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THE LEGAL STATUS OF WOMEN IN WISCONSIN¹

By CLAUDE D. STOUT²

THIS article has been prompted due to a conviction of some prevalence in the legal profession that women, especially married women, in their urgent demands for more and more legal rights have failed to appreciate fully the protection that has been provided for them. It is apropos that woman be fully advised of the advantageous legal position in which men law makers placed her, and also be informed as to the loss she must sustain due to her demands for so-called equality legislation.

The past few years have been marked by new laws, supplemented by court decisions, materially affecting the legal status of women—especially married women. A purview of the literature associated with the agitation for such changes almost leads to the belief that the women borrowed a page from the methods of war-time propaganda. A questionnaire of wide circulation contained such statements as the following: “The wife does not participate during the marriage in the increase in property, and the wife does not share in the earnings of children unless the husband is dead.” Much of such literature consisting of magazine articles and data used before legislative committees seeking to change existing laws pertaining to domestic relations as to husband and wife, tells but part of the story. The omissions are significant. Of course the wife does not participate during the marriage in the increase of the husband’s property for the very good reason that the husband bears all losses while he at all times is liable for the wife’s support. Neither should the wife share in the earnings of the children for the father is legally bound for their support while during the greater part of minority their custody must be surrendered to the schools for their education.

Great injustice is done in placing too great emphasis on a particular instance of apparent discrimination without due consideration of all rights enjoyed by men and women under the law with reference to each particular right or disability in its proper relationship to all others. The legal status of women in the order of domestic relations cannot be governed entirely by her own viewpoint. Other factors have a more

¹This article is the first of a series of three articles; the following two will appear in Nos. 3 and 4 of Vol. 14 of the REVIEW.

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or less controlling influence. The rights of the husband as the wage earner are also involved. So also are the more important rights of the child while society has a superior interest in the family relation to which the individual rights of all others must give precedence. The legal rights of men and women, and especially husband and wife, are so closely interlocked that the privileges and disabilities of each must be considered together.

The existing legal status of women can best be approached from the historical viewpoint. The subject will therefore be presented according to the following plan:

First: The status of women when Wisconsin first entered the union.

Second: The development, step by step, of the acquisition or rights not before enjoyed.

Third: Interspersed throughout the discussion, reference to the court decisions in interpretations of legislation for the benefit of women.

Fourth: The enactment into law of the so-called "Equal Rights Statute."

Fifth: A résumé of the several significant decisions of the Supreme Court in interpretations of such phases of the Equal Rights Act, known as Section 6.015, as have been brought to issue before the courts.

It may be said at the outset that the struggle of women to obtain equal rights has been a bone of contention throughout the entire history of our state—and the end is not yet. The articles that have appeared in the law journals and elsewhere have covered but parts of the subject. Justice Winslow, in 1917, in the *MARQUETTE LAW REVIEW*, in a most comprehensive manner discussed the topic entitled, "Property Rights of Married Women Under Modern Laws." With a keen foresight the great justice prophesied the passage of disabilities of married women, "not because women ask it, nor because man's gallantry prompts it, but because justice demands it."

The Ordinance of 1787 established the common law of England in what is now Wisconsin. The conservative lawyers of the day, being loath to depart on a too uncharted sea, caused Section 2 of Article XIV to be inserted in the constitution retaining the principles of the common law that were not changed therein until altered or repealed by the legislature. As a consequence it will be necessary to refer repeatedly to the rules of the common law in marking the change from the old to the new order.

The opening gun in the campaign of women for her rights came in 1846 with the movement for statehood that led to the constitutional convention of that year in which was inserted an article giving property rights to married women. After many days of heated debate, the

article was adopted, but not, however, until after the leader of the opposition had resigned in disgust. The campaign for ratification was most bitter, the opposition centering around the aforementioned article. The election for ratification lost by a decisive vote of 60 per cent. Thus, the first attempt to make Wisconsin a state resulted in failure because the men were unwilling to grant property rights to married women. When, in 1848, the second constitutional convention was called, its members profited by the disastrous experiences of their predecessors and discreetly adopted a proposed constitution containing no reference whatever to property rights of married women. This constitution, being that of 1848, was duly ratified by the people. Therefore, when the state launched itself into the sisterhood of states the old common law status of married women as provided in the ordinance of 1787 remained in full force.

