

"Nothing in this section contained shall render available to satisfy any liability or obligation arising out of such contract any separate property *which she is restrained from anticipating.*"

It will be seen that there is room for argument that the absence of the words "at that time or thereafter" before the words "restrained from anticipating," would enable an Ontario Court to say that the proviso is limited in its operation to property, which *at the time it is sought to be made available under execution* against the married woman, she is *then* restrained from anticipating, and that it would not exonerate property from liability to execution, which she at one time was restrained from anticipating, but which has subsequently, by reason of her becoming discoverd, become freed from such restraint, and is so freed at the time it is sought to be made available.

MARRIED WOMEN AS NEXT FRIENDS.

The Ontario Act respecting infants furnishes rather a melancholy example of the effect of putting new cloth upon old garments. The amendments of recent years have mostly been made with the view of keeping the law abreast of the constantly expanding rights of married women, with the result, as has happened elsewhere, that married women's rights have in some respects outstripped those of their husbands. Thus the act as it stands in the last revision provides that the Court "may appoint the father of an infant to be guardian." Elsewhere in the act the right of the father to appoint a guardian is assumed, and the right of the mother to appoint a guardian as expressly conferred; in neither of these latter cases does the act require security from the appointee. Moreover, under the act, upon the death of the father the mother becomes ipso facto guardian of her children without security. But if the father is appointed under the act he must furnish a bond in a "penal sum with such security as the Judge directs and approves." The act gives the guardian, whether appointed or constituted, very wide powers. He is "authorized to act for and on behalf of the ward," to "prosecute or defend any action," and to "have the charge and management of his or her estate." One can understand the need for security for the proper performance of such duties, but why should it be exacted from the father and not from his appointee or from the mother or her appointee?