

entered into during coverture. By s. 4 (1) "Every married woman who shall have married before the commencement of this Act, shall and may, without prejudice and subject to the trusts and provisions of any settlement affecting the same, notwithstanding her coverture, have, hold, enjoy and dispose of all her real estate, whether belonging to her before marriage or in any way acquired by her after marriage, otherwise than from her husband, free from his debts and obligations and from his control or disposition without her consent, in as full and ample a manner as if she were sole and unmarried;" (2) "The real estate of any woman married after the commencement of this Act, whether owned by her at the time of her marriage or acquired in any manner during her coverture, and the rents, issues and profits thereof respectively shall, without prejudice and subject to the trusts and provisions of any settlement affecting the same, notwithstanding her coverture, be held and enjoyed by her for her separate use, free from any estate therein of her husband, during her lifetime, and from his debts or obligations, and from his control or disposition without her consent, in as full and ample a manner as if she were sole and unmarried, and her receipts alone shall be a discharge for any rents, issues and profits of the same." The striking dissimilarity in the wording of these provisions naturally forbids placing a construction upon them which shall not give effectual recognition to the effort of the Legislature to place upon a separate footing the two classes of married women dealt with by the section. The difficulty suggested in construing sub-section 1 is in large part due to the necessity felt of preserving a distinction between it and sub-section 2, for by itself sub-section 1 is comparatively free of doubt.

In determining the meaning of sub-s. 1 it does not seem that recourse can be had to s. 3 (1) by which it is provided that "a married woman shall be capable of acquiring, holding and disposing by will or otherwise of any real or personal property as her separate property in the same manner as if she were a feme sole, without the intervention of any trustee." It is held to be a general, enabling section, and its force is restricted by or subordinated to other sections of the Act: *In re Cuno*, 43 Ch. D. 12; *In re Drummond & Davies' Contract* (1891), 1 Ch. 530. Nor do I think that the question whether a woman married before the commencement of the Act can contract during coverture since the Act so as to bind her real estate is concluded by the provision of s. 4 (3) that