive the power of appointment is vested in a court. The statute says: "If the minor is under

the age of fourteen years, the Court or Judge may nominate and appoint his guardian; if he be above that age he may, in the presence of the Court or Judge, or in writing, acknowledged before any officer qualified to take acknowledgments, nominate his own guardian, who if approved by the Court or Judge, shall be appointed accordingly," etc. (Section 2600.) That is, a child fourteen years old is presumed to know better than his father what guardian should be appointed to take care of his estate.

The provision as to the appointment by the father at his death is this:

"Every father may by his last will and testament appoint a guardian for his child, born, or to be born, and for such time during his infancy as he shall direct," etc. (Section 2597.)

There is only one really vigorous principle of law left alive in which, as between the father and his children, the father has the proper respect and regard paid to his position, and that is the rule which gives to the father a life interest in all real estate which belonged to his wife, and passed at her death to her children. This is an old rule of the common law, which has always been respected by the statutes. The husband is called the tenant by the curtesy. The rule is of the greatest antiquity, and should remain forever. Expressed in different words, the rule is that as to the landed property coming into the family through the wife the father is given superior

rights to his own children, their rights being properly held subordinate to those of the head of the family. (Section 2286 A, 2291, 2293.)

Such are the rules of law existing to-day in the State of Virginia as to the domestic relation of parent and child. What are the powers and rights left to the father, the head of the house, the progenitor, the ancestor, under them? Scarcely any. There is not even a decent skeleton of the former power left.

As between the father and the mother, there is enough difference still left in favor of the father to settle a few questions which might arise between them; but it is only the phantom of the real substance of the power which existed in the very recent past. These differences mainly now consist in the following rules:

The father as the head of the family is primarily entitled to the care, the custody, and the maintenance of the children. (Section 2603; *Latham vs. Latham*, 30 Grattan, 307.)

The father by his will may appoint a guardian for his children, although their mother may be alive. The mother has no such power when the father is alive. (Section 2597.)

The father is preferred before the mother in the descent of property from his children. (Sections 2548, 2557), except when the property be real estate given to the infant by the mother, and she be still alive. (Section 2556.)

The father has rights superior to his wife in

consenting to the marriage of his infant children. (Section 2218.)

The father has superior rights as to binding his children as apprentices, but is subordinated to the guardian and the Court. (Section 2581.)

It is especially noticeable in connection with this line of legislation that scarcely a vestige of it existed in Virginia a generation ago. The relation of parent and child is as old as the race, and we may safely assume that nothing new has been discovered about it by the Legislature in the past few years; yet it has been the subject of incessant changes. Virginia has laid aside its leadership and independence of thought in all these matters, and has, with unbecoming servility, copied the legislation of States with which we have little in common.

The whole domestic construction of Virginia, which produced the splendid men of its past, was on a totally different basis from all this. The new conditions afford no promise of improvement in the discipline, training, mental or moral fiber, standards, ideals, or purposes of the race. It is but the legal expression of the modern idea of laying the emphasis on the first part of life instead of upon its maturity, the natural effect of which is to degrade instead of to elevate life as it matures and progresses.

Up to this point only there have been stated these rules of law, the old and the new. Let the reader now consider the natural effect that this

change of base on the part of society would have upon the domestic relations themselves,—that is, study its psychological and sociological effect.

All are agreed in wishing to promote the happiness and the good of the race, and this discussion is to bring up for consideration what policy would be most likely to produce that result. The new laws on the subject do not improve matters, and this is the case for many reasons, which will now be given.

Adult persons are but children of a larger growth, and the children will all, in a few years, become grown persons. The line dividing them soon becomes obliterated. Life is fleeting, and we hurry on from one stage to the next by imperceptible, but rapid, movement. The responsibilities of life belong to the adults; they face the stern realities of life while the children frolic and play. The care for the maintenance, the education, the training, and the guidance of youth is with the parents, and primarily with the father, on whom the heaviest part of it rests. He spends most of his life in trying to make money enough to support his family. He is entitled for this reason, as well as on other accounts, to the undisputed leadership and priority in his family. It is, after all, but a small return to make him.

Under the former system his rights in this respect were fully accorded and regarded by the State, as well as by the family. Society has now taken these rights from him, in the interest, as is

supposed, of his children. His children may have money; he has no right to use it. On him rests the responsibility of supporting these children, but their money is their own, and not his. Between him and it there is interposed a guardian, whose business it is to protect the children from their father,—that is, from the one man of all the earth who would naturally love them the most, do the most for them, who would probably lay down his life for their sakes. But the law distrusts and despises him, and will not let him, as father, have the slightest say in the matter of his children's money. If it be lost by the guardian, it will still be the father's lawful obligation to support and maintain the children; but the guardian is the man in power. This system has the inevitable tendency to make the children regard the guardian as their real protector and their father as unworthy of trust, and a person to be protected against. It does not help the case much for the father to be also the guardian. His rights should be inherent, *ex officio*, not derived from a court, but due by the fact of parentage.

Allowing full effect to the forces brought into play on the group of persons involved in this matter, supposing some one other than the father to be the guardian, we would have as the natural consequence of this legislation the following situation:

The wife would lightly look upon her husband as being considered in law unworthy or incompe-

tent to have immediate, direct management of his child's property, and she would have respect for the guardian as being by that office superior to her husband.

The child would disregard his father, and look to the guardian as his protector against his father.

The father would dislike the guardian, who is his supplanter.

The guardian would hold the father in slight regard, having supplanted him.

Closely observe now the immediate and natural effect on the minds of the parent and the child of the rules of law applicable to their relation. Let us begin by saying that real power, lawful power, power recognized by courts and government, has a profound effect upon the human mind. It is calculated to inspire respect, if not awe. Clothe a parent with this power, and he becomes a more important person. A consciousness of the dignity of his position tends to make him strive to measure up to its requirements. This was the former policy. The father was a sovereign in his own home. No one questioned his authority, because the government itself recognized it. His wife and his children respected him, because he held a position of tremendous importance to them. He was their judge and head, and, more than that, he stood as a tower of strength to them, protecting them absolutely from the outside civil authorities. The civil and criminal jurisprudence as administered by the State did not

reach to them. Between it and them towered the father, the head of the house; and he could protect them from it. Besides this, all property rights being centered in the head of the house, everything contributed to make him a natural and proper object of respect. He had the power, and power is generally respected.

The issue presented by the change which has taken place is the substitution of a court for the authority of the father. Under the former system, the father was the court. Now it is another man, called a judge, who has no interest in the affairs of the family, most likely never saw nor heard of the infants whose matters are brought before him, and who, instead of deciding what might be called the more normal subjects of litigation, finds himself called upon to administer the domestic affairs of various households. All this is, of course, attended with expense to the parties involved, and takes up the time of the court. Who believes that, in the great majority of cases, the affair is attended to by the court any better than it would be by the father of the child? Is any one then really benefited by having degraded the parent from his position, and having transferred to a strange judge the powers which naturally belonged to him? The Legislature would probably answer that the children were benefited, or at least that they were led to believe that the children would be benefited when they adopted these rules. They might say that

the father no longer has the power to punish severely his children; but the Corporation and Circuit Court Judges and the Federal Judges, on the verdict of a jury, have the right, and exercise it in aggravated cases, or if the ends of justice demand it. The father has no right to beat his children, but the Police Courts have. (Section 3902 A.) The father has not the right to confine and severely discipline bad children, but the Prison Association has. (Section 4173 D.) The father has no right to make the child work for him, but his master may, if he be bound apprentice. (Section 2581.) And so on.

These powers over the child, then, still exist, and they should exist; but they exist in the civil authorities instead of in the parent of the child. The judge, the jailer, the Prison Association, etc., usurp the powers of the father, leaving him with a mass of responsibilities, but no rights, powers, nor privileges.

CHAPTER V

What is the effect of this policy on the parties immediately involved? Which system will be more productive of a race of independent and powerful men, and of love and regard in the relation? This is, after all, the most important point in the whole matter.

Take first the case of the father, and analyze the situation as to him. Under the one system the law, society, government, put his children exclusively under his power. They are his, against the world. The policeman could not touch them, the sheriff could not touch them, the courts could not touch them. Their property is his property. They must obey him. There must be no disputing and questioning his authority, they must obey him just like the well drilled soldiers and sailors obey their officers, and as in every fixed relation of life where there is a gradation of power and dignity and authority the order given by lawful authority is to be obeyed.

This is a satisfactory rule and system as to the fathers. They would approve of it, and naturally love those who ministered to them in this way. They are exalted among their fellow-men by being at the head of a group of other persons. There is every reason why they should, under this sys-

tem, love and cherish their children. There is a great deal of advantage to the father in being a father, and the more children he had, the better off he would be. He would have that much larger army, that many more allies, that many more assistants, that much more dignity, power, and wealth. There would be a great deal of dignity in it for him; and as the rule would extend to grandchildren as well as children, the older he grew, the more his power would increase—the number of his supporters and allies would increase year by year, and the decline of life would be mellowed and warmed by power and influence.

The very power he had over his children would make him love them more. He would feel their dependence upon him, and they would look to him for protection. All this is in addition to that great natural affection which tends to spring from the fact of parentage under any system.

The effect, too, directly upon the character of the father is most important. Under this system, the Romans became the conquerors of the earth. Its natural tendency was to produce mighty men. The honors and the rewards of life, increasing as one advances in age, tend to keep alive to the last the utmost vigor that one possesses. This was a system of continued expansion with the flight of years. This system had the natural tendency to make parents love their children in the highest measure, and to make of the fathers the best that was in them. Thus they became more honorable,

admirable, and lovable characters for their children to contemplate.

Contrast with that the present system. The father has upon his shoulders all the burdens which the relation naturally carries with it. His children's property is their own, carefully guarded from him. He has little or no direct power over them, and as to this little he is liable to become entangled in disputes with his wife. The civil authorities watch him with a jealous eye, standing ready to fine him, fling him into prison, and otherwise punish him, if he does not deal with the children and their property strictly according to the provisions of long and formidable statutes. The whole of society demands of him incessant sacrifices for the children—everything for them, nothing for him; forever their interests, never his. He becomes an object of pity or contempt. Anything is good enough for him.

Is all this calculated to produce love in him for his children? We think not, and believe that what is left exists as the remainder of a certain fund of natural affection after the inevitable effect of this legislation has been subtracted from it.

Then what is the effect on the mind and the character of the fathers? They see themselves thrust aside, as if of no account, and the world attending mainly to the children. They are also reduced to their lowest terms, to their minimum, and are taught by society that it is only the young

who are of value. The fathers shrink up, and are not encouraged to be the greatest that they could be.

Turn now to the effect upon the children. Under which system will they love their parents more?

We know that under the former system they not only loved them, honored and revered them, but actually, in the East, worshiped them as divinities.

Under the present system, they are taught that it is their parents' duty to give up everything for them. They see the court-appointed guardian standing between their little fortunes and their father, they hear of fathers being arrested and flung in jail for deserting or failing to support their minor children, under that beautiful statute, Section 3795 C; they know about the title to the home being put in their mother's name, to keep the creditors off; they hear the father's authority in the home questioned by their mother. They know that their father cannot protect them against the policeman; and, in short, they never think of him as having any special power or authority at all, but they may think of him as having no other particular rights and privileges than those of having to work very hard to support the family. Under this system they will naturally feel for their father the minimum of honor, respect, and love. We even read in the daily papers of their getting out warrants, and having their fathers arrested and

hauled before the courts, in connection with the family rows which so frequently occur.

A sample of these rows, and the dreadful consequences to which they lead, all probably due to the fundamental defect of the children not having been taught to obey the father, is presented by the following accounts:

“Lawrenceville, Va., Oct. 22.—X., a well-known farmer, has been arrested on the charge of shooting his son and small daughter, as a result of a general family altercation at his home about four miles north of B. yesterday.

“It is reported that the young man is seriously wounded, while the child is only slightly hurt. Conflicting reports have been received here concerning the condition of both victims, however, the scene of the shooting being a considerable distance from Lawrenceville.

“General sympathy is expressed for the son and the little girl, who are receiving the best of care at the hands of the neighbors, relatives, and friends, who have gone to the X. home to offer their assistance.”

Many cases have occurred where fathers have been killed in these family controversies by their sons. No one ever appears to take his side about anything. A family row proves, of itself, that the husband and father is the cause of it, and in the wrong; and he seems to be regarded as getting

only what he deserves, no matter what happens to him.

“Raleigh, N. C., January 29.—X. Y. was shot and instantly killed this afternoon at his home near Eagle Rock, this county, by his son, Z. The two quarreled about some wood, the son ran upstairs, procured a revolver, and came back with it, opening fire on his father.

“The fourth shot penetrated his heart. The deceased was fifty years old, the young man just twenty-one. He has given himself up to the officers of the law and he will be brought to Raleigh.”

Not alone in the family circle is the bad effect of the new ideas in regard to the bringing up of children felt, but by the whole community; and that too in regard to its most vital interests. Young people fully old enough to know what they ought and ought not to do have been encouraged to commit crimes by a feeling of security and immunity which they rely on being extended to them on account of their youth. In France a few months ago a young man, under age, strangled his aunt who had refused to lend him money. When sentenced to the guillotine he said that he did not think that they would punish him so severely as that, on account of his youth; that he thought, at the worst, if he committed the crime, he would only be sent to a reformatory.

In this city acts of lawlessness of a nature one would never have thought of as likely to be committed by children are frequently perpetrated. One's highest form of property right is probably the ownership of a home, or other form of landed property. One would think investments in this secure, and would be surprised to learn that one of the dangers connected with such an investment would be found in the possibility of depredations upon it by children,—that your house might be attacked by children. Not long ago a case of this very nature, similar to many others which had occurred, was brought before the Police Court, where serious damage had been done to property by a set of children stealing the fixtures out of it. The mild reproof given the youthful offenders was enough to encourage and embolden others. A few years ago in this city every night for a month or so a fire in the down-town section broke out. The existence of the city itself was thus endangered time and again, and the greatest disaster was only avoided by the alertness and efficiency of the firemen. At last the cause of the constant ringing of the fire-alarm was unearthed by the detectives, and a band of children, who had amused themselves in this way, was brought to light. Their punishment was of the lightest nature.

A few days after this was written the papers told us of the following state of affairs in our neighboring city across the river:

"Efforts are being made by the police to apprehend some of the boys who are destroying property about the city.

"Complaint after complaint has been made at headquarters regarding the destructive element. The boys have been throwing rocks at doors, and otherwise damaging property with fireworks. In spite of the efforts that have been made to apprehend them, they have managed to elude arrest.

"It is likely that severe penalties will be imposed upon the perpetrators of these offenses, if they are caught."

From these local matters we pass to the following of a national nature, which we believe it would never in the past, under a better system of home discipline, have occurred to such a youth to imagine:

"New York, December 12.— Y., a seventeen-year-old boy, who is alleged to have declared that he was going over to New Jersey and shoot President-elect Wilson, was arrested here this afternoon and held without bail. A loaded revolver was found in his pocket.

"The youth was standing in front of a police station shivering in the cold when a detective questioned him. 'This is not a fit country to live in,' he declared, according to the detective. 'It's no place for me to work, I cannot go back to Russia, so I would rather go to jail; but I would like

to shoot Wilson and my boss and all the judges first.' ”

“Atlanta, Ga., December 21, 1912.—The unusual spectacle of a small child on trial for taking the life of a playmate was presented here to-day, when seven-year-old X. was arraigned for the killing of Z., aged seven, at C. S., near here, December 5. Judge J. T. P. made no decision in the case pending an examination of the child's mental condition.

“It was brought out that the X. boy was an almost constant user of tobacco in all forms. The boys are said to have quarreled, after which young X. ran into the house and securing a rifle, stood on the porch and shot the Y. boy as he passed the house, the bullet entering the brain.”

“Charleston, S. C., December 27.—A. was shot and seriously wounded here to-night with a parlor rifle by B., aged ten. When the B. boy was brought to the police station by his father he told the desk sergeant that A. and some other boys had been bullying him. Remembering the parlor rifle which he had received as a Christmas gift, the boy secured it and shot A. in the abdomen.”

“Richmond, Va., February 5.—Caught placing spikes on the rails of the R. F. & P. last night, A. B., aged five, confessed to the detectives that he had made four attempts to wreck trains, endangering many lives, just ‘to see the engine topple over while going fast.’

“Two weeks ago he wrecked a shifting engine, the engineer and the fireman having narrow escapes from death.

“His attempts were made on Belvidere Street, where the road passes through the city.

“The youngster was given into the custody of his parents who were warned to keep him away from the railroad tracks.”

CHAPTER VI

The situation in regard to keeping children in order is steadily becoming worse, and under the provisions of an Act intended for the benefit of children their control and punishment when under seventeen years old, become more and more difficult. This act, approved March 16, 1910, is in part as follows:

“Be it enacted by the general assembly of Virginia, That every court of record of general criminal jurisdiction, or the judge thereof in vacation, and the police and justices’ courts are hereby authorized and empowered in their discretion to commit to the care and custody of any society, association, or reformatory approved by the State board of charities and corrections, and chartered under the laws of this State for the care, custody and maintenance, protection, discipline or betterment of children, any child under seventeen years of age who is charged with any felony, except rape, and never having been heretofore convicted in any court of a misdemeanor or felony under the laws of Virginia, or who is charged with or convicted of a petty crime or misdemeanor or any crime or infamous offenses punishable as a misdemeanor or as a felony and not exclusively as a felony, and all cases of larceny, or any child under

seventeen years of age who is vicious or depraved, a persistent truant, destitute, exposed to immoral or vicious influence, or who is generally ill-treated or neglected by his parents, guardian, custodian, or declared by such to be incorrigible, provided that such commitment shall cease when the child shall reach the age of twenty-one years; and such societies and associations may place under contract such children until they reach the age of twenty-one years in suitable family homes, institutions or training schools for the care of children, but whenever such child shall be so placed elsewhere a report of such action shall be made to the State board of charities and corrections in such form as may be required by it. All juvenile offenders, managed or controlled under the provision of this act, shall be deemed not to be criminals and shall not be treated as such.

“No court, unless the offense is aggravated, or the ends of justice demand otherwise, shall sentence or commit a child under seventeen years of age charged with or proven to have been guilty of any crime named in section one to a jail, workhouse, or police station, or send such child on to the grand jury, nor sentence such child to the penitentiary; but such child may be committed, after hearing is had, as is hereinafter provided, to any society or association formed for the purpose specified in section one of this act; or the court, or the judge above mentioned, may commit such a child to a reformatory under the laws now or

hereinafter provided for such commitment. Nothing herein shall prevent the imposition of such punishment as is prescribed by the laws of the State of Virginia for the offense with which such child is charged, when no society or association or reformatory will accept such child, and under such circumstances the court may make such commitment or disposition of such child as it may deem best.