Section 1 of Article III of the constitution provided the qualification for suffrage, and defined electors as limited to male persons of the age of twenty-one or upwards possessing the specified requisites. The women were entirely omitted from the political scheme. The cardinal principle that applied was that husband and wife were one and the husband was the one. Its theory accepted and placed upon the marriage vows a literal interpretation, especially in its application to the legal status of the wife. Throughout the entire history of our state the judiciary have therefore been obliged to struggle with the ancient common law rules in developing interpretations to fit modern conditions. The courts, as we shall see, are to be highly commended for their numerous decisions favorable to married women. In almost every instance, whenever opportunity afforded, the court has rendered decisions modifying the rigor of the common law rules and, when bound by a hard and fast common law rule, has repeatedly suggested to the legislature the advisability of taking action to correct decisions it was obliged to render of evident inconsistency with the modernized status of women.

The woman, on her marriage, was immediately hedged around with numerous disabilities. As the constitution in its original form made no provision for the married woman, but on the other hand retained the principles of the common law, the status of married women was substantially as set forth in the Blackstone with which lawyers of the day were familiar. In order to present what women in general, and married women in particular, have attained, the following disabilities of the *feme covert* that applied when the state first entered the union may be enumerated:

First: All the personal property of the wife, on her marriage, immediately became that of her husband.

Second: The husband took complete control of all his wife's real estate of whatsoever kind and the entire proceeds were his to do with as he pleased.

Third: All the wife's earnings belonged to the husband and were subject to levy and execution for his debts.

Fourth: If the wife owned any real estate she could convey none of it without her husband joining with her in her deed of conveyance.

Fifth: Neither could a wife make a will to dispose of any of her own property without the written consent of her husband.

Sixth: The husband's right of curtesy, then as now, applied to the wife's trust estates, while even at this late date the wife's right to dower in the equitable estates of the husband is limited. See *Will of Prasser*, 140 Wis., page 92 and *Hortley v. Hartley*, 140 Wis., page 282.

Seventh: Furthermore, a wife could not either bring or defend, in her own name, any action for a tort or injury done her by the wrong or negligence of another, and any recovery from such an action belonged entirely to the husband.

Eighth: The husband was given complete control of the person of his wife to the extent that he was even permitted to restrain her liberty at his pleasure.

Ninth: The husband could inflict moderate personal punishment to compel his wife to behave according to his views. In this respect the wife occupied a position in the family similar to that of her own minor children.

Tenth: The wife was not permitted to be the guardian of her own children by a former marriage.

Eleventh: The wife could not contract for indeed there was no need under the scheme of the common law for her to do so. She was more protected than her own minor children whose contracts were voidable and subject to ratification on attaining majority.

However, the wife did, at this early day, have well established rights. Most important of all was the homestead right for the wife, then as now, enjoyed the veto on its sale. Section 52, Chapter 102, Revised Statutes of 1849 provided as to the homestead as follows:

But such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same. [See *Williams v. Star*, 5 Wis., page 534.]

On the husband's death the wife also had, by operation of law, the dower right which consisted of the endowment of a one-third estate for life in all the real estate of which the husband, at any time during the marriage, was seized and to his conveyance of which she did not join. On her death the remainder went: first, to her father-in-law;

and if he were deceased, second, to the brothers and sisters of the deceased husband and issue of such brothers and sisters, in equal shares; and, if the mother-in-law were living, she took the same share as a brother or sister of the deceased husband. (Chapter 63, Secs. 2 and 3. Revised Statutes of 1849.)

The first laws of descent gave all the lineal relatives of the deceased husband an order of preference over the wife in the remainder. In case no lineal relatives survived, i.e., issue or ancestors, Section 8, Chapter 63, Revised Statutes of 1849 did permit the wife to come in as an heir to the fee in the last order next prior to the escheat of the property to the state due to there being no one else to take by descent at law.

