

NEW YORK, 9th February, 1892

My dear Bessie:-

I duly received your letter of the 6th inst. in which you ask (1st) whether the marriage of a woman of nineteen in this State would be valid without the consent of either of her parents or her guardian ?, (2nd) whether while she remains a minor and unmarried her father can lawfully prevent her having any communication with her intended husband or his family, and (3rd) whether ^{the father?} he or his agent can lawfully open letters addressed to her.

The answer to your first two questions is, that any female over the age of sixteen years can, in this State, contract a valid marriage without the consent of either her father, her mother or her guardian, but that so long as she remains unmarried and a minor, her father may exercise such control over her intercourse with any person other than her mother as he sees fit, provided only he does not resort to cruelty or personal violence.

As to whether letters addressed to a young woman of that interesting age can lawfully be intercepted and opened is a question which our Penal Code appears to answer in the negative. Section 642 of that admirable work reads as follows: "A person who without authority opens or reads or causes to be opened or read a sealed letter or telegram x x x x is guilty of a misdemeanor" and may be punished therefor either by a fine not exceeding Five hundred dollars, or by imprisonment not exceeding one year, or by both. This is the letter of the law, but as has been wisely ob-

served the "letter killeth", and as has been further remarked the force of a thing consists in "the application ^{on} ~~of~~ it". So that while Judge Wright, or rather his agent Miss Gavit, may be technically guilty of a misdemeanor, yet, in view of her position as head of a girls' school and of his orders to her, I am confident that no jury would ever find her guilty, and if they did that no judge would impose any other penalty than a nominal fine. It would, in my opinion, be most unwise to try to make use of this section of the Penal Code. The only person who could possibly be annoyed by it would be Miss Gavit, for as long as Judge Wright remained in Michigan, he would be safely out of the jurisdiction of our courts and no good could result to anyone.

The United States Statutes against tampering with the mails don't cover Miss Wright's case at all, for the letters pass out of the control of the Post Office as soon as they are delivered at St. Agnes' School. So much for the law.

As, however, Miss Wright's grandmother is favorable to the marriage and also pays for that young woman's tuition, why can't you get her to interfere and threaten to withdraw the supplies unless she is allowed to receive Tom's letters. If Judge Wright can't be moved by this threat, the prospect of the loss of a pupil would certainly make Miss Gavit think seriously about changing her mode of procedure. Failing this, I don't see anything for Tom and Miss Wright to do except to make arrangements for an elopement or else wait patiently for eighteen months to elapse, in the meantime seeing or corresponding with each other as often as the some-

what adverse circumstances will permit. After all, eighteen months is by no means an eternity, and their present enforced abstinence from each other's society will only add zest to their happiness when they meet. If they are really fond of each other, they can well afford to wait and give the old curmudgeon time to come around.

Don't think that I don't sympathize with the young lovers in their trials. I do most heartily, but it does seem to me to be preeminently a case where one must "have patience and shuffle the cards" as the Spanish proverb says. After all, do these young people suffer quite as much as they think they do? Jacob served seven years for Rachel and then had to take Leah into the bargain and serve seven years more, "and they seemed unto him but a few days for the love he had to her". So why should not our lovers wait a year and a half with equanimity. At twenty-five I took a different view of these matters I must admit, but as Thackeray says "Wait till you get to forty year"

"Then you know the worth of a lass"

"Once you have come to forty year."

"Gillian dead - God rest her bier!"

"How I loved her twenty years syne!"

"Marian's married, but I sit here

"Alone and merry at forty year

"Dipping my nose in the Gascon wine !"

Pray, give my love to Tom, and tell him that he has my very best wishes for his success and happiness in his matrimonial ven-

ture. I hope that I shall soon have the pleasure of meeting Miss Wright, and that despite her father it will not be many months before she can subscribe herself Virginia Kane.

Of course I have not and shall not mention this matter to any one.

Yours faithfully
Chalmers Lovell
To
Mrs Thomas L. Kane,
Kane
McKean County
Pa

LEAVITT, WOOD & KEITH,
COUNSELLORS AT LAW.

JOHN BROOKS LEAVITT,
CHALMERS WOOD,
BOUDINOT KEITH.

TRINITY BUILDING,
111 BROADWAY,

NEW YORK, 13th February, 1892

St Valentine's Eve.

My dear Bessie:-

The only contract that a woman under the age of twenty-one can enter into is that of marriage. In all other respects, except that she can make a valid will of personal property after she is sixteen years old, she is a minor until she attains the age of twenty-one, and is entirely under the control of her parents or guardians. Should she marry between the ages of sixteen and twenty-one, her parents would cease to have any further control of her person in this State, but still she could neither dispose of her property (except of her personal property by will), nor make any other contract which would be binding on her except that of marriage until she attained the age of twenty-one years.

Of course, as I stated in my previous letter, no parent would be allowed to treat his child cruelly or rob her of her property or compel her to lead an immoral life. But preventing her from seeing or corresponding with her lover or his family, however cruel it might be in fact, would not be so regarded in law.

Of course I am only giving you the law of the State of New York on this subject, not that of Michigan, but I don't believe the law of the latter State on these matters differs materially from that of the former.

I wish I could give more encouragement to the lovers, but it is the fault of the law, not of the lawyer. Hoping you will be able to devise some extra legal way of circumventing the ancient Wright,

To Mrs Thomas L. Kane I am, *your affectionate brother*
Chalmers Wood

LEAVITT, WOOD & KEITH,
COUNSELLORS AT LAW,
111 BROADWAY, NEW YORK.



Mrs Thomas L. Kane
Kane,
McKean County
Pennsylvania