“That for the purpose of aiding the court, or the judge mentioned above, in a proper disposition of cases and matters enumerated in section one of this act, the societies or associations or reformatories referred to in said section are hereby authorized and empowered, with the consent of the court, to designate one or more of their officers or employees, probation officers for the court, whose duty shall be to make such investigation of cases involving children under seventeen years of age as the court may direct, to be present in court in order to represent the interest of the child when the case is heard, to furnish the court such information and assistance as the court or judge may require, and to take charge of any such child before and after the trial as may be directed by the court, or judge above mentioned, and to perform such other duties as the court may confer upon him. No probation officer shall receive any compensation for his services from the treasury of the State, except when traveling by order of the court, when he shall, upon certificate of such

judge, receive such mileage as is paid Commonwealth's witnesses for similar services and in the same manner.

"That the court, or the judge above mentioned, shall also have power and is hereby authorized, at its discretion, to release any juvenile for any offense mentioned in section one of this act under the care of a probation officer for a probationary period not exceeding one year, who shall cause such child to return to court at the end of such term either for sentence or dismissal; such released child shall be under the jurisdiction of the court for such period, and shall be subject to such rules and regulations touching the welfare of the child as may be prescribed by the court. In case such a released child shall fail to keep or disregard the terms of his probation, the court, or the judge thereof in vacation, shall have the power to cause such child to be brought before it for further proceedings, and to be dealt with in such manner as may appear to be for the best interest of the child."

The next section of this enactment provides for the appointment of "probationary officers" from among the police force of the city and defines their duties. Then it is provided that if at the trial of the child the evidence be sufficient to justify a conviction or to send the child on to a grand jury, "the court is empowered to act under the provisions of this statute as to the disposition of said child." A right of appeal is reserved in

favor of the child from any judgment which may be rendered against him, and the appellate court is given the same powers as the original court as to the disposition of the child.

Any attempt to remove the child is made a "contempt of court," a favorite modern method of subverting constitutional guarantees of the liberty and rights of the citizen by thus arbitrarily placing him in the power, and at the discretion, of a judge, who can proceed to punish him by confinement or fine without the intervention of a jury. The less we hear of this in our enactments the better, for this extension of the doctrine of contempt of court is a step toward tyranny.

The next section puts the associations for receiving children under the supervision of the State board of charities and corrections, and requires them to furnish statements as to their condition and management to any court or judge upon demand.

"Upon petition of any reputable citizen under oath that any of the provisions of this act have been, or are being, violated by any one, or by any institution, the court, or the judge thereof in vacation, having jurisdiction over the locality where such persons reside or such institution is located, may cause such person or institution by proper process to appear before the court, or the judge thereof in vacation, at such time, and at such place within such locality as the process may

name, and may enter judgment or order as the ends of justice may require.

“The court, or any judge authorized to act hereunder in vacation, and all officers performing any act or executing any process under this act, are vested with all incidental powers necessary to the effectual execution of the object and purpose of this act.”

What this means it would be difficult to say, except that a veiled and formidable power is given to the court or the judge to do something to somebody, without the safeguard of a trial by jury.

“This act shall be construed liberally as to its objects and powers, to the end that its purpose may be carried out, to wit: that the care, custody, and discipline of the child may approximate as nearly as may be that which should be by its parents, and prevent the child, where possible, from the stigma of jail and the contaminating influences of association with criminals.

“Words in this act importing the masculine gender must be applied to include girls under seventeen years of age.” (Acts 1910, 434-7.)

A child over sixteen years old, strong in body and mind, who well knows the difference between right and wrong, having committed a felony,—the killing of an old relative for her money, for instance,—is, according to this statute, to be treated as nearly as possible with the care, custody, and discipline which it should receive from its parents. Will the Legislature please define what

are the rights and powers of the parents under the law of Virginia under such, or any other, circumstances? We all know perfectly well what the powers, rights, and duties of the father ought to be. The law and the customs of the race up to a few years ago taught us that. But the special work of the Legislature has of late years been to destroy this power. What is now left of it that could be intelligently set before one to aid him in understanding what that statute really enacts, when it uses the words "discipline of parents?"

To understand this act, it might be well to say that a felony is any act punishable by death or confinement in the penitentiary. Other offenses, less severely punished, are classed as misdemeanors.

This act has been in force in Virginia for only three years. The record of the Acts of that Session of the Legislature shows that it was approved by the Governor the same day on which he approved other Acts covering 122 pages of closely printed matter.

Under its provisions a privileged class of criminals is legally established,—all persons under seventeen years old. Jury trials as to these are swept away, and the judge is given a discretion as to their disposition. Equality before the law is overthrown. If the youthful criminal, now specially declared by the act not to be a criminal, nor to be treated as one, have attractive qualities,

he or she may be dealt with leniently, while it is stated that nothing in the act "shall prevent the imposition of such punishment as is prescribed by the laws of the State of Virginia for the offense with which such child is charged, when no society or association or reformatory will accept such child, and under such circumstances the court may make such commitment or disposition of such child as it may deem best." A youth is thus to be punished, not according to a fixed rule of law, but according to whether such a society choose to come forward and shield him, or not. An ugly and unattractive child may commit some lesser crime and be sent to the penitentiary. A fully developed youth, 16 years, 11 months, and 29 days old, may commit murder, highway robbery, arson, burglary, or piracy, and may be allowed to go practically unpunished. Every youth in the Commonwealth, although he or she may have long since arrived at a full knowledge of right and wrong, is practically allowed to commit one murder, or burn up one house, or help to hold up and rob one train, or blow up one house with dynamite, or derail one train, or commit any other one felony or misdemeanor, with comparative impunity. So long as it can be proved that he or she has never "been heretofore convicted in any court of a misdemeanor or felony under the laws of Virginia," they are, by this act, more or less immune from punishment. A young ruffian from a neighboring State who has committed crimes

there, and been convicted and punished for them, or offenders in Virginia who escaped conviction, would still have their one crime allowed them for which, under this statute, they would not be adequately punished.

The court is expressly prohibited from punishing them by the usual methods of punishment, "unless the offense is aggravated, or the ends of justice demand otherwise." What does this mean? Criminal laws should be clear, and crimes have heretofore been as sharply and accurately defined as possible. This act leaves it in the discretion of the trial judge to decide the indefinite question, what crime is an aggravated crime, and when the ends of justice require real instead of formal punishment. We are all in danger of falling under a new form of tyranny when those who take our lives or injure our property are to be punished only according to discretionary powers given to the criminal courts. The system of law we live under has carefully confined discretionary power to courts of Chancery, and held the courts of law, especially on their criminal side, to acting only according to fixed rules. We are courting danger when we abandon that principle.

Take, for example, the murder of a father by a wayward son whom he had corrected and tried to make behave himself. This is a felony, and only a felony. It is therefore included as to the protection of its perpetrator by this act. Is not any real, deliberate, premeditated murder a

serious enough offense to deserve punishment, without the necessity of proving that the particular "offense is aggravated," or that "the ends of justice demand" other punishment than being sent to a reformatory?

So serious are these matters that it hardly seems worth while noticing that this act also authorizes the breaking up of families by taking the children away from their parents on a variety of grounds. If your child be "vicious or depraved, a persistent truant, destitute, exposed to immoral or vicious influence," or if he or she be "generally ill-treated or neglected by his parents, guardian, custodian, or declared by such to be incorrigible," he or she may be taken from you, and put in a reformatory.

This act and the others of a kindred nature herein criticised are not to be judged singly, one by one, but as a whole. Together they constitute the system, such as it is, which has been worked out to overthrow the natural construction of domestic life which has come down to us through the ages, and which was in harmony with the rules laid down for man's guidance in the Bible. All the matters now clumsily provided for under such enactments as these fell under, and were regulated by, the paternal authority, which so many of the modern legislatures, at the request apparently of anybody who says "women" or "children" to them, seem willing to permit to be utterly extinguished. The father had jurisdiction of all these matters thus recently delegated to courts and

judges. In attempting to rewrite and remold society, to destroy the family and the parental authority, what grotesque efforts are made by those who write these laws! What extravagant provisions and what unintended consequences and conclusions can be drawn from the words they recklessly employ! The reading of these enactments suggests to one's mind the confused twistings, turnings, and crossings of the footprints left upon soft earth by one who has wandered about it in the darkness. There in the clear light of history, common sense, and the Bible lies the straight and simple path of the paternal authority, leading to peace and order, through the tangled jungle of courts, judges, probation officers, juvenile courts, State boards, police justices, policemen, and all the other cumbersome paraphernalia and machinery of the illogical attempt at a system which is being built up to overshadow and obliterate it.

When the turn is taken to the left from the level, well-graded, and well-known highway by which the nations of the earth have moved through their several developments, and the coach of State began rolling rapidly along the down grade on which it is now speeding, in what can it end but an abyss?

When the inevitable reaction against the policy of attacking husbands and fathers sets in, this act should be one of the first repealed. We doubt very much if there ever were even plausible ground for its adoption. The age limit is much

too high. The juries of the country could always be relied on not to be too severe with young persons. Keeping children out of jail and from its evil effects is very well, but some adequate substitute in the way of proper punishment ought to be adopted instead of the provisions of this act. Real offenders should not lie on a bed of roses, and no one's rights are safe either as to life or property, if the law allow any class of privileged offenders. Men, women, and children all should be made to obey the law.

CHAPTER VII

The responsibility for the laxity in the bringing up of children we charge to the women. The women, as it were, bring in as allies with them the children in the modern attacks upon men. It is in relation to the women and the children that men are attacked, and the tendency of the women is to break down the better discipline which the men would enforce in the family life. The present disorder is the result of women's domestic government. They are too weak and too tender-hearted to control wayward children; and, as the father's authority declines, the recklessness and the lawlessness of children increases. No observer of the course of affairs of the last score of years has failed to note a serious decline in the manners and the actions of children. They are getting to be as much a byword as the American husband. The other day a French nurse on an ocean steamer reproved the children under her care by telling them that they must not do such or such a thing, because people might, on account of their being so bad, think that they were American children.

Thinking men have for a long time expressed concern at the general disorder, the laxity of discipline, the lowering of standards, and a vari-

ety of other alarming national symptoms which indicate an unwholesome condition of affairs in this country. What is the matter with the United States? This is answered in three words,—too much women; not too many,—too much.

The great ship of state of the United States of America is in greater risk of shipwreck from running blindly and recklessly upon the sands of women and children than from any other danger now visible above the horizon. When this country is fully run on the basis, and according to the ideas, of women and children it will be time for all sensible men to move out of it.

The effect on the child himself is probably the worst thing about the whole system. It gives to extreme youth an idea of its own importance that is radically wrong. It fosters independence of children from their parents, encourages disobedience, impatience under and contempt for authority, and produces bad, disrespectful, and disobedient children, who grow up to be unruly, bad citizens, strikers and lynchers. In the training within the domestic circle the foundations should be laid for good citizenship. Law-abiding citizens must have this training in the paternal authority of their own homes. Break down paternal authority, and you break down respect for all authority. Break up and ruin the authority which should exist in the head of every family, and you break up the authority which should exist in the State itself.

There can be no subtraction from, nor addition to, the sum total of the rights, the privileges, the liabilities, and the duties enjoyed by, or laid upon, mankind as a whole. They have all existed at all times in the past, and will exist at all times in the future. The only real effect produced by these changes is to cause a rearrangement of them,—taking them from one and putting them on another, shifting around merely.

The modern plan is to take every power from the father and give it to the judge. Judges are appointed to preside over courts, in order to decide law suits and criminal prosecutions. This is enough to keep them busy. This new scheme is to add to these duties the unjudicial one of making them the nurses and guardians of all the minors within their jurisdictions. What interest is a judge going to take in the care and custody of a lot of infants, or in the care and management of their estates, compared to the interest that would be taken by the fathers who brought them into existence, and who are responsible for their support?

The home broken up, what becomes of the children? Here is the situation in California, which has but just now taken a further step in the destruction of the domestic circle by entitling women to vote:

“Sacramento, Cal., January 13.—That fifty-one per cent. of the boys in the State reform schools

owe their condition to homes broken up by divorce is the finding of the Board of Charities and Corrections, which has filed a report with the governor for the year. It says:

“The general social and economic conditions, the lack of home training, the breaking down of the home and the indiscriminate rush for cheap amusements and unbridled pleasures, are given as the causes for the downfall of boys and girls of to-day. Statistics show that fifty-one per cent of the boys in one of our State reform schools were from homes broken up by divorce.’”

CHAPTER VIII

Two large buildings claim jurisdiction over the subject of marriage and divorce,—the Church and the Court-house. The Church, in what has now become a rather feeble and faltering way, is still on the side of the man. The Court-house is on the side of the woman. Another large building, the theatre throws the whole of its usually baleful influence in this instance on the side of the Court-house, a building with which it is not much accustomed to ally itself. Between these two great millstones, as we may call them, husbands and fathers are being ground to pieces. The nether millstone, the Court-house, is particularly severe on the husbands, while the upper millstone, the theatre, reserves its severest treatment for the fathers.

It is easy to see why the theater holds the fathers, instead of the husbands, up to public hatred. Presenting love scenes, and working out love stories, is the principal stock in trade of theaters. A man, just at the age he is apt to marry, is brought upon the stage, where he meets a damsel in the corresponding condition of life. Beyond this age the stage has little use for men and women. Prior to it, it has none. The burden of nearly every modern drama is the play

of the attractive forces bringing these two units finally together. To attack husbands, as the Legislature attacks them, would tend to ruin by presenting in an undesirable light their one special theme,—that of making married men or, more strictly speaking, engaged men, out of the stage heroes. The playwrights seldom or never attempt to represent the happiness the husbands finally have when their dreams are realized. They stop short of this, and warily present the happiness which the heroes think they are going to have,—“Man never is, but always to be blest.”

But with the father the situation, and their treatment of him, is very different. He belongs to the post-graduate class,—a class for which the stage has little use, and no sympathy. The stage is ante-nuptial, except where an unhappy marriage is attacked. The father is therefore out of its zone of active operations, and as he can so easily be presented as interfering with, obstructing, or even perverting what it considers the proper current of the flow of his beautiful daughter's affections, he soon passes over into the usual position of a formal enemy. He therefore is made to appear before us as a hard-hearted creature, who for unworthy motives desires to marry his daughter to the villain; or as being so stupid that he thinks she loves the villain instead of the hero; or as a terrible drunkard, who wrecks the family; or as a weak creature supported by his unselfish and overworked daughter; or as a gambler whose

passion for play impoverishes the invalid mother, supported alone by the saintly daughter; or as a criminal whose career of shame or violence threatens at any time to become known and to blight the life of his angel child; and so on, and so forth, *ad infinitum*.

It is not quite so apparent why the Legislature has been more severe in its treatment of husbands than of fathers, unless this character presents more clearly the question of the strong against the weak, with no regard to the wisdom of the policy of having a recognized head. In most cases the two characters of husband and father are borne by one and the same person, but we find that it is the husband who is primarily attacked; the position of the father is merely consequential, and falls into the same general line of thought and treatment as that of the husband. The Legislature, seeing so many persons marry, seems to think that nothing it may do will ever have any effect in breaking up the natural tendency which causes young men to love young women. Here, they seem to think, is a subject of legislation which cannot escape them, and which they can regulate to their hearts' content. Their severe rules are intended to operate upon a class supposed to be the best able of any to bear hardships,—young men,—the class out of which the armies of the world have always been formed. They need no assistance, and deserve no sympathy. Pile everything on them therefore that can

be put upon them. They are young men as contrasted with old men, and men as contrasted with women. Therefore put everything in the way of a burden, a duty, or a liability upon them. Their shoulders are broad, and they can bear it. If they cannot, it is their own fault.

Apparently with some such idea in its mind, that body has proceeded step by step,—first, to take away nearly all the property rights which a husband acquired by virtue of the marriage; and, after practically exhausting this field of legislation, it began these unheard-of attacks directly upon the persons of husbands, by putting them in jail for failure to do their duty, and so forth. One would think from these enactments that, to need all this regulating, the husbands of the United States must have been the worst set of men in the world, while the fact has probably been that they have been the most long-suffering and patient men who ever walked the earth.

If the fathers were declared by law to be entitled to their children's money, it would fall far short of compensating them for the support of the children. It is going to be the children's anyway, after the parents' death; then why are the children so protected from their parents? If it be all needed in the support of the family, let it be so used.

If the fathers were given again their proper powers and rights with reference to the children, nearly all the associations formed to take care of

them, and to take them away from their parents, could go out of business. It would be much better for the race if they would spend their time and energies and their surprising skill in effecting legislation in the task of rehabilitating the fathers of America in those rights which they have been so zealous in taking away from them.

An actual case, beautifully illustrating these enlightened principles in dealing with the heads of families, is embalmed for the philosophic student of our social and domestic construction in a judgment which can be found in Judgment Docket 5, page 52, of the Circuit Court for Norfolk County, where a daughter, after having been taken care of by her old father until her marriage, after that event sued him and got judgment against him for \$151.70, being an amount of money which she had derived from an estate which had come into his hands as her guardian, and which he had spent. Her father, being embarrassed, was unable to pay the judgment, and he sold it to an outside person. After having brought up, educated, and supported this child, he was liable to be, and was, sued by her for this sum, as if she were an outside creditor. No doubt the old man felt all the bitterness of the pang experienced by Lear when he said: "How sharper than a serpent's tooth it is to have a thankless child!"

Indeed, there is no reason why the old man

might not, in addition to suffering the judgment against him, have also been put into the penitentiary, on the ground of having embezzled the money which belonged to his daughter.

If the father occupied the proper relation to the children's estates, there would be little need of guardians, guardian *ad litem*, curators, and next friends. The world could then conduct its affairs on an adult basis.

The Legislature could render eminent service to this Commonwealth by never passing another statute on this subject, and instead of doing so by carefully revising all these laws, repealing most of them, and amending the others, so as to re-establish paternal authority in the home, the fountainhead of all respect for civil authority in the State.

These legislative ideas come to Virginia from the Northern and Western States. The theory they all go on is that the father, instead of being the real parent of the children, is merely a trustee with reference to them, and if he do not administer his trust according to these legislative ideas of how he should administer it, he will not only be turned out of office,—that is, lose the custody of the child,—but be heavily fined and flung into prison.

What the theory is that they are trying to work out in respect to the relation which the husband bears to his wife we are really unable to say. He does not seem to have any dignified

position at all with regard to her. To make him a mere drudge, who has to earn enough to supply her wants, and be held liable to imprisonment the instant he fail in this regard, seems to be about what is aimed at.

Surely we have nothing to learn from States which hold such views, except to take warning from their example.

For three hundred years the State of Virginia managed its domestic affairs on an entirely different theory, and found no need for criminal proceedings to make the men of our State willing to support the women they married, and the children which were given them. And we do not need them now.

Who is there of any observation who believes that these new laws are of benefit to the body politic? Where is the person of any experience who has not commented upon the decline in the manners and behavior of children in the past few years? The more the State legislates them away from the parental authority, the worse the children are becoming. The interference of the State diminishes the attention and the training they receive from their parents, and no one else takes enough interest in them to supply the loss. Legislate them entirely from their parents, break up the home completely, and we will live among a race of barbarians, who, having learned to submit to no domestic authority in their youth, will resist all civil authority when they become men.