The husband, then as now, took no curtesy in his deceased wife's real estate when there were any issue by any former marriage. Section 30, Chapter 62, Revised Statutes of 1849 provided:

When any man and his wife shall be seized in her right of any estate of inheritance in lands, the husband shall on the death of his wife, hold the lands for his life, as tenant thereof by the curtesy, Provided, that if the wife, at her death, shall leave issue by any former husband to whom the estate might descend, such issue shall take the same discharged from the right of the surviving husband to hold the same as tenant by the curtesy.

The obligations of the husband, at the beginning, applied with vigor for he was:

First: Liable for all the antenuptial debts of his wife.

Second: He was, during the entire duration of the marriage, responsible for his wife's conduct and was presumed to have consented to any crimes committed by her in his presence.

Third: And, of course, he has always been liable for the wife's support.

The first two above have, in the natural course of events, been removed, but it is doubtful whether any change due to woman's urgent demands for more so-called equality can ever replace or even materially modify the third duty society places on the husband to support his wife and minor children.

At the beginning, in addition to the homestead and dower, the widow was allowed certain allowances in the deceased husband's estate regardless of whether there was a will or not. Those consisted of the following:

First: All her articles of apparel and ornaments.

Second: The wearing apparel and ornaments, not specifically bequeathed, of the deceased.

Third: Household furniture of not more than \$250 in value.

Fourth: Other personal property to be selected by her, not exceeding in value \$150.

Fifth: After the funeral expenses and expenses of administration were paid, the residue of the estate, if not more than \$150 in value, was assigned to the widow for her support and that of the minor children. (See Section 1 and 4, Chapter 68, Revised Statutes of 1849.)

It is extremely difficult to provide adequate rules to fit all circumstances. However, the above provisions for allowances, although subject to considerable dissatisfaction, remained substantially without change until within the present generation when more liberal provisions hereinafter set forth were made. The primary purpose has always been to conserve the small intestate estate in order that society may best be served in the safeguards for the education and support of children of tender years. The modern woman demands that society surrender more and more of such time honored laws in giving the widow larger portions of the estate. Society, on the other hand, is reluctant to yield to the interests of the widow until more women are able to demonstrate their ability to support the minor children who, by death, have been deprived of the support of the parent upon whom the legal duty has always been placed.

Much emphasis has been given by the ardent suffragists in the ridicule of the common law rule that permitted a husband to punish his wife with a stick no larger than his thumb. The rule was not entirely beyond reason for, should a wife develop "Carrie Nation" propensities, such a small stick in the hands of a small husband might prove of little relief from the payment of a heavy judgment incurred by reason of the malicious destruction of the property of others by such a wife.

The wife has, however, always enjoyed an established legal status having many advantages. The first revised statutes of 1849 contained sections relating to divorce, dower rights, etc., many of which form the nucleus of the laws of the present. In fact, entire sections and almost entire chapters pertaining to domestic relations as between husband and wife have survived since 1849 with little substantial change. Furthermore, a study of the session laws from year to year gives credit to the men in granting to women additional rights as fast as they were able to make good use of them. Neither should the impression be had that when a woman married the law made no provision for any enjoyment of property by her. The dark cloud had a silver lining. Chapter 58, Revised Statutes of 1849 contained the following specific provisions:

First: Section 8 provided, "A general or beneficial power may be given to a married woman, to dispose, during the marriage, without

the concurrence of her husband, of lands conveyed or devised to her in fee."

Second: Subsection 1 of Section 15 provided that "A special and beneficial power may be granted to a married woman to dispose, during the marriage, and without the consent of her husband, of any estate less than a fee, belonging to her in lands to which the power relates."

From the foregoing it may be said that at no time in the history of this state was a wife prohibited from the enjoyment of real property free from the control of her husband of any estate any person desired to place under a power or trust for her benefit. Our forefathers traveled in ox carts whereas we travel in automobiles and aeroplanes. Both traveled with the means and times provided. So also did the married woman of the earlier day enjoy her separate property, but in a manner different from our conception of such enjoyment at the present day.

A rare parcel is found in Section 17, Chapter 79, Revised Statutes of 1849 which provided, that in case a wife started suit for divorce, "the court may on . . . the petition of the wife prohibit the husband from imposing any restraint on her personal liberty during the pendency of the suit." And another in Section 3, Chapter 146, Revised Statutes of 1858, which provided that, "When a husband and wife were impleaded and the husband absented himself or would not defend the rights of the wife, if she apply before judgment, she shall be admitted to defend without her husband."

