

Husbands of Britain Hope to Escape Culpability for Wives' Infractions of the Law

by Walter G. Fuller (*Special Correspondent of The Eagle*)

London May 8 — In the field of English law the relative position of men and women has been gradually changing over the last 50 years until we have arrived at a stage when many anomalies exist which are patently absurd and unjust. This whole question in its legal aspect was raised a few days ago in an interesting discussion which took place in the House of Lords.

A distinguished peer of the realm, Lord Danesfort, rose in his place and spoke feelingly on the wrongs that the English husband has to endure at the hands of the law. He appealed to the government to appoint a committee to consider the present statute governing the liability of a married man in respect of the wrongs done and the debts incurred by his wife, and to report what alterations were necessary or desirable.

Lord Danesfort painted a melancholy picture of the English husband's sad plight under the law as it now stands. For instance, it had been decided recently, he said, by the highest legal tribunal that a husband is liable for an offense committed by his wife during marriage, although it might have been committed without his knowledge or consent.

Some Things Possible under the Law

A wife might, without her husband's knowledge or consent, publish a serious libel for which damages could be recovered against her husband.

Again, under English law, a woman could commit a gross fraud on a third party, and although the husband had no knowledge whatever of the fraud, a verdict for heavy damages may be entered against him. The position of a married woman, Lord Danesfort pointed out, had been materially improved in the past 40 years. Legislation has been passed which has placed a married woman in a position of independence. But the husband's responsibility for his wife's wrongdoings still remains.

Then up spoke one of the most witty and brilliant members of the House of Lords, who has served for many years as a judge, Lord Darling. He pointed out that in the old Common Law of England a man's wife was in a somewhat similar position to that of his pet dog, for a husband might be responsible for any mischief his wife might do.

Speaking for himself, Lord Darling added that it seemed to him that, as a husband might formerly beat his wife because he was responsible for the mischief she did, he ought not to be responsible for the mischief she did in these days now that he is no longer allowed to chastise her.

Lord Chancellor Pledges Aid

The Lord Chancellor, speaking on behalf of the Government, closed the discussion with some wise comments. He pointed out that the old doctrine of the unity of persons had been gradually disappearing, and husband and wife for almost all purposes were now in the eyes of the law two separate persons. As the law formerly stood, the wife's personal property passed to her husband on marriage, and the personal property which she acquired during marriage passed at once to the husband, so that if a husband was liable for his wife's offenses he, at any rate, had her money with which he could meet any damages for her wrongdoing. That state of things no longer exists. Under the law as it now stands, no property of a married woman now passes to the husband on marriage.

The Lord Chancellor admitted, however, that while the sources were no longer in the husband's power by which he might meet this kind of claim for damages, the claim still remained. That seemed to him to be unjust. He therefore promised, on behalf of the Government, to introduce legislation at an early date which would safeguard the husband's position in respect of his wife's offenses.

19 May 1925