We are willing to give the credit of good intentions to the persons who secure the line of legislation which is here criticised, but we believe they do not appreciate the effect of their efforts. Some distressing case comes to their notice, and, in order to relieve such a situation, they run right around to the Legislature with a bill to prevent such a thing's happening again. In this way, as it has been often said, hard cases produce bad laws. The rule adopted not only applies to that case, but affects everybody, and probably further undermines the natural and proper construction of society. In this way the general is sacrificed to the particular. Some good is done, and more harm. The rule is ruined in fitting it to the exception.

It is due to the final result of this proceeding that the criticism has been made that the United States presents not an edifying construction, but a destruction, of society.

This breaking up of the family and the home, resulting from the annihilation of husbands and fathers, is sententiously spoken of by those who admire it as "Western individualism." But another view taken of the situation is: "We are not a nation; we are a rabble." If we are not, we certainly will become so under the laws recently passed affecting family life.

To prevent fathers from being put in jail for innocently transgressing the law, it is suggested that they keep about them always a list of the

dates of the births of their children, and consult it day by day in connection with the following enactments. What may be lawful to-morrow, your child having passed a certain birthday, may be unlawful to-day. One cannot be too careful when fines and jail sentences hang over him. For the benefit, therefore, of all parents who wish to keep out of trouble, the following schedule of the ages of their children is prepared, showing when acts are and are not lawful.

Children under twelve must not be given any toy gun, pistol, rifle, or other toy firearm, etc. (Section 3828 C.)

Children under fourteen years of age must not be sold, apprenticed, let, or hired out, or otherwise disposed of to any person for the vocation of rope or wire walking, begging or peddling, or as a gymnast, contortionist, rider, or acrobat, or for any obscene, indecent, or immoral purpose, exhibition, or practice, or for any business, exhibition, or vocation injurious to the health or morals, or dangerous to the life or limb, and other prohibitions too numerous to mention. (Acts 1895-6, p. 701.)

Failure to provide for children of this age by the parents or guardians, if of sufficient financial ability, renders them liable to be put in jail. (Acts 1910, p. 570.)

Children under sixteen must not be given any cigarettes or tobacco, nor a pistol, dirk, or bowie-knife. (Sec. 3828 B.)

These children may be whipped by order of the Court. (Acts 1897-8, p. 859.)

Children under seventeen must not be subjected to vicious or immoral influences. Knowingly to permit them to be guilty of vicious or immoral conduct, or sending them into improper places, such as wine shops, etc., is illegal, and the act punishable. (Acts 1910, p. 570.)

Children of this age have, however, special privileges and immunities allowed them as to committing one crime each. (Acts 1910, 434.)

Children under eighteen, being vagrant, disorderly, or incorrigible, or charged with crime, may be taken from the father by the Prison Association. (Section 4173 D.)

How much simpler a rule of law it would be to declare that all children should be placed under the care, control, and management of their fathers, or, in case of his death or absence, in that of their mothers. Other exceptional cases could, of course, be provided for.

Does all this particularity of law tend to increase the regard for law, or rather do not all these divisions and minute differences, which no one can remember, tend to dull the regard for all law? Our legal system is in greater danger from breaking down by its own weight and cumbersomeness than from any other cause. And it is a serious danger which confronts us. How is any one to obey the law, if it be so voluminous that

he cannot know it, or so complicated that he cannot remember it?

This line of legislation must disgust most fathers. If Virginia have any longer any independence of thought, these statutes can be carefully examined, and the policy of State interference established by them reversed. There would then be at least one State in the Union where a man was the real father of his own children, and enjoyed full parental authority. The State should be made in general to keep outside of the family circle, to keep outside the front door, and let every father within the peace of the Commonwealth, high or low, have at least one place, his home, where his influence is supreme.

It is no answer to the criticisms here made of this novel system to say that these laws are only a terror to the wicked, that good husbands and good fathers have nothing to fear from them. But they have. The effect of these laws is to diminish their authority. Applied to the person of the wrong-doing husband or father, they become precedents showing how low the power and the influence of the heads of all families have fallen. Then, when the unoffending husband or father seeks to control in a perfectly proper case the affairs of his household, he finds that his hand is paralyzed by these laws. Then come discord, discussion, disorder, which may ruin his life and happiness, together with that of his whole house.

The question is often asked: What would you do in the case of children who are in the care of unworthy parents? The drunken father and the dissolute mother are the favorite types for a test case. The question is not without its difficulties; but it can, we believe, be answered in a different manner from the methods here brought under review for criticism.

“Children are an heritage of the Lord,” we are told in the Bible. The same rule laid down in connection with husband and wife might easily be extended to their offspring,—“What God hath joined together, let not man put asunder.” If it had not been in accordance with the divine will that those parents should have had the children, they would not have had them. If it be in harmony with the divine will that the children no longer be under the influence or control of their parents, if Earth afford no solution of the problem, Heaven may. The father and the mother are answerable to a more exalted tribunal than Earth affords for what they do to their children, —“Whosoever shall offend one of these little ones that believes in me, it is better for him that a millstone were hanged about his neck, and he were cast into the sea.” The father and mother are as much immortal spirits as their children, and how shall man determine what were the objects, or presume to interfere with the plans, of the Creator in giving to those parents the children which were born to them. It may have been to

lead the parents back into the paths of virtue. The Bible nowhere subordinates parents to children, and we are violating its injunctions when we do so.

Believing that these are the proper views to hold of the relation of parent and child, it follows that the legal rules and principles which should stand as established for all cases, should be in harmony with these principles, and should not be broken and twisted to fit the particular cases of apparent or real hardship which sometimes arise under them. More harm would be done society by subverting a good rule than by suffering a certain amount of mischief due to some cases of hardship arising under it. The millennium would have arrived if some did not always have to suffer for the rest. The soldier gives up his life on the field of battle that his country may be protected. So these salutary rules of proper domestic control and discipline, which are necessary for the great body of society, should not be reversed, and formulated in a manner which covers the exception but injures the system. The conclusion from this would be that even the unworthy parents have rights which the State should recognize and protect.

We hear a great deal of abuse of fathers for the neglect of their children, but this may very reasonably be considered one of the bad effects of the very system now criticised. Just in proportion as the State interferes, just in that same

proportion is the father taught that it is not his business, but the State's, to take care of the children. It is logical to hold either that it is our business, or it not our business, to attend to any particular thing. If it be the business of somebody else, then we leave it, and go our way. Having interfered, and thus unsettled the minds of people as to whose business it is, the State, finding that some fathers neglect their children, pass these severe laws, degrading to all fathers, in order to make these few delinquents attend to their duties, and does this in a way which also prejudices the fathers in regard to the other parent, lessening his authority as to his wife as well as to the children. To the situation thus produced it then offers as a remedy the hauling the father and husband into court and the flinging him into jail for not discharging duties which, under a more sensible system, he might very willingly have performed.

The same effect is produced as between the husband and wife when the wife asserts that her rights are superior to her husband's in regard to the children.

It may be objected that the word love has hardly been mentioned in this book,—the love of the husband for his wife, and from the wife to the husband, the love of the father to his child, and the child to its father,—and that this love exists, and may be relied upon to smooth over and render practicable the system which is here

set forth in its unadorned and severest legal form. The reply would properly be made to this criticism that this work is in answer to a political movement involving law, not sentiment. There is no desire nor intention to diminish the love which should bind together, by the strongest and tenderest ties, members of the same family. The contention here maintained is that this very sentiment is endangered by the present rules, and may be ruined forever by an extension of them; that love does not grow out of disorder; that a system which degrades the husband and the father does not tend to make him more beloved by his wife and children, nor does it increase the love he would bear toward them; that the dignity of human life is diminished by this system; that a married woman herself becomes a more important and dignified person when she is the wife of a man whose position is dignified by the laws of society than when she is the wife of a person treated by them as an object of distrust. So with the children. Without a head treated with respect by the State, and by the members of it, the family itself becomes contemptible. In such a household love will not flourish.

We believe that the Creator of the world knew how family life ought to be conducted, and that peace, happiness, and love will be found in regulating these matters in accordance with the rules laid down in the Bible.

Conclusion

Conclusion

CHAPTER I

Not so many years ago we were introduced to the New Woman. The character, duties, position, and functions of woman as they have been construed, accepted, and acted upon since the dawn of history, were suddenly found by her to have been all wrong. Woman was now to be regenerated, to be given her proper position in the economy of the universe. A new light had dawned upon the earth, and all creation was to be made better and happier by this so-called emancipation and elevation of women.

A score or so of years have passed since then, and the New Woman has now become, we might say, a middle-aged woman. We know her better than we did when we first made her acquaintance. During these years the aims and ideals which underlay that movement have been made manifest by what has transpired since the agitation began. We have seen men's places in the business world taken by women; divorces multiplied, and still increasing,—most of them brought by women against their husbands; household duties neglected; the care and the training of the

children slighted; the children growing up unruly, ill-mannered, disrespectful; the parents largely subordinated to their children; prolonged absences of wives in the summer; husbands put in jail on preposterous grounds; then put under rules which tend to destroy utterly their influence and their authority in their families; disorder and violence unheard of before in the home, and the family hearth often stained with the blood of the wretched members by whom and for whom death was preferred to the domestic anarchy in which they were living.

But these things were not enough. Upon the shoulders of the men already staggering under the weight of Ossa, Pelion is now to be piled. The New Woman comes before us as the Suffragette. But as that word has already acquired a deservedly odious signification the word "Suffragist," or "Equal Rights," or some other such subterfuge or substitution is put forward in place of the primary word to describe her.

The Suffragette, then, not satisfied with being a woman, asks or demands as a right to be made a man. She demands the political power of a man. Why? Is it in order to discharge better her duties as a woman? She is a woman, not a man. There is nothing in the present construction of society which hinders her from being the most glorious and blessed, the most illustrious, admired, and beloved of women. She was created as an helpmeet for man, not as another

kind of man; and no one thinks any the less of her for being what she is, so long as she does not try to be something else. It is impossible to make her anything different from what she was born. But, although no one can make women men, society can so alter the relations between the sexes as to ruin their harmony. What the Suffragettes are now asking men to do threatens to accomplish this.

Is any one so simple as to believe that the Suffragette is demanding the right to vote for the benefit of the men? Is it not perfectly clear that the movement is a thoroughly hostile one to men? If so, why do men seem not to appreciate the far-reaching consequences to them? Do men now get too much satisfaction from their relations with women, and consequently would not be the losers if they were to receive less? Is it not apparent that if women had the right to vote, they would claim the right to hold office, to sit in the Legislature, to make laws? And is there a man so stupid as to believe that if women,—who are in the majority in the eastern part of this country,—had the power to control legislation he would long have a right left on earth? From what has already been done at their instigation can he imagine that he would be benefited by what might yet be done? As a man, now, with the record of the past few years before you, do you believe that if women had the right to vote, your wife, with her head full of political ideas or am-

bitions, would be any more disposed to attend to her household duties than she is now?

These duties are of the very highest importance, since the comfort, happiness, and general well-being of the family are largely dependent upon them. Somebody must attend to them. Who is it going to be? Would the children be any better brought up? They need an endless amount of care and training. Who is going to give it to them? Would you,—having been stripped of all political power, as compared with that possessed by your wife and your daughter,—would you be any more the object of their care and attention than you now are? Would your life be any happier with more burdens and new responsibilities thrown upon you, accompanied with less care and attention? Would your life be happier with the jail staring you in the face if you broke a lot of new laws,—all aimed at you,—enacted by women? Or, being unmarried, would you prefer that your sweetheart should go into politics? Do you think it would make her a better woman or a better wife for you?

Such blandishments as the Suffragettes now make use of in soliciting the aid of men to further their schemes are on a par with the caresses Delilah bestowed upon her lover, to induce him to tell her the source of his strength, in order that she might betray and destroy him. The Suffragette is no friend of mankind; but there are many of her sex who still are. For these we have

the love and the admiration which naturally arise in the heart of man for a sweet and lovely woman. Such women are now all the more to be admired and cherished as allies who decline to be led away from their rightful allegiance by other women who have raised a false issue between their sex and ourselves, to whom they owe much higher duties than they could ever owe to these other women. The duties we are here discussing grow out of the family relationships. What duties do women, as such, owe to other women whom they do not even know, in comparison with the duties they owe to their husbands and their children?

Does any thoughtful man really believe that the general political conditions in the State and country would be improved by this addition to the list of voters? The trouble is that we already have too many voters, not too few. What we need, and need badly enough, is a better quality of voters, not a greater quantity. It has been largely due to the disorder which has been brought into public affairs by the presence of the large number of undesirable voters we now have that our institutions and the administration of public affairs have been so severely criticised. Politics in general has been presented as hopelessly bad. Both parties abuse each other. This everlasting criticism, much of which is well founded, has had the bad effect, however, of weakening the government.

This government, however, such as it is, is a

man's government. The Suffragettes take advantage of this criticism, and allege that if they took charge everything would be perfect; bad government would become good government, and so on. But it is not good government which they want. It is political power. They have good government in England, but there the Suffragettes are worse than they are with us; at least, worse than they have been so far, for they are just beginning with us. The Suffragettes therefore propose doubling the number of voters as a remedy for all the ills with which we are afflicted. Confusion would then, of course, be worse confounded. The elements of disorder understand perfectly the opportunity which would be thus presented, and so all these elements strongly advocate female suffrage. They do it because they know that such an addition would give a greater number of votes to the women of the classes they are in sympathy with, than to the upper, conservative, class. The Suffragettes belong, as a rule, to the upper class, their social position alone giving them the attention and consideration they receive. No one would have listened to the proposition had it emanated from the house-servants. But these same house-servants would come in as voters under it, and so, many of the lower classes line themselves up with the aristocratic Mistress Soandso and the well-known Miss Somebodyelse in the furtherance of a scheme which, in its ultimate effect, would pull down the whole

social and political structure of the State. We see here the blind leading the blind. The original Suffragettes might have their eyes opened when they found the State finally in the hands of the proletariat forces; and the men belonging to the political parties which preach disorder, would have theirs opened when they found themselves in jail under laws enacted by their wives.

No amount of argument on the part of the Suffragettes will alter these facts,—that society as a whole is made up of family groups; that these groups are composed of father and mother and children, and that the natural head of such a group is the father. The customs and the laws of society should be in harmony with these facts. Nothing but disorder can possibly result from legislating in contravention to them.

A woman can never be properly the head of the house. If she wrest the authority from the husband it is but an act of violence, and she becomes a mere usurper. Her husband and children can but regard her as such. The proper and legitimate sovereign is her husband. Every right-thinking person will know this, whether she does or not. Her husband may be deposed but he has, nevertheless, by divine right the title to the family crown.

Men as individuals need the aid of some concerted action of men in the campaign which is now going on. The Suffragettes are a highly organized militant band. The men are unorgan-

ized, so far as opposition to this movement is concerned. One by one, like sentries surrounding a sleeping army, men are picked off in the dark. In the seclusion of home, at the fireside, at table, and in bed, a lone and unsupported man may be conquered by a fury calling herself a Suffragette. He sometimes, poor soul! surrenders at discretion—anything for peace in the family. The standards of society have been so shaken, the attitude of the stage, of the moving-pictures, of novels, of the newspapers, of the magazines, of thoughtless men who make a joke of the way wives rule, unnerve the poor creature. In a moment of weakness, with no definite guide to go by, ignorant of what have been and still should be his rights, with no organization supporting him, with no carefully thought-out arguments on hand to oppose to the fervent tirades of his wife, with only his own innate opposition to it in answer to her campaign literature, he is led,—a veritable sheep fit for the slaughter,—openly to declare himself in favor of woman's suffrage.

Can a more deplorable spectacle of human weakness be found? He should have the laws, the immutable laws of the State, on his side in this difficult and abnormal kind of contest. Indeed, there should be no contest. The fixed rules of society should define the position of both, and do so with justice to both, in accordance with the fundamental laws of our own natures.

Under the statutes already enacted at the in-

stigation of these agitators, or of those in sympathy with their views, husbands and fathers can now be flung into prison or sent in chains to work the public roads. These women in demanding the right to vote have not half declared what is in their minds. Voting alone is not enough. They want to hold office, enact and administer law, and wield the general powers of government. Severely as husbands and fathers are now dealt with, they have by no means reached the limit of the afflictions which could be put upon them. Why could not these newly defined offenses, and all sorts of other acts which might be legally declared to be offenses, be much more severely punished? The penitentiary has already been suggested as suitable; why not the electric chair? What would be the chance for a fair trial on its merits of a case brought against a husband or father before a virago Judge with a termagant Commonwealth's Attorney as prosecutor, and with a lot of Suffragettes in the jury-box? The possibility of all this is involved in "Votes for Women." The women you would have to deal with would not be the ones you admire and love. No; these would be at their homes attending to their womanly duties. You would have to deal with the leaders of the suffragette movement; or, worse still, with other even more violent and dangerous characters who may have supplanted them in this movement to turn the world upside down.

To believe that the demands of the Suffragettes are right is to believe that the race from which we are sprung has been wrong throughout its history. There is nothing new about women. There is nothing new about children. These two classes have existed for thousands of years. Up to a few days ago the world was in peace and quietness on this subject. No question was raised suggesting that our race had not properly interpreted the mutual rights and obligations flowing from the relations existing in the family circle. Is it not, therefore, possible that this whole disturbance is a made-up affair; that we are having a bad dream, or rather a dreadful nightmare, over nothing, and that if we would awake, recover full consciousness, look facts again in the face, and exercise our sober reason, we would see that the only sensible thing to do is to go back to where we were before the disturbance began? Upon the return of a clear sky we will see that the ship, driven by a sudden squall, has been taken out of its course, and is heading for breakers which threaten destruction.

We are evidently passing through a craze. France went through the Mississippi Bubble craze, the Netherlands went through the Tulip craze, England went through the South Sea Bubble craze, and the United States of America is ahead of the world in its extravagances in connection with the Women and Children craze. That this craze exists beyond our borders, and affects other coun-

tries, does not prevent it from being a craze. The whole of Christendom has before this been affected by crazes; for example, the Crusades; the belief in the Northwest Passage, and Prester John.

The statutes which have been passed on this subject deserve to be put in a Museum of Legal Curiosities, and to be given a conspicuous position in the section devoted to Legislative Attempts to Subordinate Men to Women and Children.

CHAPTER II

In the past women were accorded privileges. These privileges were many and valuable. Unfortunately for mankind, agitators set to work to assert the so-called rights of women. As is often the case when this kind of attack is made, there is no well-organized resistance, and the movement gains a headway that it does not deserve. These rights,—or more properly speaking, these unreasonable demands,—were in many cases accorded, but there has been manifested no disposition on the part of the women voluntarily to surrender any of their former privileges. They are, therefore, at present in the position of demanding more than they are entitled to,—that is, both rights and privileges. They are not entitled to both, and the result of the contest is gradually the working out of a substitution of one of these things for the other. The more they demand rights, the more they will lose privileges. There is no real gain for women in this, and, worse than that, there is no gain on the part of the world by this system. We are therefore opposed to all these so-called rights, while favoring all of the former privileges, surrounded as they were by the sweet odors of courtesy, chivalry, romance, poetry, and love.

