

CORRESPONDENCE.

gentlemen appointed by the local governments and above referred to, we do not feel justified in refusing to publish the letter of our esteemed correspondent. The subject is in itself a very important one; but we do not at present propose to discuss it, inasmuch as the question of jurisdiction spoken of is still before the Supreme Court. We shall, however, return to the subject again. Eds. L. J.]

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Married Woman's Act.

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To the Editor of THE LAW JOURNAL :

SIR,—Notwithstanding an expression of his Lordship, Mr. Justice Patterson, in his well-considered judgment in *Standard Bank v. Boulton*, 3 App. R. 101, intimating that real estate acquired after the date of the passing of the Married Woman's Act of 1872, by a woman married before that Act took effect is such separate estate as can be bound by her contracts. The writer ventures to submit that such a construction of the Married Woman's Act now in force (cap. 125, R. S. O.) would not be correct. There can be no doubt but that such was the effect of the Act in question before the Revised Statutes of Ontario took effect (January 1, 1878), as is clearly laid down in *Adams v. Loomis*, 22 Grant, 99, and 24 Grant, 248; but the writer submits that this can be no longer law.

A perusal of sec. 1, cap. 16, 35 Vict. (Ont.) and of sec. 4, cap. 125 R. S. O., will at once indicate the great change in the Act as consolidated, which change was in effect made by cap. 7, 40 Vict. Schedule A (156). The Act as consolidated, and now in force, enacts that the *date of marriage* determines the powers a married woman shall have over her real estate. A woman married between the 5th day of May, 1859, and the 2nd day of March, 1872, has, during such marriage, over her real estate, no matter when acquired, merely the *jus prolegendi*, and cannot bind such real estate by her contracts—See section 3 of the Act as revised. A married woman after that date has, during marriage, all the powers of a *feme sole* over her real estate, and can bind it by her contracts made with reference to it—

See section 4 of the revised Act. Probably no Statute passed in this Province has given rise to so much litigation as the Acts relating to married women, owing, probably, to the fact that the Legislature desired to protect her estate and extend her powers over it, but did not correctly appreciate how this should be accomplished.

The writer thinks that the Statute—as now revised—interfering with no vested rights, is less open to objection than the Act of 1872. At present, a husband married before the 2nd March, 1872, is not deprived of his tenancy by curtesy, no matter when his wife acquires her real estate; but such was not the law—see *Adams v. Loomis*—prior to the revised Act. It certainly was hardly fair that a husband who married before 1872 should be deprived of his estate in his wife's lands which previously he had, no matter when such lands were acquired, on birth of issue of the marriage. This anomaly no longer exists.

SOLICITOR.

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Chancery Briefs.

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To the Editor of CANADA LAW JOURNAL:

SIR,—In the March number of the LAW JOURNAL, you refer once more to the annoyance and inconvenience suffered by the Judges from the omission of dates of pleadings in Chancery Briefs. I venture to suggest a simple, and I believe efficacious, remedy.

Let the Chancery practice follow that of the Common Law, and direct that every pleading shall bear date on the day it is filed—(see Rev. Stat. Ont., cap. 50, s. 88). The date should be inserted on the line immediately above the first paragraph of the Bill or Answer; then the copying clerk will find the date on the face of the document he is copying into the Brief, and he will no more omit the date in a Chancery Brief than he would in a Common Law Brief or Record. The difficulty now is, that the copying clerk, in order to get at the date of the filing, has to refer either to some other document, or perhaps to some memo. at the foot of or endorsed on the pleading, and that is an amount of care and attention which it is hopeless to expect.

Yours truly,

A. B. C.

Hamilton, 7th March, 1879.