

SELECTIONS

BURTON, J., held that *or* was the correct word to use, and that "effectually prosecute" meant "successfully prosecute," but disallowed the bond on the second objection, holding that the proper condition must be found based upon the language in R. S. O. cap. 38, sec. 27. sub-sec. 4.

Liberty was given to file new security.

Cassels for plaintiffs (respondents).

Crooks, contra.

SELECTIONS.

NEW ENGLISH MARRIED WOMEN'S PROPERTY ACT.

Quietly, and almost unobserved by the mass of the persons whom it will affect, a Bill fraught with no small consequence to nearly half the community has been passing through Parliament. The Married Women's Property Bill was brought from the Lords as long ago as May 22. In the Commons it was blocked by the tactics of Mr. Warton. But it has been triumphant even over him, and was read a third time on Tuesday, and the amendments of the Commons were agreed to yesterday by the Lords. More than once in other years the measure seemed on the point of passing, and yet was at the last moment shunted, owing to those vague but potent reasons known as "the state of public business." The Bill has not been advanced to its final stage without deliberation. It has been subjected to the scrutiny of three Select Committees; it has been amended in the Lords; and if the authors and friends of the Bill have proceeded upon wrong lines, they have done so with malice prepense. The policy of the measure may be good or bad, but there can be no mistake about the magnitude of the change which it will introduce. It is intended to amend and consolidate the Acts of 1870 and 1874; but it is much more than a consolidation Bill. The first section shows the sweeping character of the alterations which it may make in the economy of many English households. When the Bill becomes law, a married woman will be capable of acquiring, holding and disposing, by will or otherwise, of real or personal property as her separate estate, just as if she was single. The intervention of trustees and the rest of the apparatus of settlements will not be requisite. At Common Law—and with some modifications the same still holds good—a married woman could not enter into any contracts; if she went through the form of doing so, the result was null. She was more helpless in this respect than infants and lunatics, the two classes in whose company she habitually figured in Eng-

lish law. Everything which she acquired, no matter in what manner, went to her husband, and at death to his personal representatives. If she were injured in a railway accident and recovered damages, she might see the compensation spent by her husband as he in his wisdom or folly thought fit. A married woman might work hard and earn money as an artist or washerwoman. Her receipt for the price of her labour was no receipt at all, and the person who trusted to it and paid her might have to do so twice over. In several respects this has already been altered, and greater changes are proposed. Under this Bill every married woman will be capable of "entering into and rendering herself liable in respect of and to the extent of her separate property on any contract, and of suing and being sued, either in contract or in tort, or otherwise, in all respects as if she were a *feme sole*, and her husband need not be joined with her as plaintiff or defendant, or be made a party to any action or other legal proceeding brought by or taken against her." Hereafter the damages which she recovers for a broken leg or injured reputation will be her separate property. An important change will be effected by the adoption of the clause which proposes to enact that every contract into which a married woman enters will be deemed to be a contract binding her separate estate, unless the contrary be shown. A leading presumption of law will thus apparently be altered at a stroke. Of still more consequence is the proposal that in the case of any woman married after the measure comes into operation, she shall hold as her separate estate and be free to dispose of, without limitations as to the amount, "all real and personal property which shall belong to her at the time of marriage, or shall be acquired by or devolve upon her after marriage." Thus at a stroke goes the prime necessity for settlements. Not content with making this measure prospective, the framers of it boldly go on to say, "Every woman married before the commencement of this Act shall be entitled to have and to hold and to dispose of in manner aforesaid as her separate property, all real and personal property, her title to which, whether vested or contingent, and whether in possession, reversion, or remainder, shall accrue after the commencement of this Act, including any wages, earnings, money, and property so gained or acquired by her as aforesaid." Compared with these clauses, most of the others are tame and commonplace. But it is perhaps worth while to note that the Bill proposes to give to every married woman the same civil and criminal remedies against all persons, and, subject to certain exceptions, "including her husband," for the protection and security of her separate property as if it belonged to a *feme sole*; that, conversely, a wife is to be liable to criminal proceedings by her husband, if she deals improperly with his property; and that if she happens to carry on trade separately from her husband, she may be made bankrupt.