What do women gain in demanding the right to vote, and actually acquiring the right to stand up in a street car; in claiming the right to smoke, and thereby losing the right to have men take off their hats in a woman's presence; in claiming an equality with men in all matters, and acquiring thereby the obligation to make a living for themselves, and so on? So long as they be women, they are entitled to women's privileges, but if, not satisfied with these, they demand men's rights, it must inevitably be at the cost of their former privileges.

For women we have respect, admiration, and love. They compose half of the race, and naturally possess its softer and more amiable characteristics. We would preserve all the sweetness which belongs to womanhood, as it has existed with us through ages past, and the men should not permit a policy to expand, nor continue to exist, which tends to make second-class men out of what may be glorious women.

It is a fact that cannot be successfully denied that women from the North and the West find in the South a delicate attention and regard paid them which exceeds that which generally prevails in their own sections of the country. What is the cause of this? It is because the former rules regulating the relations of men and women, and husbands and wives, have remained longer unchanged in the South than in any other part of the country. The delicious aroma of courtesy and

of privilege still lingers in our midst. We desire to preserve and strengthen this. It cannot long survive the line of modern legislation which has been reviewed in these pages. These statutes are enough to chill it and, finally, to blast it forever. They do not represent Virginia law, custom, thought, nor usage. They are foreign importations, utterly at variance with our institutions; and it is firmly believed that they will work untold evil to both men and women, and to the social and domestic life of our State. What we ought to do is to proceed to repeal these laws one after the other, and then firmly refuse to open the subject again.

CHAPTER III

A fair sample of the suffragette argument is presented in a speech made by one of their orators in Norfolk on December 6, 1911. It was reported in the *Landmark* in part as follows:

“The mixed element in our politics is too strong. We should strengthen it with good material, he stated. In conclusion, he said: ‘The vote is a responsibility the women should shoulder whether they want it or not. It is not a question of their wishes in the matter, but a question of the debt they owe to their nation. The men have made a mess of it, and now it is up to the women to clean it up. If we can get the women to take their share of the burden, this condition will be changed and our politics will be purified.’”

What an argument to make to the men of a State which, in its short history, has presented to an admiring world as brilliant a galaxy of statesmen, jurists and soldiers as any country has ever produced and which is probably equalled only by Attica! What a speech to make to Virginians, who are a branch of the great Anglo-Saxon race which for a thousand years has held a commanding place among the races of the earth, and which to-day leads the thought and the action of the world! From small beginnings, and in a com-

paratively short time, it has surpassed in its achievements the Slav, the Oriental, and the Latin. Its beneficent rule is exercised in nearly every part of the known world. It rules the United Kingdom of Great Britain, the south of Africa, and Egypt; it rules Australia, and millions of Asiatics in India; it rules nearly the whole continent of North America, and its power is felt in the court of every nation upon the earth.

Yet we are urged to break with the traditions and the experience of the past by which the power of this race has been established upon the earth, because "the men have made a mess of it," and adopt, instead of the rules by which the great body of our race has always been governed, the novel theories of a few, raw, Western American States, which have yet to show to the world that their theories,—in contradiction to the methods which have been followed by the whole human race of every clime and kindred throughout the entire historic period,—have in them a single spark of merit.

It is a serious question whether in the rivalry for ascendancy and power among the great races of the earth upon the broad stage of the world itself we will be able to maintain ourselves when brought into a life and death struggle with the forces of other nations which have adhered to the domestic construction which has prevailed with them since the dawn of their history. We are rapidly ruining the home. If we complete its

ruin, whence will come the men on whom we are to rely for maintaining the ascendancy of the race? We are shaking the foundation stones of society. If this be continued, the whole edifice may finally collapse.

One of the favorite arguments of the Suffragettes is, "It's coming." As "It,"—that is this disaster,—can only come by the men permitting it, all that is necessary to obliterate utterly that argument is for the men to say "No." Considering the seriousness of the issues involved, even the worst henpecked husbands should rise to the height of saying "No" in this case. The "No" should be so emphatic that it would admit of no concession nor compromise whatever. Even the tip of the nose of the camel should not be allowed to be put under the tent which is fastened down around the boundary line of the State of Virginia.

It is an open question what use the women would make of this right, even if it were given them. Sir Walter Scott, while paying them the compliment of saying that when pain and anguish wring the brow they (the women) are ministering angels, further said that in their hours of ease they were "uncertain, coy, and hard to please, and variable as the shade by the light quivering aspen made." With all the zeal of a new cause, the Suffragettes are now clamoring for the right to vote. After having it given to them, who would be much surprised to hear that they did

not really want it, that they just wanted to see if they could get it? But the mischief would have been done. The Suffragettes, who are now ladies, would be replaced by others. The flood-gates would be opened, and there would be thousands who would be only too glad to take advantage of it.

There is no good reason why all the persons in a community should be called upon to perform all kinds of different functions. There are some other things as important as politics, but no one thinks the world would be better by having everybody in the Army, or in the Navy, or in the Church, or all doctors, or lawyers, or carpenters, or bricklayers. It is the experience of the world that things are better done when the doer does not have his time and attention distracted by too many different things. A Jack of all trades is good at none. From time immemorial the political functions of the State have been within the province of man's activities, duties, and responsibilities, and the history of the world shows that it is difficult enough to keep going smoothly that vast complicated machine called government. Inexperienced, raw hands are not needed here, especially when to bring them in would withdraw them from other fields peculiarly their own, which, if not equally conspicuous, are equally important for the well-being of mankind.

During a Suffragette meeting recently held in a Virginia city one of the leaders of the move-

ment gave the following as the reasons why women should have the right to vote:

"That she may feed her family properly and secure pure food laws.

"That she may clothe her family properly.

"That she may house her family under proper health conditions.

"That she may procure a copious and cleanly water supply.

"That she may see to clean streets and proper disposal of garbage.

"That she may get the best possible education for her children.

"That she may safeguard children's morals in the streets, at moving-picture shows, in schools, and in all public institutions.

"That she may gain decent and honorable working conditions for women, men, and children.

"That she may abolish the white slave trade.

"That she may keep open the juvenile courts.

"That she may mitigate the legal discrimination against women, and give women equal guardianship over their children.

"That she may be able to carry out ably and efficiently those duties which naturally and historically belong to women as the great caretakers of the world."

The first seven of these high-sounding reasons might be more briefly stated as simply proposing

that wives should supersede their husbands in attending to the vital affairs of life. The next two should commend themselves as much to men as to women; and there is no reason why women should vote to accomplish them. The last two propositions have in view the still further reduction of the powers and rights of husbands and fathers. The phrase "mitigate the legal discrimination against women" might be paraphrased as taking away every particular right which a man has. "Giving women equal guardianship over her children" means taking away the remaining vestige of headship in the family now possessed by the father.

On the whole, these reasons are no reasons at all, but merely the expression of a desire on the part of women to take the places which now belong to men.

Another favorite argument put forth by the Suffragettes is that owning property they are taxed without being represented, and they use the revolutionary slogan: "Taxation Without-Representation is Tyranny." This argument would do very well but for the fact that it is wholly destitute of merit. The Colonies were taxed as such, without representation in the British Parliament. One rule applied to the Colonies, and another rule to England. But here no woman is taxed as a woman by a rule different from that which applies to men. No regard whatever is paid as to who owns the property,

but all property is taxed at rates which apply to men and women alike, the women faring as well as the men, and being fully represented by their fathers, brothers, husbands, sons, grandsons, uncles, nephews and cousins, who enact the laws which apply equally to all.

We should even remain unmoved by the sight of maps showing in angelic whiteness those States which have yielded to women's demands, while other States, which still adhere to common sense, are depicted in the darkest black that the printer's art can furnish. We should oppose to the claims of mother and child the superior claims of father and child; to the demands of wives the equally just demands of husbands; to the rights of women the equally sacred rights of men.

"Shall we, the women," argued one of the leaders of this movement, at a meeting of the National American Woman's Suffrage Association, held in the city of Philadelphia on November 24, 1912, "leave the laws solely in the hands of the men who, after the day's work, come home tired and unfit to consider the seriousness of life?"

That question, asked in all seriousness, according to the newspaper reports of the proceedings of that august assemblage, deserves an answer; but the more one considers the question, the more he will see that it answers itself. Whether the question displays more of ignorance, pride, or prejudice, it would be much more difficult to de-

cide. The ignorance displayed, if real, is appalling. Men do not, and never have, passed laws privately in their homes at night after the fatigue of the work of the day. Laws, in each State, are passed by representatives duly chosen by the people, who are paid to leave their ordinary occupations in order to go to the capitol, where, in a lawful assembly, held at the most convenient hours of the day or night, and with nothing else on their hands to attend to, after due deliberation they adopt such rules as they may think best for the public welfare. The laws thus passed in one branch of the Legislature are reviewed by the other, and, if adopted by both, still need the approval of the governor before they can be put into force. Everybody in this country, with the possible exception of the learned women at that convention, who propose to teach the world how its affairs should be conducted, knows all this, which is the mere A. B. C. of our governmental construction; yet one of their leaders asks such a question as that.

The pride displayed in the question is equal to the ignorance; and there is no room to doubt the genuineness of the feeling. The tired men are "unfit to consider the seriousness of life." It is therefore only their wives or other female members of their families who are worthy and competent to discharge such lofty functions.

The prejudice displayed is equal to the ignorance and the pride. The men "after the day's

work come home tired," and so are unfit to rule the State. What made these men so tired except the labor they underwent for the support of their families? Having labored all day for the wife and the children at home, the sympathy and the reward awaiting the husband and father when he returns in the evening to his fireside is the judgment of his wife that, being fatigued, he is "unfit to consider the seriousness of life."

The whole system being worked out by these Suffragettes is admirable, and most beautiful to contemplate. The husband must support his family. If he does not do so, he is to be put in jail for non-support. Being thus forced to work, he becomes tired. Being tired, he is unfit to consider the seriousness of life, and so is to be dethroned and the reins of government are to be taken from him, and transferred to his wife. We guarantee that this programme, fully worked out, will effectually cure him of any further or latent inability he may have been guilty of in considering the seriousness of life!

Let men once open wide this door to the evils which can come upon them, and they may never be able to shut it. They should look with distrust upon other men, who, having political aspirations, and noting the indifference with which so many men regard this movement and the zeal of its clamorous exponents, take sides with what they think may be a rising power. They should also look with distrust upon political organiza-

tions that, lacking enough of merit to commend them to the general public, are forced to call in the aid of anybody and everybody to strengthen the particular, but narrow, basis on which they are founded. No well-informed man, free to exercise his judgment, and having no axe to grind, is in favor of a movement which is clearly hostile to him. When a man comes out and announces that he is in favor of this movement, it is not Woman Suffrage that he needs, it is help.

In an article which appeared in the *Virginian-Pilot* of Norfolk, on December 22, 1912, entitled "Why Women Are Not Marrying," after saying that many did not do so from choice, the following edifying statement of what has been accomplished by the Woman's Movement is given us by the writer, a woman:

"Apart from their ability to stand alone and make their own acknowledged positions in the professional, business, and social world, there is another reason and the most significant of all reasons why modern women of education, training, and culture are not eager to marry. It is because the men are not modern, because the men are out of date. They have, in truth, been asleep for two or three generations, and whilst they have been resting placidly in their grooves, hedged in by their traditions and prejudices, their stereotyped views and worn-out codes, lo! things have been happening of which they have been entirely unaware.

“The women have stolen a march on them in initiative, executive, alertness, dash, courage, enthusiasm, perception, vision. And, owing to this prolonged slumber, the men have been deprived of the advantage of following the phases of this change in women, observation of which would have helped them to readjust themselves gradually, unconsciously almost, without any serious disturbance to themselves. As it is, they awake suddenly expecting to find the same old relationships of mastery and subjection, the same old separate standards of conduct, and the same old values and currencies, and are confronted instead with the astounding and annoying fact that women have rebelled against the old order and have developed minds, wishes, intentions, aims, ideals, and opinions of their own, together with a rigid determination to take their place in the world on equal terms with men.

“Other surprises, too, await them. They find that they have lost some of the glamour that was once theirs, some of the hero-worship, some of the unquestioning belief in their innate superiority, ever accepted as an unalterable law of nature.

“Doubts appear to have arisen about their strength of character, formerly always taken for granted. They are conscious of uncomfortable criticism and analysis where in the past there was always dumb acceptance and endorsement. And they look in vain for those propitiatory offerings

hitherto unfailingly brought to their shrine by subservient women-folk, both young and old.

"Of course, they were furious at the change. They would not be worth anything if they did not show that amount of spirit, and certainly women have not the right to be angry and bitter with them since they themselves are to blame for having accepted for so long the position of servility and submission, and, moreover, inculcated the doctrine in the hearts of their daughters, generation after generation. In asking justice for themselves they would, indeed, be unfair if they forgot to concede it to them.

"But when the men have calmed down they will see the necessity of readjusting themselves to altered conditions, for it is unthinkable that they will be content to remain cut off from the love and companionship of bright and gallant women who, however attracted by them personally, are resolutely set against choosing husbands who are out of tune in the harmony of their progress and out of perspective in the changing picture of life."

Although the article is under the title "Why Women Are not Marrying," it concludes thus with the oft-heard feminine advice and urging of men to marry:

"Let us hope that the men will bring all their inherent splendid qualities of nature and character up to date without delay and tempt once more into the paths of marriage that ever-increasing class of able and fine-hearted women, whose power of pas-

sionate loving and tender cherishing is none the less real because their outlook has been widened by knowledge and experience."

This, then, is the reward men get for the concessions they have granted to the women,—to be considered out of date, and all wrong generally. This presentation of their view of the case is highly effective, and affords good argument why men should not further pursue the course they have pursued in dealing with this matter. The more the women talk, show their hand, and declare what is in their hearts and minds about this matter, the more apparent it becomes that the sooner the men put a stop to the movement the better.

Marriage is an institution not established merely to sanctify the union of persons consumed by *la grande* passion, such as Romeo and Juliet, but to authorize and regulate, in a wise and reasonable manner, relations which should naturally and properly exist between all men and women, the founders of family groups. The laws on this subject should be such that the relation between the consorts after they enter marriage should conduce to their mutual advantage, not only for the sake of the individuals who compose the married couples but for the sake of society. These couples should present a picture of harmonious and satisfactory existence, so that the institution will be kept alive by others who will seek for themselves the advantages which they

would have good reason to believe the relation would naturally bring to them,—to the husband the companionship, comfort, and pleasure he may experience in his wife's society; to the wife, the companionship, care, and protection she should receive from her husband, who should shield and protect her from the outside world.

How long does any reasonable person believe that a system such as we are rapidly drifting into can survive? Wives are represented as objects of terror to their husbands, and are made the threadbare subject of jokes on the stage, in the papers, and in the various other ways by which the public receives its strongest impressions. These jests might have seemed funny at first, before the feminist idea had attained its present dimensions; but they are no longer so; they are ghastly. They are doing all they can utterly to ruin in the mind of every woman her proper duty to her husband, and to foster in the mind of every man the idea, "No Wedding Bells for Me."

What can the end be of such a system? The institutions, customs, laws, habits, the very men and women of any country, can be utterly demoralized and ruined, if enough people are bent upon the accomplishment of such ends. We have already gone too far. It is high time for the men of the various States of this Union to consider seriously the present conditions. It is not yet too late to remedy them, but it may soon be. We have become intoxicated with the idea of

political liberty and equality, and have foolishly brought these ideas into play within the family circle, which they are destined to ruin, if this policy be not reversed. The husband must be reëstablished in a position of dignity and power, and the father must be reëstablished, or the deluge will be upon us all—men, women, and children alike.

CHAPTER IV

The ultimate reserve force in every community is the men, not the women, of that community. Women have many weaknesses which it has not been within the plan of this work to discuss. The objection to "Votes for Women" rests on such fundamental reasons that the lesser ones are here passed over. But there are certain defects which, although they apply to both men and women, seem to be peculiarly great in the case of women. In the make-up of women's natures there seems to be little regard for law and order, or for the relative importance and inherent dignity of persons and things. Most women have little regard for contracts. So great an importance is attached to this subject by men that one of the wise provisions of the Federal Constitution provides that no State even shall pass a law impairing the obligation of contracts. No woman would ever have written that. They sign the most definite and solemn written contracts and then have no idea that that agreement is really binding on them. Taught from their youth that a woman's privilege is to change her mind, it is with difficulty that they realize that contracts really should, and must, be kept. In addition to this they have little or no regard for the revenue

laws. They are by nature disposed to evade the payment of taxes, and to get articles through the custom houses without paying duty.

The idea that this is the age of "obedient parents" comes from women's laxity of ideas in regard to the duties which children owe to their parents, in particular, to their father.

Their lack of appreciation of the relative dignity of persons results in their encouragement of children's calling their parents, and their parents' friends, by their first names, and the many other manifestations of a general lowering in the dignity of human life and in the conduct of human affairs.

Let women's ideas be fully worked out in the political, business, and domestic world, and it would really seem that life in such a community would not be worth living. We pass from the disorders which surround us in our childish relations with other immature persons into the quieter and better regulated affairs of grown-up people. Under woman's rule, however, it is believed that there would be no such improvement in the conditions of later life, but, indeed, that the disorders would be of a more serious nature since the forces at play are of greater violence.

Arguments,—some of much force, and well worthy of serious consideration,—based on the peculiarities, foibles, and weakness of women have been urged by many in opposition to their right to vote. These present what might be called

the comedy which would follow the adoption of these ideas, or might even be called the burlesque to which it is believed government would be thereby reduced. The argument presented in this work is of a different nature. It is based upon the strength of woman. But this woman's movement has as its tendency the development of this strength, not in woman, the helpmeet of man, but in woman, the opponent of man. Our theme is the resulting tragedy,—the tragedy of love, marriage, home, children and country.

These modern "progressive" ideas are surely very fine,—to the children are given ideas of disobedience, bad manners, and contempt of authority; to the wives, progress in selfishness, indifference to duty, and independence of their husbands. For the husbands the progress is marked and steady; it is toward slavery and the grave. In this child-and-woman worship of America, while Cosette and Marius revel, Jean Valjean miserably perishes. Manhood, experience, and maturity are abased before weakness and immaturity.

Nor should men be in the least affected by the argument that since women have so largely entered into the business world they need the ballot to "protect them." Women need no such protection from men. The theory that wives should be protected from their husbands and children from their fathers is the worst possible manifestation of an utter misconception of the natural relations which should obtain in family life; and this theory that

women in the world of work should be protected from men, their natural and best protectors, is equally false.

This was the same argument made by the fanatics of a generation ago, who, in the days of reconstruction, to crown their work of devastation in the South, placed in the hands of the emancipated slave the ballot "to protect him from the white man," his former master. Years, filled more or less with political trouble, followed, until about a decade ago when this act of stupendous folly and injustice was practically nullified by Virginia, and the negro race was eliminated from the politics of our State.