Regardless of what restrictions were placed around the wife during coverture when, on the dissolution of the marriage contract, the rights of the wife were vigorously reasserted. Section 22, Chapter 79, Revised Statutes of 1849 provided on divorce the court may restore to the wife the whole or such part, as it shall deem just and reasonable of the personal estate of the wife that shall have come to the husband by reason of the marriage or for awarding the value thereof and also the value of any real estate of the wife disposed of by the husband during the coverture to be paid in money; and the court may require the husband to dispose on oath what personal estate has come to him by the marriage, how the same has been disposed of and what remains in his hands.

The foregoing statute "had teeth" even more so than the similar provisions of Section 247.34 which were derived from the early statute above cited.

Section 25, Chapter 79, Revised Statutes of 1849 provided that:

When the marriage shall be dissolved by the husband being sentenced to imprisonment for life, and when a divorce be decreed for the

cause of adultery committed by the husband, or on account of his being sentenced to imprisonment for a term of three years or more, the wife shall be entitled to her dower in his lands in the same manner as if he were dead;

The husband in the early days, in his responsibility for his wife's antenuptial debts as well as for her support and conduct, was given the control of whatever of her property that had not been specifically placed in trust for her benefit. However, his control carried a trusteeship for which he was held to a strict accountability on dissolution of the marriage. The responsibility of the husband is further illustrated by Section 2 of Chapter 59, Revised Statutes of 1849 which provided:

A husband and wife may, by their joint deed, convey the real estate of the wife, in like manner as she might do by her separate deed, if she were unmarried; but the wife shall not be bound by any covenant contained in such joint deed.

The wife could not convey her real estate unless her husband joined in her conveyance, however, his control over her disposal of her real estate relieved her of liability and placed upon him alone responsibility for breach of covenants contained in her conveyance.

Section 7, Chapter 134, Revised Statutes of 1849 which were the arson statutes contained a provision of more than historical interest in that it was therein provided that punishment for arson applied to a married woman when the property burned or set on fire belonged to her husband. Whatever other of her acts for which the husband was held accountable, nevertheless, the law made an exception for her punishment should she in a fit of anger burn the building of her own husband.

By way of illustration of what often happened under these early provisions, should a man of great wealth in personal property die intestate leaving a widow and one child, the wife took one-half this personal property. Should she marry again all this personal property, on the instant of marriage, became that of her second husband who could dispose of it at his pleasure. The injustice of such laws was apparent. Modern progress demanded more adequate provisions to suit the social order of progress. The matter having been left to the discretion of the legislature, the lawmakers, to their credit, promptly took action and, in 1850, following the example set by the sister states of New York and Pennsylvania, enacted Chapter 44, of the laws of that year entitled: "An act to provide for the protection of married women in the enjoyment of their own property." This legislation was a most radical departure from the old order and set an example for the more backward states in that it provided:

First: "That the real estate, and the rents, issues and profits thereof of any female now married shall not be subject to the disposal of her husband, but shall be her sole and separate property, as if she were a single female."

Second. "The real and personal property of any female who may hereafter marry and which she shall own at the time of marriage, and the rents, issues and profits thereof, shall not be subject to the disposal of her husband, nor be liable for his debts, and shall continue her sole and separate property."

Third. "Any married female may receive by inheritance, or by gift, grant, or devise, or bequest from any person, other than her husband, and hold to her sole and separate use, and convey and devise, real and personal property, and any interest or estate therein, and the rents, issues, and profits, in the same manner and with like effect as if she were unmarried and the same shall not be subject to the disposal of her husband nor liable for his debts."

The ink of the governor's signature approving the act had little more than dried when its legal effect was attacked. The provision authorizing a married woman to receive property from any person other than her husband provided a question as to whether, with good reason, a wife was still incapable of dealing with her husband and to receive title to property from him in any instance even in payment of his debt to her.

