

THE LAW STUDENT'S HELPER.

Rights of Married Women in Louisiana.

Judge E. T. Merrick, of New Orleans, in a letter to Myra Bradwell, in referring to the property rights of married women in Louisiana, says:

"The origin of the right is curious to trace. The community of 'acquets and gains' did not exist in the Roman law, and did not prevail generally in France. It was introduced by the Franks, a German people who conquered certain French provinces, and who possessed Paris and established it there, as well as at other places conquered by them. Hence it was called the 'Custom of Paris.' About the 5th century A. D., the Visigoths, another German race, extended their conquests into Spain, especially into the northern provinces, and established themselves there, and finally became blended with the people of the country, speaking their language, after having established as a part of the laws of those provinces the ancient German institution, 'acquets and gains,' in favor of their wives.

This provision, of certain of the Spanish provinces settled by the Visigoths, was carried into the laws promulgated by the Spanish rulers for the government of the Indias, the countries discovered by Columbus.

Louisiana was first, as you know, settled by the French, and its laws were French, until 1769, when it was taken possession of by the Spaniards, under O'Reily. The treaty of transfer had been signed in 1762.

In 1769, the French laws were abrogated, and the Spanish laws of the Indias substituted and promulgated. The Spanish laws were the laws of the Territory when Louisiana was acquired in 1803, and they are the basis of the Louisiana code, and our judges are bound to take judicial notice of them, while the French laws require to be proven. Hence, Mrs. Merrick, your fast friend, becomes entitled to one-half of all we have made during marriage, by virtue of the settlement of some rude warlike Visigoths in Spain, 1,400 years ago, who had given equal rights to their wives, who worked in the fields and went to battle with them. It is but just to say that, for many years, the Louisiana law has given the usufruct of all the community property to the surviving spouse, while he or she remains single. The preceding is for your consideration as a lawyer."—*Chicago Legal News*.