What injury has it been to the negro to be thus disfranchised? None whatever. The negro vote being no longer a possible menace to the peace and good order of the State, he is looked upon possibly with more kindness and consideration than before. The two races occupy the same territory in peace, the negroes receiving steadily higher wages and living in the full enjoyment of all their rights of person and property. They are protected equally with their white neighbors by the laws of the Commonwealth. So it has always been, is now, and would continue to be, with women. The worst thing that could happen to women would be to have withdrawn from them the natural protection of men,—a protection coming spontaneously from the heart, and not from laws, which would have as a natural result a

separation of interest and a chilling of sympathy rather than any increased protection.

Viewed from the standpoint of the effect upon the State at large, it might well be believed that less harm would come to it from reëstablishing the negro vote than would come to it from allowing women to vote. The evil in one case would be more political. We have met that, and have proved ourselves able to overcome it. But the other may destroy all peace and happiness in the home. One evil we have been able to survive. The other we might not. When we allow women to vote we allow, at least theoretically, negro women to vote as well as white women. Can any honest or sane man believe this would improve the internal, external, or domestic affairs of the great Commonwealth of Virginia? If the ladies of the State cannot always control their cooks and house-servants in their household duties, do they seriously think that, if they qualified themselves under the law, and became legal voters, they could any better control them in political matters? The white men have controlled the negro men. Could the suffragettes control the negro women? They might succeed in some instances in intimidating their own husbands, but could they control anybody else?

One of the strongest forces in the politics of the country to-day is the temperance movement, which has as one of its objects the elimination of the liquor interests from all control of politics.

This certainly would be a desirable thing to accomplish. Intemperance is a curse, and the liquor interests are a corrupting element in public affairs. They have had entirely too much power in some States, and deserve to be put down. But the men who, to further the temperance movement, are willing or anxious to add women to the list of voters,—thinking they can count on a majority of the feminine vote as favorable to prohibition,—become by their zeal in one cause blind to the general effect of what they are proposing to do. In spite of all that can be said against liquor, the fact remains that most persons are not drunkards, and that little or no evil would flow from liquor if each drinking man restrained himself to only a very moderate use of it.

The victims of the present license system are few in number compared to the population as a whole; and, although the affairs of our own State are not all we could wish them to be, yet the Commonwealth, except for the domestic disorder which is steadily increasing and a few other matters of lesser importance, is in profound peace within itself and with the rest of the world. Its population and resources are increasing, while the State debt is decreasing. Public affairs with us could therefore easily be in a much worse condition than they are, even with liquor, and rings, and other evils which sometimes occur.

But these are matters which men should settle with other men. It is shameful to have to bring

women into it, or to allow them to become involved in such political contests, even should these very women be anxious to do so. It is disgraceful for men to have to resort to women to fight their battles. If the men of the several States cannot properly regulate the affairs of their States they will never be well regulated.

Of all fatal errors we can imagine none worse than this: Suppose the proposition were adopted, the women are given the right to vote, and having that right, join with the men of the temperance party, and destroy the liquor business, and cast out all liquor men from places of the least influence in State, in city, or in county affairs. What then? One evil would have been suppressed, but new or much greater troubles for all men would have begun. It would be like spending a million dollars in order to collect a debt of one dollar; or like burning up your house in order to get rid of a rat; or like cutting off your head in order to stop the toothache. The remedy would be infinitely worse than the disease. What an act of monumental folly it would be to adopt Woman's Suffrage, not on its own merits, but merely to accomplish an ulterior object of minor importance!

What all the resulting evils would be each man can try to imagine for himself, but it seems that, among them there would surely be domestic anarchy, loss of all power and influence in the family on the part of husbands and fathers, more

severe forms of slavery for them, more divorces, ruinous decrees for alimony, the prison, work in chains on the public roads, neglect, despair, murder, and suicide. / All these calamities can be counted upon to appear like so many specters in the dark when the sun of man's political power shall have set.

Do not let the quixotic idea take possession of you that such a course would be unselfish and noble, and that it will be a matter of pride for you to remember hereafter that you had aided in the "elevation of woman." What you would really have aided in accomplishing would be the lowering of men,—yourself among them. Fight out this liquor question and every other public question, man to man. Then, whatever the result, the men of each State would still be able to control its affairs, and preserve the peace and dignity of the Commonwealth.

Authority has already declined far enough in this country. The War of the Revolution shattered the royal authority. The Civil War destroyed the aristocratical power of the slaveholders in the South, and weakened the position of the upper classes in the North and West. About all that is left is domestic authority. The suffragettes seek to destroy this. From aristocracy we have descended to democracy; and from democracy we are now moving toward mobocracy. The same line of thought which concludes that women should vote might be relied upon finally

to assert that a ship should be navigated according to the views of the crew and the passengers instead of by experienced officers, that a school should be conducted according to the ideas of the scholars instead of by the teachers, that a church should be led by the congregation instead of by the clergy, that the affairs of a family should be decided by the children instead of by the parents, that a court should decide according to the views of the bystanders instead of according to the knowledge of the judges, that an army should act according to the votes of the privates instead of by command of the officers,—in short, that all real authority be abolished, and the capricious whim of the uninformed majority should govern in everything.

The word "Suffragette" has been used so often in this book that it might now be well to ask, > What is a Suffragette? An answer in the nature of a description rather than of a definition might be that a Suffragette is a woman who, if she had been a man and one of a crew among which a mutiny had broken out would be found among the mutineers; or who, if she were a soldier and a member of a regiment in which insubordination had shown itself would be in the ranks of the rebels; or who, if an employee in a factory, would join in the strike; or who, if an accused man were about to be lynched, would help to dispatch him; or who, if she were in prison (as a good many of them ought to be) and an attack were made upon

the guards, would join in attempting to kill them.

The characteristics common to the various groups thus presented are the same as those which belong to the women who apply to political and domestic matters the theories which result in the words, thoughts, and actions of Suffragettes. Let no one be deceived as to the work of these women. Some of them are sincere, some are deceivers, others are deceived, many are ignorant and thoughtless. These last know not what they do and little appreciate the consequences and ultimate effects of actions which they may commit with good intentions in their hearts but in accordance with doctrines that are not the doctrines of peace but are those of war, and domestic war at that. The Suffragette does not stand before the world as an angel of peace, wreathed with the garlands of good will, decked with the flowers of love and happiness, and crowned with the ornament of a meek and quiet spirit. The olive branch is not in her hand; it is beneath her feet. And the war in which she has enlisted, as it inevitably involves the peace and happiness of the home, is a movement which may entail more misery and disaster on the human race than any of the scourges which have yet afflicted it.

If the Suffragettes are going to wreak vengeance on the men of this generation for the fancied wrongs of their sex during the period of the world's past history it would be well for their victims to take warning and see to it that this

thing does not come to pass. To do this they must be true to themselves. To yield passively to encroachment after encroachment will end in their complete undoing, and will cause them to forfeit the esteem and the support of those faithful women who still feel in their hearts a loyalty to the traditions of the race, and who see in man the natural protector and head of the family and not a mere beast of burden.

If men abdicate, if they offer no resistance to these attacks upon them, there will be no point of crystallization for the conservative sentiment to gather around. The men of this age may finally resemble the unfortunate Louis XVI, whose indecisive and yielding course in the face of a rising storm paralyzed the efforts of his adherents and deprived them of any rallying point. At the heart of what should have been the center of opposition there was no heart; and the dreadful drama moved on until the tragedy was complete. The men of the western world are acting with the same irresolution and timidity in the face of the crisis which confronts them, and which threatens to entail more lasting and more dreadful consequences.

These Suffragettes have brought suit against all men to deprive them of their birthright, and to reduce them to a political level with women. With a perfectly valid and overwhelming defense to this proposition it is amazing to behold the attitude and to observe the course pursued by

many men in view of this threatening danger, which in its effects bids fair to entail more dreadful consequences to civilization than would follow a barbarian invasion. With an inexcusable indecision many men who would face death with courage on the battlefield against a national enemy take advantage of the division among the women on this revolutionary issue. While in their hearts these men feel,—some even in their words and writings clearly say,—that this thing is wrong, and ought not to be, yet personally they evade the issue and ignominiously desert their brave allies among the women, asserting that this is, after all, a question to be determined by the women.

On the contrary, this is a question above all others for the men to decide and to decide promptly and definitely. It would be surprising how soon this matter could be settled, and relegated to the past, if the men once clearly understood the full meaning of the movement and as clearly expressed themselves about it. They are the court of last resort on this question, and if, instead of letting the disgraceful struggle continue between the women over a subject of the highest importance to men, they would say that they would not permit it, that would necessarily be the end of the matter. Of course there is no use arguing with a Suffragette on the subject. The men should say promptly, once and for all, that they will not permit it.

CHAPTER V

How long since has it been that the men of Virginia have not been able to attend to their public affairs? What superior wisdom or ability is to be brought in the lists by including the female members of all the families in the State? The few women now agitating this subject are cultivated persons, many are possessed of property, and all are ambitious of distinguishing themselves. But their views, if adopted, must be extended to every class of society,—the rich and the poor, the virtuous and the otherwise, the black and the white, the ignorant, the depraved, the pauper, and the outcast. What improvement in the standard of the electorate,—woefully low as it still is,—would be effected by such a change?

All these women are the mothers, the wives, the sisters, the sweethearts, or the cousins of the men in the State. If the men were to vote with the women on this question it would merely result in larger ballot-boxes being needed and in more votes to be counted. If the men were to vote against the women, it would mean that into the badly demoralized domestic circle another apple of discord is to be thrown. If, with only men voting, these drastic laws against fathers and husbands have been passed, we venture the prophecy that with women voting men will eventually not have

a right left worth naming. What American husband is there who does not believe that he is entitled to be treated by his wife as well as a Chinaman is by his? But he is not so treated. He receives but a very small fraction of the deference and regard which the heathen receives. What American father would not like to be treated by his children with the same respect that a Mohammedan receives from his? But he is far removed from such treatment. In neither case would one recognize the relationship as being the same. The American husbands and fathers have already placed themselves in the position where they receive less consideration and assistance from their wives and children than any other men who have ever lived upon the face of the earth. The Americans' weakness in this regard is already a demoralizing factor in the world at large, and their ruin will be irrevocable and complete when in their blindness they shall have conferred equal political powers upon the women with whom they live. There will then not be one retreat or stronghold left them, not one sheltering rock in the burning desert. For the average American husband, married to the average American wife, if he have his property in his wife's name, his resources depleted by life insurance, surrounded by superficially educated but disrespectful children, and an overdressed but ungovernable wife, nearly bound hand and foot by the system of laws now in force,—laws which keep the jail

ever open before him,—if he put the ballot in his wife's hand, he will then have about the same prospect for happiness as had Samson, when, shorn of his power and with his eyes put out, he was chained to the treadmill in the prison to grind corn for the Philistines. For the laws which have already well-nigh produced this condition can be counted upon to make it still worse should the women ever control legislation.

There is no reason why the Legislature of each of the States should not review this whole subject; this relation between men and women should be put on some basis more philosophic and infinitely more satisfactory to men than it now is. There is no reason why men should continue to condemn themselves to have so little interest in the property of their wives and children, and to have so little control over their own domestic affairs, or to consign themselves to jail at their wives' command. The effect of this legislation may, if not soon reversed, bring on the dreadful condition of a man's foes being they of his own household.

We should not allow ourselves to be swept from our moorings by the bad example of others. If every other State in the Union or even Old England herself, should give way there is yet no reason why Virginia should. The original State of the American Union might yet render another magnificent service to the Union, and to the whole Anglo-Saxon race, by standing firmly for the principles which have prevailed during the

rise and progress of our race as a world power. It would by so doing afford at least one stronghold where these principles still prevailed, and which, by its example, might be made the base of future operations for bringing back this race to a more philosophic and satisfactory system of social and domestic construction.

The proposition involved in the demands of the Suffragettes is a political question of the very highest importance, the most serious one which to-day confronts the American people. It is one in the decision of which they should make no mistake. Political mistakes are hard to rectify and often entail the most disastrous consequences to millions of people and for long periods of time. The history of the world is made up in large part of political mistakes and the dreadful consequences that resulted from them. The South made a mistake when it seceded from the Union. Four years of bloody warfare and the chaos of the reconstruction followed. England made a mistake when she persisted in enforcing in America laws which we regarded as unjust. Eight years of war and the loss of its most valuable Colonies was the result. Charles I made a mistake when he sought to establish absolute power in England. Civil war and the loss of his life was the consequence. Spain made a mistake when it decided to enforce on the inhabitants of Holland its views in religious matters. One hundred years of war and Spain's fall from the place

of power it had occupied among the nations was the result. Louis XVI made a mistake in not firmly resisting the beginnings of the Revolution. The loss of his life and a generation of war were the consequences. Napoleon made a mistake when he undertook the conquest of Russia. The loss of his army and of his empire was the result. Hannibal made a mistake when he undertook to conquer Rome. Years of warfare and the ultimate destruction of his own country was the result. So examples could be multiplied without end.

Some of the youngest States in the American Union,—themselves at most only a generation or two old, and, therefore, lacking in experience,—have seen fit to place women on a footing of political equality with men. There is no need for us to be in a hurry to follow their example. No great harm would be done if we waited one hundred years, in order to see how this experiment, in contravention to the experience of the race for the past many hundred years, will turn out. That the men in these Western States choose to put themselves on no higher plane, politically, than their women is no reason why we should do the same. The levelling process involved in this step is not in accordance with the traditions of the South. Long before one hundred years have run out, the men of these Western States may be looking upon the men in the South and East,—who have not followed

their example but, instead, have held to their superiority in all political matters,—as constituting a much more fortunate race than themselves. Compared to the weak and lowered condition of the men in the Women Suffrage States, all the men in the other States would occupy much higher and much more dignified, and much more enviable positions. Why should the men of any State throw away this advantage? What is offered them as a compensation for thus giving away their birthright? Nothing,—worse than nothing. They are asked voluntarily, with no benefit whatever which we believe would ever be realized, to give up and lose forever a precious possession which they own. They are asked practically to commit political suicide.

Should they ever do this how, if the experiment turned out badly for them, would they get the power back which they had lost? Shorn of their strength, and chastened by the afflictions, which lie waiting for them under such a system, they could then only utter vain regrets for the step which they were unable to retrace, and find themselves sadder and wiser men.

Where could these men look for refuge? Surely not in their own State, for the women would outvote them easily when their vote should be added to that of the men who were weak enough to give them suffrage in the first instance. If every State in the Union adopted Woman's Suffrage these men could find relief nowhere but

by entirely expatriating themselves, by going to some other country where these rules were not in force. But if some other State in the Union still afforded a refuge, why should not any man who was opposed to this system and who found himself oppressed by it consider this State as a haven for him, and select it for his home? Good government, and sane rules in regard to the domestic relations should prove attractions of the first magnitude. Let the States of the South, therefore, not follow the unwise lead of these Western States and imitate a thing which they may find they have done to their own undoing, but let our Southern States take advantage of the situation offered to strengthen ourselves for all time to come.

Virginia has gone through enough trials in her history not to add this one to them. Let us rather profit by the mistakes of these other States, and redeem some of the losses we have suffered in the past. We still have a sufficiently large territory within which to erect a powerful Commonwealth if we be true to our traditions, and if we do not allow ourselves to be led away with every wind of vain doctrine. Only in the last few years has the South, after a generation of trouble, been able to throw off the incubus of a mass of undesirable voters who were inflicted upon us by the very sections from which now emanates this new movement to lower the standard and qualification of citizenship. The advance we have made and

the prosperity we are now enjoying as the result of this victory should not be endangered by any such hazardous experiment.

Let well enough alone. Instead of embracing the cause of Suffrage let us have the fortitude to resist and to reject emphatically and cast out this modern heresy, and so keep out of the political quagmire we would surely fall into if we ever adopted this false doctrine. Let us hold out to the men afflicted with Woman's Suffrage in the West the possibility of establishing in the South a home worthy of the name. To our shores have been driven in the past the Huguenot persecuted in France for his religion, and the Cavalier, persecuted in England for his loyalty. Let us continue to be able to afford now and for the future a refuge for the husbands and fathers persecuted by the Suffragettes of the West for being men.

We need not let ourselves be much affected by the arguments for woman's suffrage made by any of the men in the Western States that have adopted it. They are naturally disposed to see all the other men in the country do the same, for just as long as they do not these others will occupy a position superior to themselves. These western men can, if they choose, lower themselves politically and otherwise just as much as they want to; and we can, if we choose, forever retain our position of greater dignity and importance and all our ancient rights and liberties.

"A Fox," says Æsop, "being caught in a steel

trap by his tail, was glad to compound for his escape with the loss of it; but, upon coming abroad into the world, he began to be so sensible of the disgrace such a defect would bring upon him that he almost wished he had died rather than left it behind him. However, to make the best of a bad matter, he formed a project in his head to call an assembly of the rest of the Foxes, and propose for their imitation the cutting off of one's tail as a fashion that would be very agreeable and becoming. He did so and made a long harangue upon the unprofitableness of tails in general. He endeavored chiefly to show the awkwardness and inconvenience of a Fox's tail in particular, adding that it would be both more graceful and more expeditious to be altogether without a tail, and that, for his part, what he had only imagined and conjectured before he now found by experience, for he had never enjoyed himself so well and found himself so easy as he had done since he had cut off his tail. He said no more, but looked about with a brisk air to see what proselytes he had gained, when a sly old thief in the company, who understood the trap, answered him, with a leer: I believe you may have found a conveniency in parting with your tail, and when we are in the same circumstances perhaps we may do so too."

What should be the most beloved spot on earth is one's home, and the tenderest and most endur-

ing of human relationships cluster around it. Here should be found love, care, and protection for the young; affection, obedience, and reverence for the old. Happiness for all its members will result from a correct understanding and discharge of the duties, rights, and mutual relations of the persons who compose the little group here closely united to one another. But for this, order is essential, and order requires a leader clothed with proper authority. Husbands and fathers are these natural leaders. Any movement of society, therefore, which degrades or prejudices their position and influence cannot be right, for it is in opposition to the established order of creation.

