

JUDICATURE ACT—MARRIED WOMEN'S PROPERTY ACT.

tem has passed away, that if they would discharge the judicial office with effect, and so as to command respect, they must be familiar with every branch of law with which they may have to deal judicially; and that now to ascend the Bench with adequate knowledge of but one branch of law, is like a soldier going into battle with but one leg, or one arm.

There is danger that the attempt to widen the field of legal study may result in the acquirement of a shallower and more superficial knowledge of the subject than is attained by those who restrict their researches to a narrower field; and we may have a generation of lawyers more widely informed than their predecessors in the law as a whole, though less accurately versed in particular branches of the law. Whether this will be beneficial to the community at large, time alone can tell.

Another, and a serious matter affecting the future status of the Bench, is the question of remuneration. Ominous rumours have reached us that a high judicial functionary in the zenith of his powers and usefulness, is seriously contemplating retiring from the Bench, and resuming practice at the Bar, simply on account of the inadequacy of his official pay. Such a step, we do not hesitate to say, would be a public calamity, and even the bare possibility of such a proceeding is greatly to be deplored. The retention of the salaries of the judges at their present figure is justified, we believe, on the ground that it is found that men can be got who are willing to accept the office at the present remuneration. This is, however, really an argument for the reduction of the salaries to half their present amount, for we are quite sure if they were reduced by one half to-morrow, we could within twenty-four hours find respectable men to fill every vacant post at the reduced rate. We would not answer, however, for their

judicial ability, nor guarantee that they would be the best men to make judges. It is notorious that the present salaries are not sufficient to tempt the most competent men; and if the leaders of the Bar, the men who have established reputations for learning and ability, cannot be tempted to take judicial office merely on the ground of the insufficiency of the pay, then it will inevitably come to pass that the Bench as a whole will become inferior in capacity to the Bar, to the grievous detriment of litigants, and the public interests.

It is somewhat curious that although twenty-eight years have elapsed since our first Married Women's Property Act was passed, it was only the other day, for the first time, that the question came before the courts as to the effect of the existence of a marriage settlement on the operation of the Act.

It will be remembered that the Act of 1859 (C. S. U. C. c. 73) provided (section 2) that "every woman, who on or before the 4th day of May, 1859, married *without any marriage contract or settlement* shall and may, from and after the 4th May, 1859, notwithstanding her coverture, have, hold and enjoy all her real estate not then, that is on the 4th day of May, taken possession of her husband by himself or his trustee, and all her personal property not then reduced into the possession of her husband, whether belonging to her before marriage, or in any way acquired by her after marriage, free from his debts, etc., etc." It is obvious that a question might arise upon the construction of this Act, as to the effect of the words we have italicized. And yet, strange to say, notwithstanding all the litigation which has arisen under the Statute, the precise effect of these words seems never to have been called in question until the case of *Dawson v. Moffatt*, 13 O. R. 170. In