In 1853, in the case of *Norval v. Rice*, 2 Wis., page 22, the plaintiff was a widow who had acquired a separate estate from a former husband. While a widow, and of course in control of this sole and separate estate, she contracted to sell a portion of it to the defendant. Before payment was made, she married a second time and thereafter was obliged to bring suit to recover the purchase price. The question brought to an issue whether a wife could sue alone in such an action. The learned judge, in the opinion, ruled that it was competent for the wife to sue alone. In commenting on the act the following choice language appears: "The act certainly goes far towards clothing one class of females with strange and manly attributes, yet it is a meritorious statute, designed to remedy a supposed evil of the common law, and therefore it ought to be liberally construed." Thus, for the first time, a wife could sue in her own name for the recovery of such a right entirely independent of her husband.

In 1868, in *Feller v. Alden*, 23 Wisconsin, page 301, a wife who owned a separate estate consisting of a farm permitted her husband and children to reside thereon, cultivate the crops, and otherwise carry on the duties incident to farm life. His creditors sought by levy and execution to take certain of the crops. The question at issue being whether the wife, by such a family arrangement, had parted with her right to the issues, rents, and profits therefrom. The court gave the most liberal construction possible in its holding that a wife, who owns

a separate estate, may manage the same through the labor and skill of the husband and children and that the legal title to the products and proceeds are still in her and are not necessarily subject to levy and execution for the debts of her husband. In other words, her employment of the husband in such an undertaking does not go to prove that the wife is a party to be held to answer for an attempt to defraud his creditors.

In 1871, in *Beard v. Dedolph*, 29 Wisconsin, page 136, the facts at issue brought squarely before the court the interpretation of the clause authorizing a married woman to deal with and receive property direct from her husband. It was an attack directed at the very vitals of the married woman's separate property act. The wife, at the time of her marriage, had separate property consisting of money received from a former husband which was loaned to her husband. He gave her a note executed to him by third parties in payment of his debt to her. Payment of the note was resisted on the grounds that a wife could not, under the provisions of the act, receive title directly from her husband even in payment of his own debt to her. The decision, however, swept aside all such objections in holding that the intent of the act, as to the wife's separate estate, placed her on an equal footing with all the world including her own husband.

In 1874, in *Price v. Osborn*, 34 Wisconsin, page 34, a husband purchased property with his own money and caused the deed of conveyance to run to his wife. Later, the wife sold and transferred the property to another party whereupon the husband brought action to have her conveyance set aside. The court laid down the important rule that a wife can take title to real estate paid for by the husband where it is deeded to her at his request, that thereupon such property becomes her separate estate, that she can dispose of it at her pleasure, and that the husband can not thereafter recover or interfere with her conveyance. This rule applies even to property occupied as the homestead which the wife may own in her own name and dispose of at her pleasure regardless of the fact that the entire consideration was in fact paid by the husband. This liberal construction illustrates the intent of the court to construe the married woman's separate act to effectuate its purpose to give married women complete control of their separate property of every kind regardless of in what manner it may have been acquired.

In *Carpenter v. Tatro*, 36 Wisconsin, page 297, a unique situation arose where a husband obtained a divorce and in the decree was awarded the custody of a minor son of about ten years of age. The former wife soon thereafter remarried. Later it appeared that the father was unkind to the boy who, departing from the legal custody of his father,

sought refuge with his mother, and she with her second husband furnished a home and necessities. The mother took an assignment of a claim for the necessities so furnished by the second husband and, on vengeance bent, brought suit to collect from the former husband. She pursued the suit through to the Supreme Court, which denied her recovery on the grounds that the plaintiff was not the real party in interest. The importance of the decision rests in the holding that a wife can purchase property of any kind from her husband by using her separate estate therefor and absolute title to the property so acquired.

In *Dayton v. Walsh*, 47 Wisconsin, page 113, the decision went far beyond the expectations of the most ardent advocates of the act. In this case a married woman who had no separate estate whatever contracted to purchase a farm, in her own name, on her own credit, proceeded to operate the same with the assistance of her husband and children, made payments on the notes she had given, and thus proceeded to acquire a separate estate. Her husband's creditors sought to take some of the crops in payment of his debts. However, the decision held that, not having acted in bad faith for the purpose of defrauding the husband's creditors, the proceeds from the undertaking were the wife's separate property and hence not subject to her husband's debts.