END

INDEX

- Abandonment, or failure to support, as well as abandonment and failure to support, punishment proposed for, 153-154.
- Abbott quoted, 193-194.
- Abraham and Isaac, 195.
- Abyss, society moving towards, 249.
- Accomplishments, women losing, 132-133.
- Adoption of child without consent of father, 201-202.
- Adult, population, all liable to get put in jail under act intended to protect children under seventeen, 205-206.
basis, how business of the world could be put on, 260.
- Æsop quoted, 120, 322.
- Affectionate, husband can be too much so, 141-142.
- Affections, husband entitled to his wife's, 34.
- Age at which honest and wise men marry, 123.
of children, list of, may aid fathers in keeping out of jail, 262-265.
- Agrippina, 128.
- Alimony, drastic provisions of law relating to, to be paid by the husband, pending suit for divorce against him, 108-114.
decrees for, often very severe, 163.
suicide of husband rather than pay, 147.
allowed wife against her husband who was not considerate enough, 151.
husband in charge of the deputy sheriff, 178.
man against whom, is to be decreed, 179.
- American husband a byword, 75.
children also becoming a byword, 251.
father not respected, as much as the Mohammedan, 315.
nor husband as well as a Chinaman, 315.
- Anatomy, should be studied by men before marriage, 120.
- Ancient City, quotations from The, 186-191.
extent of paternal authority, 187-199.
Law, quotations from, 191-192.
- Anglo-Saxon, rise and progress of the race, 287-289.
Virginia's opportunity to render service to the race 316-322.
- Anti-Suffragettes, work dedicated to, 5.
the friends of man, 277-278.
- Apprentice, binding of child as, 201.
in Norfolk, master of, may be put in jail for acts of, 212-213.
rights of father as to binding child as, 223.
- Arguments, of the suffragettes, specimens of, 287-289, 289, 290-292, 292-293, 293, 293-295, 296-299, 304-309.
of this work based, on strength, not weakness of woman, 304.
of men from woman suffrage States unreliable, 321-322.
- Assassination of the President attempted by a boy of seventeen, 236-237.
- Authority, ancient paternal, 187-199.
present lack of paternal, 199-254.
final blow to parental, 211.
generally commands respect, 226-227.
has declined far enough, 309-310.
- Automobile, widow with new, 181.
- Baby, husband judicially sentenced to walk the floor with the, 152, 153.
- Baby-carriages, husbands rolling, 74.
- Bachelor, idleness in a, and in a married man, compared, 122.

- life of intelligent, worth living, 123.
 may thrive by observation, 124.
 new definition of, 165.
- Bacon quoted, 119, 119.
- Balzac quoted, 120.
- Bankruptcy, husband put in, by wife and daughter-in-law, 157-158.
- Barbarian invasion, woman's suffrage worse than, 312-313.
- Barry, Countess du, 130.
- Bassanio and Portia, 94.
- Battle, marriage a field of, 121.
- Beating of husband by man hired for the purpose by his wife, 144-145.
- Bed, police called in to decide on which side of, consorts should sleep, 91.
 husband made to sleep with dog in, 137-138.
 wife killed in quarrel over which should get up first, 138.
- Beginning, marriage a, 123.
- "Better Half," perverted ideas in relation thereto, 126-132.
- Bible, rules of, in relation to husband and wife, 15-18, 23, 83-84.
 our former rules of law in regard to husbands and fathers more in harmony with the, 25.
 New Testament rules as to divorce, 83-84.
 enjoins orderly construction of society, 100.
 provision for the future of the family, 170.
 rules in relation to parent and child, 185, 266-267.
 instances of the ancient paternal authority, 194-198.
 praise of children, 198-199.
 how parental authority enforced under the Mosaic law, 214.
 family life now should be regulated as far as possible in accordance with, 268-269.
- Birthright of man involved in suit brought by suffragettes, 312-313.
- Blind leading the blind, 277-279.
- Blessing, whether woman now a, to a man, 125.
- Borgia, Lucretia, 129.
- "Boss," case of wife who would be, 145-146.
- Bulwer quoted, 125.
- Buried his wife, the man who had, and the man who had not, 122.
- Burton quoted, 119.
- Butterworth quoted, 124.
- Byron quoted, 123.
- Campbell quoted, 146.
- Care taken of us when we are born, die and marry, 124.
- Catharine II., 129.
- Catharine de Medici, 130.
- Chain-gang, husband rather be sent to, than live with his wife, 148-150.
- Chains, husbands and fathers liable to be sent to work in, on the public roads for non-support, when they live in cities of over 15,000, 52-59.
- Chancery, courts of, alone should exercise discretionary powers, 247-248.
- Characters which might be seen in any of our cities, 178-181.
- Charge, husband, willing to pay any reasonable, for the satisfaction of hitting his wife, 154.
- Chattel, meaning of, 21.
 wife not an owned, 175.
- Cheating works never thrive, 78-80.
- Child, father in general entitled to the care of, 80, 222.
 one killed by a mother, 145.
 Chapters on father and, 185-269.
 the father the source and origin of the life of the, 186-187.
 father has now no interest in property of a living, 200.
 taking of, from father, 200-202, 248, 258-259.
 father put in jail for not supporting, 202-206.
 under seventeen, Act intended to protect, 202-206.
 a dangerous creature now to have around, 205-206.

- under fourteen may be taken from its parents for many causes, 206-207.
- whipping, better than juvenile court, 206.
- whipped by order of court, 207-208.
- committing of, to Prison Association of Va., 208-209.
- and to Negro Reformatory Ass'n of Va., 209.
- Act in regard to cruelty to, 210.
- dependent, wayward or delinquent, may be taken by State Board of Charities and Corrections, 211.
- more under the authority of its guardian than its father, 211.
- wages of, not liable for the debts of his parents, 215-216.
- property of, cannot be leased, sold nor encumbered by parent, 216.
- small sum arising in a suit belonging to, may be paid to one of its parents, 216.
- descent of property belonging to, 217-219.
- may be a millionaire, and father poor, 218.
- control of property belonging to married woman who is an infant, 219.
- who entitled to the damages on account of death of, 219.
- interest of, alone considered in question of their custody, 220.
- modes of appointment of guardian for, 220-221.
- guardian and father in their relations to each other and to wife and child, 224-233.
- powers over, taken from their fathers and transferred to a court, 227-228.
- natural effect of recent legislation upon the character of the, 232-254.
- property set fire to by, 235.
- wanton injury of property by, 235-236.
- attempt of youth of seventeen to assassinate the President, 236-237.
- of seven kills playmate, 237.
- of ten shoots another boy, 237.
- of five tries to wreck train, 237-238.
- keeping in order of children becomes more and more difficult under recent Act, 239-250.
- under seventeen allowed to commit one crime with more or less impunity, 239-250.
- this made a privileged class of criminals, 245-248.
- generally leniently dealt with by juries, 250.
- laxity in bringing up of children due to the women, 251-254.
- fate of, in home broken up by divorce, 253-254.
- training of the, injured by recent legislation, 261-262.
- suggestion to aid fathers keeping out of jail, by having list of ages of his children, 262-265.
- belongs even to unworthy parents, 266-268.
- Christian, according to the policy of recent statutes, marriage no longer, 117-118.
- Church, which husband and wife should attend, 74.
- claims jurisdiction over marriage and divorce, and is on the side of the husband, 255.
- Cibber quoted, 123.
- Citizens, rights of, not properly regarded in the matter of condemning husbands and fathers to work on the public roads for non-support, 56-60.
- law abiding, must have his training in the home, 252.
- Civilization, ours off the track, 77-78.
- Cleopatra, 128.
- Clinging type of woman becoming rarer, 114.
- Clothes-tree, picture of husband beaten by his life over the head with, 76.
- Clytemnestra, 127.
- Colton quoted, 121.
- Comfortable, whether woman makes a house, 121.
- Commandment, the fifth, 185.

- Community, of property rights as between husband and wife—none at common law, 27.
theory of, 102-105.
- Compulsory education, condition of parents under, 167-168.
- Conditions in domestic affairs going from bad to worse, 162-163.
- Congreve quoted, 119, 120.
- Consent, of father superior to mother as to marriage of child, 222-223.
- Contempt of court, husband liable to be put in jail for, for not paying alimony, costs of suits and fees of counsel, when suit for divorce is brought against him, 108-114.
in removing child under seventeen who has committed a crime, 243.
doctrine of, used to subvert constitutional guarantees, 243.
- Contract, wife could make none at common law, 29.
marriage, what could be effected by, 136.
specimen of one according to recent ideas, 151-152.
women's disregard of, 302.
- Court House, the characters seen hanging around, 180.
claims jurisdiction over marriage and divorce, and is on the side of the woman, 255-259.
one of the millstones grinding husbands and fathers to pieces, 255, 259.
hostile to husband, 257-259.
- Courtship compared to marriage, 120, 125.
- Cowper quoted, 142-143.
- Crawford quoted, 122.
- Craze, women and children, 282-283.
- Crime, children under seventeen allowed to commit one, each, with more or less impunity, 239-250.
- Criminal, children under seventeen made privileged class of, 239-250.
courts not proper ones to which to give discretion, 247-248.
- Cræsus, stepmother of, 128.
- Cruelty, grounds for divorce, 86.
a particular case of suit for divorce for, in New York, 90.
alleged by wife against her husband who kept thirty cents of his own week's wages, 150.
act in regard to, to children, 210.
- Crusades, 283.
- Curfew laws proposed against husbands, 73-74.
- Courtesy, rules in regard to, 30, 32, 33, 39, 221-222.
- Damages, for death of infant, who entitled to, 219.
- Danger, in constituting children under seventeen a privileged class of criminals, 239-250.
in the extension of the doctrine of contempt of court, 243.
in giving a discretionary power to criminal courts, 247-248.
to our judicial system from too much law, 264-265.
men of the western hemisphere facing a threatening, with irresolution, 312.
in adopting women's suffrage, 317-322.
- Dark Ages may be brought again upon the world by domestic disorder, 159.
- Daughter, the word, passing out of our language, 76.
sues her father for small sum, 259-260.
- David quoted, 170.
- Davidson quoted, 124.
- Death, less serious than marriage, 121, 125.
of child, descent of property, 217-219.
damages for, of infant, who entitled to, 219.
- Debt, leads to marriage, 121.
- Decline of authority has gone far enough, 309-310.
- De Coulanges quoted, 186-191.
- Delilah, suffragettes compared to, 276.
- Deluge, threatens all unless husbands and fathers be clothed with more authority, 300-301.
- Descent of property on death of child, 217-219.
father preferred, 222,

- Desertion, ground of divorce, 85.
 Diamonds held to be necessaries in Indiana, 70-72.
 Dickens quoted, 125, 125-126.
 Dictator, last resort for the safety of the state, 100.
 Difficulties besetting marriage, 118-126, 137-181.
 Dignity of life lowered by some women's ideas, 303.
 Discretion, given to court in trial of children under seventeen, 246-248.
 vesting discretionary powers in criminal courts a dangerous policy, 247-248.
 Disorder, present, in the state of marriage, 137-181.
 domestic and civil, due to lack of training in obedience to fathers on the part of children, 233-254.
 encouraged by act in regard to crimes committed by children under seventeen, 239-250.
 elements of, in favor of female suffrage, 278-279.
 inevitable result of legislation against natural order, 279.
 Divorce, rules of the New Testament as to, 83-84.
 not allowed in South Carolina, 83.
 some of the grounds for, in Virginia, 84-86.
 specimens of suits for, in Missouri, 86-90.
 natural result of recent legislation, 96-97.
 will increase until order restored to the relation of husband and wife, 97.
 condition of, in Rome, under the Empire, 104-105.
 most suits for, brought by women, 105-108.
 some of the causes suggested for the great number of, 106-108.
 Virginia statute which applies against the husband, when wife brings suit for, 108-114.
 in disfavor in Virginia, 116.
 uniformity of laws on, not desirable for us, 116-118.
 four members of same family suing for, 139.
 granted against husband who was not considerate enough, 151.
 against husband who had the hookwomn, 154.
 asked for because husband was not making enough money, 154-155.
 effect and object of suits for, 163.
 wife had no right to, in primitive times, 188.
 by decree in, suit, father may have to support children in his wife's possession, 220.
 what becomes of the children when homes broken up by, 253-254.
 Dix quoted, 122.
 Dog, husband made to sleep with, 137-138.
 Domestic, anarchy cause of tragedies, 50-51.
 happiness, Cowper quoted, 142-143.
 disorder, how the laws are interpreted and administered by some of the lower tribunals in cases involving, 160-163.
 affairs, conditions in, going from bad to worse, 162-163.
 worship of the ancients, 186-188.
 importance of legislation affecting, 204-205.
 construction of Virginia affected by recent legislation, 223-254.
 what quality calculated to produce the greatest happiness, 224-254.
 life, approved system of, being overthrown by recent acts, 248-250, 261-262.
 bad effect of State interfering in, affairs, 267-268.
 laws affecting, relations should be in harmony with our natures, and immutable, 280.
 Doubtful, sovereignty, domestic disorder similar to wars that grow out of, 159-160.
 Dower, meaning of the words in the marriage ceremony relating to, 20-23.
 common law rule as to, 27.
 "Down with the tyrant man," 133.
 Dreyfus, Madam, obtained release

- of her husband from Devil's Island, 84.
- Drunkards, confirmed, may be sent to work on the roads, 52-58.
- Duties, of husband to wife enforced by severe penalties, while those she owes him not enforced, 68-69.
- as between husband and wife, and father and child, only those due by the husband and father enforced, 45, 135-136.
- a wife's idea of the, her husband owed her, 150.
- as exemplified in a recent marriage contract, 151-152.
- of child to honor parents, 185.
- of wives to their husbands and children, importance of, 277.
- Early marriages, 120, 124.
- East, ancestors worshipped in, 232.
- Education, compulsory, position of parents under, 167-168.
- Eggs and the conjurer's box, 125.
- Elevation of women, 309.
- Eliot quoted, 123, 123-125.
- Encumbrance, of land belonging to child, cannot be made by father, 216.
- Endowment at the church door, 20-23.
- Equitable separate estates, may still be created so as to exclude husband from his wife's property, 41.
- Evidence, rules of, between husband and wife, 80-82.
- Evil eye, husbands viewed with, 162-163.
- Excellence of women, doctrine of, discussed, 126-132.
- Exemptions, dishonest, partly the cause of hostile legislation against husbands and father, 78-80.
- Family, slaughtered by the father, 143.
- others nearly exterminated, 146, 150-151, 233.
- slaughtered by the wife, 148-149.
- punishment proposed for husbands who abandon or fail to support, 153-154.
- violence and bloodshed in, character of, 159.
- sacredness of, attacked during French Revolution, 176-177.
- religion of the ancients, 186-188.
- not proper subject to be regulated by a judge, 253.
- life should be regulated in accordance with the Bible, 268-269.
- groups make up society, 279.
- women cannot properly be the head of, 279.
- Father, recent legislation hostile to, 25, 45-6, 219-220, 222.
- may be put in jail for non-support of child, 43-52.
- contemptible condition to which reduced under modern legislation, 45-50, 52-59, 227-234.
- in cities over 15,000 may be sent to the roads for non-support, 52-59.
- reduced to slavery, 45, 133-136.
- kills son, 145.
- deserted during summer vacation, 166.
- chapters on, and child, 185-269.
- honor due to, 185.
- present liberty of wife and child at the expense of, 185-186.
- the principal parent, 186.
- the source and origin of the life of the child, 186-187.
- ancient authority of, 187-199, 226-227.
- priest of the hearth, 187-188.
- over wife and child, 188-199.
- alone responsible to the state, 189-190.
- judicial within the home, 190-195.
- all property in the family belonged to, 189-194.
- present weak authority of, 199-254.
- treated now as a public enemy, 199.
- has no interest in the property of living children, 200, 211, 215.
- children taken from, 200-202, 248, 258-259.
- binding of child as apprentice, 201.
- guardian may take child from father in certain cases, 201.

- child may be taken from, by overseer of the poor in certain cases, 201.
- child may be adopted without consent of, 201-202.
- may be put in jail for not supporting child, 202-206.
- or sentenced to the public roads, 203.
- has apparently no rights in regard to child accompanying mother to penitentiary or born there, 206.
- children under fourteen may be taken from, by the court for a number of causes, 206-207.
- whipping children by order of court, instead of by, 207-208.
- children taken from, on the ground of cruelty, and so forth, 210.
- remnants of authority of, swept away, 211, 213-214, 222.
- has less rights to his child's property and person, than the guardian, 211.
- punishment of, for giving children certain things, 211-212.
- in Norfolk, may be put in jail for acts committed by child, 212-213.
- how he enforced his authority under the law of Moses, 214.
- is not guardian *ex officio*, 215, 225.
- has no right to bring suit for child, 215.
- nor defend suit brought against him, 215.
- debts of, no claim against wages of child, 215-216.
- cannot lease, sell nor encumber property of child, 216.
- may receive small sum arising in suit, belonging to his, 216.
- rights of, on death of his child, 217-219.
- may be poor, and child a millionaire, 218.
- how treated in regard to the property of a married daughter who is a minor, 219.
- his child, 219.
- no relief intended for, in any new legislation, all is hostile to him, 219-220.
- by decree of divorce, may be compelled to support children in his wife's possession, 220.
- child, not the father, considered in the question of the child's custody, 220.
- consent of guardian to marriage of child, overrides objection of parents, 220.
- appointment of guardian by, 220-221, 222.
- courtesy of, 30, 32, 33, 39, 221-222.
- rights between, and mother, 222-223.
- in general entitled, to the custody of the children, 80, 222.
- preferred in the descent of property, 222.
- rights superior in consenting to marriage of child, 222-223.
- right to bind child as apprentice, 223.
- viewed in contrast with guardian, 224-233.
- recent laws injurious to the development of the character of, 230-232.
- in the East, worshipped as a divinity, 232.
- present position to which, often reduced, 232, 260.
- shoots son and daughter, 233.
- often killed in family quarrels, 233-234.
- not a judge but the, the prop-
er person to regulate a family, 253.
- as presented, on the stage, 255-257.
- sued by his daughter for small sum, 259-260.
- suggestion to aid, in keeping out of jail, 262-265.
- there should be one State in which a man was the real, of his children, 265.
- suffragete argument to take away the headship of his family, 290-292.
- power of, must be reëstablished, 300-301.
- Feast, marriage what kind of, 121.
- Fire, need of, to put wife in, 125.
- Ford quoted, 124.

- For Sale, the pretty house which was, 180.
- Forty, marriage to men after, 121. different views of men of, and boys, 123.
- Fox who had lost his tail, like the men from women suffrage states, 322.
- Freedom of wife and child does not extend to husband and father, 134.
- French Revolution, some women who helped to bring on, 130.
the knitting women, 131.
men now acting like Louis XVI., 312.
family life attacked, 176-177.
- Fugitive from justice, indictment of, for felony a ground of divorce, 85.
slave law applies to husbands and fathers, 134.
- Funeral of man shot by his wife, 179.
- Good, only course left after marriage is to be, 125.
- Goods, meaning of, in the marriage ceremony, 21.
- Gout cured by marrying a certain kind of widow, 125-126.
- Government, ideas of, weakened by too much criticism, 277-278.
- Grave, description of the road to, for the married man, 124.
some which might be seen in the cemetery, 179.
progress of husband is toward slavery and the, 304.
- Greene, Mrs. Hetty, quoted, 107.
- Guardian, may take child from father in certain cases, 201.
has rights superior to the father in regard to the person and property of the child, 211.
in Norfolk, may be put in jail for acts of ward, 212-213.
father not *ex officio*, 215, 225.
ad litem, not the father, defends suit against child, 215.
consent of, to marriage, overrides objection of parents, 220.
modes of appointment of, 220-221, 222.
father viewed in contrast with, 224-233.
- Guardianship, suffragette argument to deprive father of powers in relation to, of his child, 290-292.
- Hanging and marriage, 119, 123.
- Happiness of all the members of the family, end desired, 92-93.
with or without a wife, 122.
what policy most likely to produce, 224-254.
- Hard cases make bad laws, 262, 267.
- Hart quoted, 124-125.
- Hay quoted, 122.
- Head, of the family, husband the natural, 91-101, 279.
necessity for, in every group, 91-93, 269, 279.
disorder in the domestic circle due to lack of recognized, 159-160, 268-269.
woman cannot be proper, of the family, 279.
suffragette argument to prevent father from being, of his family, 290-292.
- Heaven, no marriages in, 122.
- Helen, 127.
- Help, wanted by woman for man to beat her husband, 144-145.
needed, by man who is in favor of woman's suffrage, 295-296.
- Herodias, 127.
- Hiring of a husband to his wife under a certain decree, 140.
- History, some conspicuous women who have appeared in, 126-132.
- Hitting, husband willing to pay any reasonable charge for the satisfaction of, his wife, 154.
- Home, case where husband driven from, yet liable for the support of, 59-64.
invaded by recent legislation, 68-69.
the word, being ruined, 77.
generally wrecked by women, 105-108.
some causes alleged for the destruction of the, 106-108.
sweet home, 68.
ideal, portrayed by Campbell, 146.
supplanted by residence, 158.

- being annihilated by present day infidelity, 176-177.
- place for the training of law abiding citizens, 252.
- broken up by divorce, what becomes of the children, 253-254.
- father should be supreme in the, 265.
- being destroyed by recent legislation, 288-289.
- would be ruined by the suffragettes, 311.
- what it should be, 323.
- Homestead exemptions, effect of, 78-80.
- Hookworm, divorce against husband who had, 154.
- Hope, second marriage a triumph of, 121.
- Horseleach, suffragettes daughters of, 78.
- Hostages, wife and children are, given to fortune, 119.
- House, wife driven out of at night, asks divorce, 87, 88.
- "Hubby," the word, prejudicial to all husbands, 75-76.
- Hunting and fishing by husband, wife bases suit for divorce partly on, 86-87.
- Husband and Wife, Chapters on, 15-181.
- divine view of his relation to his wife, 15-18, 23.
- authority of, 18.
- recent legislation hostile to, 25, 45-50, 52-59, 72-74, 108-114, 164, 222, 260-261.
- former rights and powers, 26.
- property rights of, at common law, 26-30.
- liable at common law for the debts and torts of his wife, 28-29.
- modification of his rights in regard to his wife's property by statute, 30-34, 41.
- sole distributee of the chattels of his wife, if she die intestate, 32.
- entitled, to his wife's affections, 34.
- may forfeit all right to her estate by abandonment or desertion, 41-42.
- may be put in jail for not supporting wife, 43-52, 202.
- what is the "support" for which he is liable, 51-52.
- in cities of over 15,000, may be sent to work on the roads for non-support, 52-59.
- case illustrating liability of, for non-support, when, driven from home, 59-64.
- rights of, under law at time of marriage, taken away by modern legislation, 65-68.
- breakfasts proposed to be taken from, who stays out late, 74.
- responsible themselves for some of their afflictions, 74.
- the American, a byword, 75.
- picture of, beaten with a clothes-tree, 76.
- in general entitled to the care of the children, 80, 222.
- rules of evidence between, and wife, 80-82.
- natural head of the family, 91-101.
- now denied nearly everything, 93.
- office of, 101.
- cause of hostile legislation against him, in regard to wife's property, 102-105.
- rules as to compelling the payment of alimony, costs of suit against him, and fees of opposing counsel, 108-114.
- Balzac's view of the trials of, 120.
- reduced to slavery, 45, 133-136.
- converted into a "star boarder" by a certain decree of divorce, 139-140.
- hired out to his wife, 140.
- arrested by his wife on the street, 140-141.
- shot by his wife, 140.
- can be too affectionate, 141-142.
- divorced, kills wife, 143-144.
- beaten by man hired for the purpose by his wife, 144-145.
- commits suicide rather than pay alimony, 147.
- wife has the right to rob, in Chicago, 147-148.

- judicially sentenced to walk the floor with the baby, 152-153.
- punishment proposed for those who abandon or fail to support, instead of abandoning and failing to support, 153-154.
- wife tried for the killing of her, 155.
- shoots wife Christmas Day, 155-156.
- kills wife and commits suicide, 156-157.
- killed by wife, 157.
- put in bankruptcy by wife, 157-158.
- beaten on the head by wife with stone, 158.
- shot by his wife, 159.
- viewed with an evil eye by legislators, 162-163.
- picture of, beaten with rolling-pin, 165-166.
- deserted during summer vacation, 167.
- burdens of the life-insurance system, 168-174.
- murdered by his wife for the life-insurance, 172-174.
- respect formerly due him in Virginia, 175-176.
- better adjustment of property rights between, and wife could be effected, 177.
- new rights of wife and child at expense of, and father, 185-186.
- how treated in regard to management of property belonging to his wife who is a minor, 219.
- courtesy of, 30, 32, 33, 39, 221-222.
- as presented on the stage, 255-256.
- suffragette argument to have wife supersede, 290-292.
- suffragette system for final dethronement of, 295.
- powers of, must be reestablished, 300-301.
- progress of, is toward slavery and the grave, 304.
- Idleness, in a bachelor and in a married man, 122.
- Incompatibility of temper, 86.
- Independence of wife, an illogical scheme of marriage, 91-97.
- Indignities, husband subjected to by wife, brings suit for divorce, 87, 88, 89, 90.
- Infamous offence, conviction of, ground of divorce, 84.
- Infidelity, new form of, attacking the home, 176-177.
- Inge quoted, 103-105, 192-194.
- Injunction, to prevent husband disposing of his property pending suit for divorce against him, 108-114.
- Insane wife, husband liable for the support of, to the relief of her estate, 69.
- Insurance, life, burdens of the husband under the overdoing of, 168-174.
- Irving quoted, 121.
- Isabella, 129.
- It's coming, a favorite argument of the suffragettes, 289. should be negated at once by men, 313.
- Jack of all trades, 290.
- Jail, husband may be put in, for not supporting wife, 43-52.
- husbands and fathers liable to be put in, on account of irresponsibility due to dishonest exemption laws, 78-80.
- husbands and fathers liable to be put in, for failure to pay alimony, costs of suit, fee of opposing counsel, pending suit for divorce against him, 108-114.
- used to enforce obligation of husband to support wife, while there is no means of enforcing the discharge of her duties to him, 135-136.
- only place a certain husband could sleep in peace, 142.
- putting married "loafers" in, how the punishment should be made to fit the crime, 153-154.
- awaits the husband who does not pay alimony, 163.
- would await parents under compulsory education scheme, 167-168.
- men seen in, for non-support, 179.
- father may be put in, for not supporting child, 202-206.

- whole adult population liable to be put in, under act intended to protect children under seventeen, 205-206.
- father may be put in for giving various articles to his children, 211-212.
- effect on children of hearing of their fathers being put in, for non-support, 232.
- suggestion to aid fathers in keeping out of, 262-265.
- putting husbands and fathers in, the method adopted to make an illogical system work, 267-268.
- Janus, temple of, 159-160.
- Jealousy of wife and disturbance in his occupation, alleged as ground of divorce, 88.
- Jephthah's daughter, 196-198.
- Jezebel, 127.
- Johnson quoted, 121, 123, 124.
- Josephine, her idea of the glory of women, 100.
- Judges, their proper duties not that of regulating families, 253.
- Jus vi teneatque*, 191-199.
- Just causes, what are they, for the wilful neglect of wife and minor children, 52.
- Justice of the Peace, jurisdiction over husbands proposed to be given to, 72-73.
- Juvenal quoted, 104, 119.
- Juvenile courts, plan of operations proposed for local, 48-50.
- manifestation and result of decay of parental authority, 206.
- not worth as much as a good whipping, 206.
- Katharina, her admonition to women, 98.
- Kenelm, sister of, 129.
- Killing, of wife over quarrel as to who should rise first, 138.
- of son-in-law by his mother-in-law for alleged insult, 138-139.
- husband shot by his wife, 141.
- of a whole family by the father, 143.
- of wife by divorced husband, 143-144.
- of son by father, 145.
- of children by mother, 145.
- of nearly all the members of a family, 146.
- of whole family by the wife, 148-149.
- wife tried for the, of her husband, 155.
- wife killed, husband commits suicide, 156-157.
- husband killed by wife, 157.
- husband killed by his wife for his life insurance, 172-174.
- of father by son, 234.
- of aunt by nephew, 234-235.
- of one child of seven by another, 237.
- Kipling quoted, 121, 124, 125.
- Knitting women, 131.
- "Land of the free," etc., 77.
- Landor quoted, 121.
- Latin, quotations from the, 104, 105.
- Law, its effect upon standards of conduct, 24.
- recent, hostile to husbands and fathers, 25, 45-50, 52-59, 72-74, 108-114, 164, 199-254, 260-261.
- suits, women generally responsible therefor, 119.
- how interpreted and administered in cases of domestic disorder, 160-163.
- of Virginia calculated to discourage marriage, 164.
- effect of repeal of recent laws in relation to husband and wife, 177.
- everybody should be made to obey the, 97, 250.
- hard cases make bad, 262, 267.
- we have too much, 264-265.
- regulating domestic relations should be in accordance with our natures, and immutable, 280.
- Code and Acts of Virginia referred to in this work: Sec. 2286 A, 30, 39.
- Acts 1899-1900, p. 1240, 31, 32, 41.
- Sec. 2291, 31, 219, 222.
- Sec. 2292 A; Acts 1891-92, p. 391, 32.
- Sec. 2257, 32, 84.
- Sec. 2258, 84, 86.
- Sec. 2548, 33.
- Sec. 2293, 33, 222.

- Sec. 2556, 33, 42.
 Sec. 2294, 41.
 Acts 1904, p. 208, 44, 65.
 Acts 1910, p. 570, 44, 204,
 263, 264.
 Acts 1912, p. 396, 56.
 Sec. 1707, 69.
 Sec. 4117, 69.
 Sec. 2610, 80.
 Sec. 3346 A; Acts 1901-2, p.
 798, 81.
 Sec. 2261, 108.
 Secs. 2599, 2600, 2603, 2606,
 200.
 Sec. 2610, 201.
 Sec. 2263, 201, 220.
 Sec. 2581, 201, 228.
 Sec. 2589, 201.
 Sec. 2582, 201.
 Sec. 2583, 201.
 Sec. 2614 A, 202.
 Sec. 3795 C; Acts 1904, p.
 208, 202, 232.
 Sec. 4124, 206.
 Sec. 3795; Acts 1901-2, p.
 125, 207.
 Sec. 3902 A; Acts 1897-8, p.
 859, 208, 228, 264.
 Sec. 4173 D, 209, 228, 264.
 Sec. 4173 E, 209.
 Sec. 3795 A; Acts 1895-6, p.
 701, 210, 263.
 Sec. 1105 D, 210.
 Acts 1912, p. 621, 211.
 Sec. 2603, 211, 222.
 Sec. 3828 B, 212, 263.
 Sec. 726, 212.
 Sec. 3828 C, 212, 263.
 Charter of Norfolk, Sec. 19,
 paragraph 20, 213.
 Sec. 2600; 2602; 2603; 2564;
 215.
 Sec. 2614, 215.
 Sec. 2618; 2629; 3255; 2435;
 215.
 Sec. 3652 C, 216.
 Sec. 2615, 2616, 216.
 Acts 1908, p. 45, 216.
 Sec. 2513, 217.
 Sec. 2548, 217, 222.
 Sec. 2556, 218, 222.
 Sec. 2513, 218.
 Sec. 2557, 2548, 219.
 Sec. 2904, 219.
 Sec. 2218, 220.
 Sec. 2600, 221.
 Sec. 2597, 221.
 Sec. 2286, A; 222.
 Sec. 2597, 222.
 Sec. 2557, 222.
 Sec. 2218, 223.
 Sec. 2591, 223.
 Acts 1910, p. 434-7, 244, 264.
 Lawful authority must be obeyed
 by all, 97, 250.
 Lease, of land belonging to child,
 father cannot make, 216.
 Lee, Mrs., her relation to her hus-
 band, 176.
 Legislation, apparent lack of care
 with which effected, 59,
 204, 245.
 objection to the recent, in do-
 mestic matters, 68-69.
 recent, all directed to duties
 husband owes wife—no
 regard paid to duties she
 owes him, 68-69.
 "freak," proposed against hus-
 bands, 72-74.
 dishonest exemptions part of
 the cause of hostile,
 against husbands and fath-
 ers, 78-80.
 cause of, against the husband
 in regard to his wife's
 property, 102-104.
 now conceived on the theory
 that the men are all bad,
 and, the women all good,
 126-132.
 husbands viewed with an evil
 eye in matters of, 162-
 163.
 fathers also, 219-220.
 importance of, affecting do-
 mestic relations, 204.
 contrast afforded by ancient
 rules of law, and modern,
 as affecting the rights of
 men, 214-215.
 recentness of, hostile to fath-
 ers and husbands, 228.
 natural construction of do-
 mestic life being over-
 thrown by recent, 248-
 250; 261-262.
 illogical system substituted,
 249.
 recent, particularly hostile to
 husbands, 257-258.
 much recent, should be re-
 pealed, 260, 316.
 recent, calculated to prejudice
 woman's position in the
 South, 285-286.
 man's unfitness for, according
 to a suffragette, 293-295.
 Life insurance, husbands burdened
 by overdoing of, 168-174.
 the father the source and ori-
 gin of, 186-187.

- dignity of, lowered by ideas of some women, 303.
not worth living under woman's rule, 303.
- Life Insurance, burdens of the husband under overdoing of, 168-174.
bad policy of, to the individual, 170-171.
bad policy of, to the State, 171.
husband murdered by his wife for the, 172-174.
man whose premium falls due to-day, 178.
widow who has just collected, 181.
- Liquor, female suffrage viewed in connection with, question, 306-309.
- "Loafers," married, who hang around their families, punishment proposed for, 153-154.
- "Lord! have mercy on a married man," 58.
- Louis XVI., men of to-day acting with same irresolution as, 312.
- Love, between husband and wife should be promoted by proper rules of marriage, 94-95, 268-269.
marriage from, compared, with vinegar from wine, 123.
relief to be out of, 123.
of father for child reduced to minimum under recent laws, 231-232.
in all the family relations, promoted by regulating the family in accordance with the Bible, 268-269.
- Lytton quoted, 120.
- Macomber, Mary F., quoted, 106-107.
- Maine quoted, 191-192.
- Man, whether woman be now a blessing to, 125.
loss to, from present woman's movement, 132-133, 273-283, 296-299, 303, 315-316.
"Down with the tyrant," 133.
wife kills husband because unable to make a, of him, 141.
what woman's suffrage would do for, 162-163.
beginning to avoid marriage, 164-166.
- coercive measures to induce men to marry, 165.
age when an honest, and a wise man marry, 123.
attacked in regard to control of women and children, 251-254.
present position of, in regard to woman's suffrage, 279-280.
his unfitness for legislation, according to a suffragette, 293-295.
in favor of woman's suffrage, needs help, 295-296.
changed relations between, and woman, 296-299.
alleged to be out of date, 296-299.
reward he has received for yielding to woman's demands, 299.
the reserve force in every State, 302.
not the ballot, but, woman's best protector, 304-306.
should settle all political questions, 290, 307-308, 313.
result if political power of, were lost, 308-309.
condition of, would be lowered by woman's suffrage, 309.
why, should oppose the suffragette, 311-313.
birthright of, involved in suit brought by the suffragettes, 312-313.
acting with irresolution in the face of a great danger, 312.
asked by the suffragettes to give up highest rights for nothing, 318-319.
position of, in woman's suffrage and other States, 318-322.
- Maps, used by the suffragettes to lampoon the States which do not agree with them, 293.
- Margaret of Anjou, 130.
- Marie Antoinette, 130.
- Marriage, covenants in the ceremony of, 18-23.
importance of proper rules regulating, 23-24.
modifications of, according to the ideas of women, 75.
vulgarization of, 90-91.
should be so regulated as to best promote love be-

- tween husband and wife, 94-97.
 condition of, in Rome under the Empire, 103-105.
 respected in Virginia, 116.
 under new legislation, no longer Christian, 117-118.
 Socrates' views of, 118.
 proper age for, according to Thales, 119.
 inherent difficulties besetting the relation of, 118-126.
 viewed by those who are in and those who are out, 119.
 and hanging, 119, 123.
 curse of, 119.
 a desperate thing, 119.
 why so few are happy, 119.
 in haste, 119.
 early, 120, 124.
 monotony of, 120.
 familiar state of, 120.
 courtship compared to, 120.
 a desperate thing, 120.
 attracts light-headed men, 121.
 a field of battle, 121.
 death less serious than, 121, 125.
 often foolhardy step, 121.
 after forty, 121, 123.
 second, a triumph of hope, 121.
 what kind of feast, 121.
 the beginning of trouble, 121.
 debt leads to, 121.
 awaits men at the crossroads, 122.
 if sold with return ticket, 122.
 none in Heaven, 122.
 compared with love, 123.
 the nearness of, 123.
 age when honest men, and wise men marry, 123.
 a beginning, 123.
 best month for, 124.
 a foolish act, according to Trollope, 124.
 times have changed after, 124.
 may be one mode of misery, 124, 124.
 must take care of ourselves and another when we marry, 124.
 thorn-bit of, 125.
 must be good after, 125.
 contracts, what could be effected by such, 136.
 present disordered state of, 137-181.
 contract, specimen of one drawn in accordance to new ideas, 151-152.
 sound public policy demands the encouragement of, 163-166.
 laws of Virginia tend to discourage, 164.
 men beginning to avoid, 164-166, 298-299.
 coercive measures to induce men to marry, 165-166.
 indispensable to the State, 165.
 remedies needed to improve present condition of, 174-177.
 contrast between condition of, in the past and present in Virginia, 175-176.
 consent of guardian to, overrides objection of parents, 220.
 consent of father superior to that of mother in regard to, of child, 222-223.
 basis on which, should rest, 299-301.
 poor prospect for, in the future, 300-301.
 Martha Washington, her relation to her husband, 175.
 Martial quoted, 104.
 Mary, Queen of Scots, 129.
 Medea, 127.
 Merchant of Venice, quotation from, 94.
 Meredith quoted, 120, 121.
 "Mess," men alleged by suffragettes to have made a, of public affairs, 287-289.
 Metellus, views of, in regard to marriage, 104.
 Millionaire, child may be, and father poor, 218.
 Millstones grinding husbands and fathers, 255-269.
 Minor, estate of married woman who is a, committed to a receiver, 31-32.
 real estate of, may be sold by the court, 31.
 Misery, marriage may be one mode of, 124, 124.
 Mississippi Bubble, 282.
 Missouri, specimens of suits for divorce in, 86-90.