In *McVey v. Green Bay & Minnesota Railway Company*, 42 Wisconsin, page 532, the term "grant" in the act was construed to include deeds of bargain and sale of land where it was argued with much force that a married woman was not permitted to acquire real estate by deed of a bargain and sale, and held that the same came within the purview of the wife's separate estate.

The foregoing cases illustrate the scope of rights married women had, at an early date, acquired under this one enactment giving separate property rights which may be briefly summarized as follows:

First: The wife was placed on the same footing as if unmarried as to her separate estate.

Second: She was permitted to manage her own property in her own way free from any control whatever by her husband.

Third: She was permitted to employ her husband or any one else to operate her separate property or business.

Fourth: She could take the entire proceeds from her separate estate into her exclusive control of absolutely free from any claims of her husband's creditors.

Fifth: She could place the proceeds of any of her undertakings in the hands of her husband to invest for her benefit, and her doing so gave his creditors no property rights or claims thereto.

Sixth: She was permitted to contract to acquire a separate estate entirely on her own credit.

Seventh: She could bring an action pertaining to separate property entirely independent of her husband's control.

Eighth: She could deal with her husband, could purchase from him, and take title to property so acquired by using her separate property for the purpose.

Ninth: And, most important of all, a wife could take title to property paid for by her husband and he could not thereafter recover the title thereto without her consent. Furthermore, her conveyance of such property to third parties was as valid as any other conveyance of her property. This rule, of course, applies as between husband and wife for his creditors, on a proper showing, have the right to have such conveyances as are tainted with fraud set aside.

The result was that the wife, under these early decisions was given, quoting the language of the court, "all the necessary ingredients of separate ownership of property both real and personal and that as a necessary consequence she became equally as independent of her husband in the assertion and maintenance of her rights in all courts of justice whenever those rights pertained to her separate property." The exercise of the right by the husband to sue alone to enforce the property rights of his wife were erased forever in 1850.

These most liberal interpretations have been consistently followed. It has even been held that a husband who had no authority from his wife to sell her land, entered into a contract signing her name to an agreement to convey was held liable in damages to third parties to the amount of \$2,500 due to his failure to deliver title. A husband who undertakes to deal with his wife's separate estate, even if his intentions are, as he believes, for her best interests, nevertheless, does so at his peril. See *Russell v. Ives*, 172 Wisconsin, page 123.

The wheel of progress has rolled with increasing momentum through the years as one by one the disabilities of women have been cast by the wayside.

In anticipation of the discussion of a later article, the following chronological order presents a remarkable evolution. The chapter of the enactment is shown in juxtaposition with the section number of the present statute in which each provision, in part at least, may now be found.

Married Woman's Separate Property Act.	Chapter 44, Laws of 1850.	Section 246.01.
Insurance for benefit of married women.	Chapter 158, Laws of 1851.	Section 246.09.
Married women permitted to transact business when the husband failed in his duties, etc.	Chapter 49, Laws of 1855.	Section 246.06.

Husband a necessary party with the wife except when the action concern:	Chapter 120, Sec. 18, Laws of 1856.	Section 260.16.
A. Her separate property.		
B. Or alleged antenuptial debts.		
Married women permitted to make their own wills free from the written consent of their husbands.	Chapter 91, Laws of 1859.	Chapter 238.
Widow made the heir to the homestead when no issue survives the husband.	Chapter 270, Sec. 2, Laws of 1864.	Section 237.02.
Coeducation established at the State University. (See <i>History of Women's Suffrage</i> , Vol. III, page 642).	1867.	Section 36.15.
Widow made heir to all husband's estate when no issue and no will.	Chapter 61, Sec. 1, Laws of 1868.	Section 237.01.
Husband made heir to all the wife's property when no issue whatsoever and no will.	Chapter 121, Sec. 1, Laws of 1870.	Section 237.01.
Married women authorized to be guardian of their own children by a former marriage.	Chapter 123, Sec. 1, Laws of 1870.	Section 319.36.
Husband relieved from liability for the antenuptial debts of the wife.	Chapter 155, Sec. 1, Laws of 1872.	Section 246.08.
Married woman's separate earnings act.	Chapter 155, Sec. 2, Laws of 1872.	Section 246.05.
Females permitted to practice law.	Chapter 300, Sec. 1, Laws of 1877.	Section 256.28, Subsection 5.
Married women authorized to release dower by separate conveyance.	Chapter 197, Sec. 1, Laws of 1878.	Section 235.26.
Women authorized to act in capacity of a notary public.	Chapter 194, Sec. 2 (3) Laws of 1879.	Chapter 137.
Married woman's separate earnings act.	Chapter 99, Sec. 1, Laws of 1881.	Section 246.07.
Labor provisions amended:	Chapter 134, Sec. 1, Laws of 1883.	
Women not permitted to be employed in factories more than eight hours a day, etc.		
Husband relieved from liability for torts of wife.	Chapter 25, Sec. 1, Laws of 1883.	Section 270.79, Subsection 1.
Judgment against wife for her tort not a lien on the property of the husband.	Chapter 25, Sec. 1, Laws of 1883.	Section 272.05, Subsection 9.
Mortgage on exempt personal property void without signature of the wife.	Chapter 218, Sec. 1, Laws of 1885.	Section 241.08.
Women permitted to vote at school elections.	Chapter 211, Sec. 1, Laws of 1885. See also, Chapter 285, Laws of 1901.	