- Mistakes, political, hard to rectify, 317-322.
- "Mister" to be modified for married men, 75.
- Moab, King of, offers son as a burnt offering, 196.
- Mobocracy, we are moving toward, 309.
- Money, divorce asked for because husband not making enough, 154-155.
- Montaigne quoted, 119.
- Morgue, man seen at, 179.
- Moses, control of children under the law of, 214.
- Mother, kills children, 145.
honor due to, 185.
relation of, unduly emphasized, 186.
rights between, and father, 222-223.
- Museum of legal curiosities, 283.
- Name, of wife, 20.
putting property in, of wife, 32-33, 35-42, 217-218, 232.
parents called by first, by children, 303.
- Napoleon encouraged marriage, 164.
- Nearness of the relation of marriage, 123.
- Necessaries, diamonds held to be, in Indiana, 70-72.
- "Needles and pins," 121.
- Negro, Reformatory Ass'n of Va., committing children to, 209.
danger from, voting as compared to women, 304-306.
- "New woman" develops into the suffragette, 273-283.
- Next friend, not the father, must bring suit for child, 215.
- "No Wedding Bells for Me," 300.
- Non-support, husband may be put in jail for, of wife, 43-52.
and fathers may be put in jail for, of child, 43-52.
husbands and fathers in cities over 15,000, may be sent to work in chains on the roads for, 52-59.
case illustrating liability of husband for, 60-64.
- Norfolk City, responsibility of parents, guardians and masters of apprentices in, 212-213.
- Northwest Passage, 283.
- Obedience, universal necessity for, 100.
disorder in the home due to lack of, to father, 233-254.
- "Obedient parents," women responsible for this idea, 303.
- Obey, wife's duty to, 19.
propriety of this rule, 97-101.
what is meant by, 98-99.
all should be made to, the law, 250.
- October, best month for marriage, 124.
- Office of husband, 101.
- Olympias, 128.
- Order, necessary for happiness, 92-93.
lack of, in the relation of husband and wife, cause of prevalence of divorce, 97.
- O'Rell quoted, 123.
- Overseer of the poor, may take child from father in certain cases, 201.
- Parents, honor due to, enjoined by the Bible, 185.
father the principal, 186.
responsibility of, under charter of Norfolk, 212-213.
what are the rights and powers of, 244-245.
even unworthy, entitled to their children, 266-268.
obedient, women responsible for idea of, 303.
called by their first names by children, 303.
- Paternal authority, of the ancients, 187-199.
instances of, in the Bible, 194-198.
present lack of, 199-254.
juvenile courts manifestation and result of decline of, 206.
what is left of, in Virginia, 207.
final blow to, 211, 213-214.
how enforced under the Mosaic law, 214.
object in view in presenting the ancient rules relating to, 214-215.

- reestablishment of, would be improvement over present system founded on ill-considered legislation, 249-250.
- respect for all authority is weakened when, is broken down, 252.
- should be preserved in at least one State, 265.
- Patria potestas*, 187-199.
- Penitentiary, estate of husband confined in, liable for his wife's support, as if he were dead, 69.
- proposed as a punishment for non-support, 72.
- sentence to, ground of divorce, 84.
- husband rather go to, than live with his wife, 148-150.
- child accompanying mother to, or born in, father has apparently no rights as to, 206.
- Personal property, wife had no share in husband's, at common law, 28.
- Picture, of husband and wife, husband in miniature, 74.
- of husband beaten over the head with a clothes-tree, 76.
- divorce asked for because husband had, taken with another woman, 86.
- of husband beaten over the head with a rolling-pin, 165-166.
- Pindar quoted, 120.
- Pittacus quoted, 119.
- Pliny the elder quoted, 125.
- Plutarch quoted, 119.
- Policy, sound public, requires the encouragement of marriage, 163-166.
- bad, of life insurance system when overdone, 170-171.
- what, most likely to produce domestic happiness, 224-254.
- movement for uniform laws, a bad, for Virginia, 117.
- of vesting discretionary powers in criminal courts, a dangerous, 247-248.
- of adopting woman's suffrage, a political question of the highest importance, 317-322.
- good, for the South not to follow the lead of the West, in the matter of woman's suffrage, 316-322.
- Political mistakes hard to correct, 317-322.
- Pollock and Maitland quoted, 21-23, 103.
- Polydectes, wife of, 127-128.
- Pompador, 130.
- Poor Richard quoted, 125.
- Potiphar, wife of, 127.
- President, attempt at assassination of, by boy of seventeen, 236-237.
- Prester John, 283.
- Priest of the hearth, father formerly the, 187-188.
- Prison Ass'n of Va., committing children to, 208-209.
- Privileged class of criminals made out of children under seventeen, 239-250.
- Privileges of women, 284, 286.
- contrasted with rights, 285-286.
- Probation, fathers and husbands left out of jail on, 43-44, 202-206.
- Probation officer, new device for punishing husbands and fathers for non-support, 52-59.
- in relation to crimes committed by children under seventeen, 239-250.
- "Progressive ideas," 113-114, 175, 304.
- Property, rights of husband as to, at common law, 26-30.
- putting in name of wife, 32-33, 35-42, 79, 178, 217-218, 232.
- tendency to vest all, in the women of the State, 39-41.
- of wife lost to husband by abandonment or desertion, 41.
- individual or community rights in, as between husband and wife, 102-105.
- more equitable system in relation to, owned by husband and wife might be established, 177.
- all belonged to husband and father under ancient Roman law, 189-194.
- father has no interest in, of

- living child, 200, 211, 215.
- of child cannot be leased, sold, nor encumbered by parent, 216.
- small sum belonging to child, arising in suit, may be paid to one of its parents, 216.
- descent of, on death of child, 217-219.
- control of, when owned by married woman who is a minor, 219.
- father preferred in descent of, 222.
- burned down by children, 235.
- attacked by children, 235-236.
- Protection, ballot not needed for, of women, 304-306.
- Proverb, 121, 123.
- Public policy demands the encouragement, not the discouragement of marriage, 163-166.
- Pursuit and possession, relative pleasures of, 125.
- Rabble, the United States said to be a, 262.
- Races, value of the home in conflict between great, 288-289.
- Rebekah, 127.
- Receiver, appointed for estate of a married woman who is a minor, 31-32.
- Reconstruction, of society according to the views of the suffragettes, 176-177.
- progress of the South since the days of, should not be endangered, 304-306, 320-321.
- Remedies, needed to improve the present condition of marriage, 174-177.
- Return-ticket, if marriage sold with, 122.
- Reuben, 195.
- Revolution, French, partly caused by women, 130.
- men of to-day acting with the same irresolution as Louis XVI., 312.
- in a woman after marriage, 125.
- Reward man has received for yielding to women's demands, 299.
- Rights, the suffragettes on their way to demand more, 181.
- of wife and child at expense of husband and father, 185-186.
- no addition possible to general sum of, 253.
- of men, under dominion of women, 274-276, 314-315.
- of women contrasted with privileges, 284-286.
- men asked by suffragettes to give up, for nothing, 318-319.
- Roads, husbands and fathers liable to be sent to work in chains on the public, when they live in cities of over 15,000, 52-59.
- father may be sent to, for not supporting child, 202-206.
- Rob, wife has the right to, husband in Chicago, 147-148.
- Rolling-pin, picture of husband beaten over the head with, 165-166.
- Romanism, its effect upon the common law rights of the husband, 103-104.
- Rome, "Society in under the Cæsars," 103-105, 192-194.
- condition of marriage in, under the empire, 103-105.
- rules of domestic law in, 186-194.
- Salary of husband, all claimed by his wife, 150, 151-152, 153.
- of child not liable for the debts of his parents, 215-216.
- Sale, of land belonging to child, father cannot make, 216.
- Samson in prison, a type of men under woman's rule, 315-316.
- Scott, quoted in regard to disposition of women, 289.
- Selden quoted, 119, 120-121.
- Seneca, consolation for mother who had lost her only son, 105.
- Seriousness of life, tired man unfit to consider, according to a suffragette, 293-295.

- Seventeen, Act intended to protect children under, 205-206.
 children under, allowed to commit one crime each, with more or less impunity, 239-250.
- Shakespeare quoted, 94, 98, 119, 124.
- "She sifted the meal," 40.
- Ship of State, what most in danger from, 252.
- Slavery, husbands and fathers reduced to, 45, 133-136.
 progress of husbands is toward, and the grave, 304, 308-309.
- Sleep, jail the only place a certain husband could in peace, 142.
 husband made to, with dog, 137-138.
- "Society in Rome under the Cæsars," quotations from, 103-105, 192-194.
- Socrates quoted, 118.
- Solomon quoted, 118.
- Son, the word passing out of use, 76.
 killed by father, 145.
 father killed by, 234.
- Sophia, Princess, 129.
- South Carolina, no divorce allowed in, 83, 118.
 Sea Bubble, 282.
 attentions due to women in the, 285.
 men in, should not follow example of those in the West, 318-322.
- Sovereignty, doubtful, disorders result from, in states and families, 159-160.
- Spanish Inquisition, 129-130.
- "Star" boarder, husband converted into by a certain decree of divorce, 139-140.
- State, rights doctrine, involved in uniform divorce laws, 116-118.
 laws exclusively regulate the domestic relations, 160-163.
 marriage indispensable to, 165.
 bad policy to our, of the overdoing of life insurance, 171.
 board of Charities and Corrections may take dependent wayward or delinquent children from their parents, 211.
 its rights in regard to children under seventeen who have committed crimes, 243, 244.
 authority of, affected, when parental authority broken down, 252.
 one, should be kept where a man was the real father of his children, 265.
 interfering in domestic affairs, bad effect of, 267-268.
 no benefit to, by increase of votes, 277-279.
 reserve force in every, 302.
 one at least should remain as a retreat to men afflicted by woman's suffrage, 319-322.
- St. Bartholomew, massacre of, 130.
- Stevenson quoted, 121, 121, 122, 122, 124, 125, 126.
- St. Hill quoted, 123.
- Stone, wife beats husband in the head with, 158.
- Street, husband arrested by his wife on, 140-141.
- Suffragette, true daughter of the horseleach, 78.
 disturbance of relations between men and women, 114-115.
 their theories as to the reconstruction of society, 176-177.
 on their way from the card-party to the Suffrage meeting, 181.
 develops from the "New Woman," 273-283.
 movement hostile to man, 273-276, 280-281.
 compared to Delilah, 276.
 plan to improve politics by doubling the number of voters, 278-279.
 supposed case of court composed of, 281.
 if demands of, be right, the race has been wrong, 282-283.
 samples of their argument, 287-289, 289, 290-292, 292-293, 293, 293-295, 296-299, 304-309.
 male, should be distrusted, 295-296.

- seek to destroy domestic authority, 309-310.
 described, 310-311.
 why men should oppose, 311-313.
 have brought suit against men, 312-313.
 their demands a political question of the highest importance, 317-322.
- Suicide, not even left to you after marriage, 125.
 of husband rather than pay alimony, 147.
- Suit, for child, brought by next friend, 215.
 against child, defended by guardian *ad litem*, 215.
 small sum arising in, belonging to child, may be paid to one of its parents, 216.
 brought by suffragettes to deprive men of their birth-right, 312-313.
- Suitable place of abode, husband must furnish, although driven from home, 59-64.
- Summer vacations, husbands and fathers deserted during, 167.
 deserted houses during, 179.
- Superiority, assumption of, on the part of women, 132.
- Support, indefiniteness of the idea of, 51-52.
 of insane wife to be at husband's expense to the relief of her estate, 69.
 husband's estate liable for wife's, when he is confined in the penitentiary, as if he were dead, 69.
 diamonds held necessary part of, in Indiana, 70-72.
 women have always managed to make men, them, 123-124.
 wife must be supported, even if she be rich and her husband poor, 135.
 punishment proposed for husbands who desert or fail to, their families, 153-154.
- Suttee, 171-172, 174-175.
- Swift quoted, 119, 122.
- Taming of the Shrew, quotation from, 98.
- Target, husband a, for the legislature to shoot at, 162-163.
- Tarpeia, 128.
- Taxation without representation, fallacious argument of the suffragettes, 292-293.
- Taxes, on unmarried men proposed, 75.
 woman's disregard to the payment of, 302-303.
- Temperance movement and woman's suffrage, 306-309.
- Texas, common law rules still in force in, 30.
- Thackeray quoted, 123.
- Thales quoted, 119.
- Theatre, ushers discharged from, to make room for girls, 178.
 women who were going to the *matinée*, 180-181.
 one of the millstones grinding husbands and fathers to pieces, 255-259.
 hostile to fathers, 255-257.
- "They saw two men by the road side sit," 122.
- "Times have changed for him who marries," 124.
- Tongue, terrors of a woman's, 121.
- Too much women, 251-252.
- Tragedy, cause of some of the domestic tragedies, 50-51.
 resulting from the opposition of women to men, the theme of this work, 303-304.
- Trains, child amuses himself trying to wreck, 237-238.
- Trollope quoted, 124.
- Tulip craze, 282.
- Tyranny, extension of the doctrine of contempt of court leads to, 243.
- Uniform laws, on divorce not desirable, 116-118.
 movement for, bad policy for Virginia, 117.
- United States, what is the matter with the, 251-252.
 ship of State in danger of being wrecked, 252.
 said to be a rabble, 262.
- Unworthy parents, even these entitled to their children, 266-268.
- Vacations, husbands and fathers deserted during summer, 167.
- Victoria, her view of the wife's duty to obey, 99.
- Violence and bloodshed in the family circle, 159.

- Virginia, traditions violated by recent legislation, 223.
 no need to adopt laws of other states in regard to the domestic relations, 260-262.
 thought has favored the privileges and attentions due to women, 285-286.
 in history, 287-288.
 present condition of, 307.
 men of, able to attend to its affairs, 314-321.
 should set an example to others by firmly opposing woman's suffrage, 316-322.
 should afford a retreat for men afflicted with woman's suffrage, 321-322.
- Virtues, certain, which are not encouraged by recent legislation, 89-90.
- Vote, whether women would, if they had the right, 289-290.
 not needed for protection of women, 304-306.
- Voters, no benefit to the State by increasing number of, 277.
 standard of, would not be improved by adding women, 314-315.
 for women, what it may involve, 280-281.
 some of the lesser objections to, 302-303.
- Vulgarization of marriage, 90-91.
- Wedding-rings, desired by women for married men, 75.
 the torments which lie in, 123.
- Weller, views of Mr., on matrimony, 125, 125-126.
- Western, States demoralizing the country by their laws, 162, 288, 318-319.
 legislative ideas of Northern and, States, 260.
 Virginia has nothing to learn from, in regard to the domestic relations, 260-262.
 individualism, 262.
 arguments of men from, States having adopted woman's suffrage, unreliable, 321-322.
 world, acting with irresolution in the face of a great danger, 312.
- Which one? 160.
- Whipping, of children better than juvenile court, 206.
 of children by order of court, 207-208, 228.
- White slaves, girls sold by their mothers as, 131-132.
- Why men are not marrying, 50-52, 56-58, 59-64, 75-77, 92-93, 132-136, 159-166, 199, 224-225, 257-258, 265, 267-268, 300.
 why women are not marrying, 296-299.
- Widow, in the "smart" turnout, 179.
 who had just collected the life-insurance, 181.
 marriage to a certain kind of, a cure for the gout, 125-126.
- Wife, divine view of her relation to her husband, 18-23.
 duty of, to obey, 19.
 giving of, to the husband, 19.
 name of, 20.
 dower at common law, 27.
 no right to make will at common law, 28.
 had no share of her husband's personality at common law, 28.
 husband liable for the debts and torts of, at common law, 28-29.
 could make no contract at common law, 29.
 rights of property under Virginia statute, 30-34.
 on death intestate of, her personality passes to her husband, 32.
 otherwise as to real estate, 32-33.
 putting property in name of, 32-33, 35-41, 217-218, 232.
 can be too loyal to her husband according to the ideas of the local juvenile court, 48-50.
 duties of, to husband ignored in recent enactments, 68-69.
 rules of evidence between husband and, 80-82.
 independence of, an unphilosophic scheme of marriage, 91-97.
 present position of, in regard to her husband and her property, 93-97.
 Pittacus, a plague to him, 119.

- happiness with or without a, 122.
- the man who had, and who had not buried his, 122.
- need, of a fire to put, in, 125.
- must be supported even if she be rich and the husband poor, 135.
- killed in quarrel as to who should get up first, 138.
- one who insisted on being "boss," 145-146.
- has right to rob husband in Chicago, 147-148.
- slaughters the family, 148-149.
- claims the whole of her husband's salary, 150, 151-152, 153.
- shot by husband Christmas day, 155-156.
- killed by husband who commits suicide, 156-157.
- kills husband, 157.
- puts husband in bankruptcy, 157-158.
- beats husband in the head with a stone, 158.
- shoots husband, 159.
- was not an owned chattel, 175.
- honorable position of, formerly in Virginia, 175-176.
- guardian and husband in relation to wife, 224-233.
- suffragette argument to have her supersede her husband, 290-292.
- Will, wife had no power to make, at common law, 28.
- infants under eighteen cannot make, 217.
- Women, modification of the rules of marriage according to the ideas of, 75.
- being ruined by new legislation, 78, 114-115.
- responsible for most divorces, 105-108.
- home-wreckers, 105-108.
- clinging type of, becoming rarer, 114-115.
- are what men choose to make them, 114.
- approved attitude of, toward men, 114-115.
- Solomon's comments on, 118.
- responsible for most lawsuits, 119.
- at least one, should be dissected by a man before marriage, 120.
- whether one makes a home comfortable, 121.
- terrors of the tongue of, 121.
- views in regard to, on the part of boys and men of forty, 123.
- have always managed to make men support them, 123-124.
- whether now a blessing to a man, 125.
- revolution in the nature of, after marriage, 125.
- doctrine of the excellence of, considered, 126-132.
- as some have appeared in history, 126-132.
- assumption of superiority on the part of, 132.
- are losing their accomplishments, 132-133.
- what would happen to men if, allowed to vote, 162-163.
- responsible for the lax bringing up of children, 251-254.
- too much, 251-252.
- "New Woman" develops into the suffragette, 273-283.
- movement, some of the things accomplished by, 273-277.
- suffrage, attitude of men towards, 279-280.
- and children craze, 282.
- attentions they are entitled to in the South, 285-286.
- characterized by Scott, 289.
- political matters not properly within field of work of, 290.
- work of, equally as important as that of man, but on other lines, 290.
- article on why, are not marrying, 296-299.
- some special weaknesses of, 302-303.
- dignity of life lowered by ideas of some, 303.
- life not worth living under rule of, 303.
- argument of this work based on strength, not weakness of, 304.
- no need of ballot for protection of, 304-306.
- comparison between danger from, and negroes voting, 304-306.

suffrage viewed in relation to
liquor question, 306-309.
elevation of, 309.
addition of, no improvement
in the electorate, 314-315.
suffrage a question of the
highest political impor-
tance, 317-322.

suffrage states, arguments of
men from, not to be re-
lied on, 321-322.
Worship, of ancestors as divini-
ties, 232.
Youth, bad effect of emphasizing,
in the legislation of a
State, 223-254.

14 DAY USE

RETURN TO DESK FROM WHICH BORROWED

LOAN DEPT.

This book is due on the last date stamped below, or
on the date to which renewed.

Renewed books are subject to immediate recall.

= 4MY'64SW

JUN 25 1976

LD 21A-40m-11,'63
(E1602s10)476B

General Library
University of California
Berkeley