Married women authorized to act as trustee, executor or administrator.	Chapter 68, Sec. 1. Laws of 1889.	Section 319.36.
Married woman who is attorney authorized to act as assignee, receiver, etc.	Chapter 34, Laws of 1891.	Section 246.10.
Conveyances between husbands and wives legalized, etc.	Chapter 86, Sec. 1. Laws of 1895.	Section 246.04.
Allowances consisting of family pictures and fuel allowed to the widow.	Chapter 76, Sec. 1. Laws of 1901.	Section 318.01, Subsection 1.
Wife authorized to bring action for alienation of affections of husband.	Chapter 17, Sec. 1. Laws of 1905.	Section 246.07.
Assignment of husband's wages limited and void without signature of the wife.	Chapter 148, Sec. 1. Laws of 1905, Section 1.	Section 241.09.
Alienation of the homestead for any purpose void without the wife's signature.	Chapter 45, Sec. 1. Section 1.	Section 235.01.
Allowances of residue for support, etc., increased to \$500.	Chapter 56, Sec. 1. Laws of 1909.	
Allowance of residue increased to \$1,000.	Chapter 542, Sec. 1. Laws of 1913.	Section 318.01, Subsection 4.
Allowance increased to include all household furniture.	Chapter 536, Sec. 1. Laws of 1913.	Section 318.01.
The Eugenic Law enacted.	Chapter 738, Sec. 1. Laws of 1913.	Section 245.10.
The widow made heir to one-half personal property when one child and one-third otherwise.	Chapter 44, Sec. 1. Laws of 1917.	Section 318.01, Subsection 6.
Limitation as to value of homestead removed as between widow and the heirs.	Chapter 552, Sec. 1. Laws of 1917.	Section 237.02, Subsection 2.
Allowance of residue of \$1,000. amended to apply to personal property.	Chapter 411, Sec. 2. Laws of 1919.	Section 318.01, Subsection 4.
Dower increased to fee in one-third all real estate outside the homestead.	Chapter 99, Sec. 1. Laws of 1921.	Section 233.01.
Wife granted joint guardianship rights with husband.	Chapter 147, Sec. 1. Laws of 1921.	Section 319.03.
Curtesy limited not to apply on remarriage of widower.	Chapter 31, Sec. 1. Laws of 1921.	Section 233.02.
Equal Rights Statute enacted.	Chapter 529, Secs. 1 and 2. Laws of 1921.	Section 6.015.

No attempt has been made to trace the development of laws relating to employment which, during the past few years have been completely revised and enlarged, for the reason that it is not likely that the courts will construe that women have, in obtaining so-called equality legislation, parted with the protective provisions applicable to industry given under the cloak of legislation for the general welfare the police power.

It is possible, however, that in the years to come situations may be brought to issues where even some of the protective provisions now afforded to women in the industries may be modified.

A later article will treat further with the exceptional advantages of women, under the law, in this state,—especially married women, as contrasted with the numerous disabilities of men,—especially married