

THE ACTS OF LAST SESSION.

Chap. 13 introduces a small amendment into sec. 11, of the Act respecting the registration of co-partnerships and business firms (R. S. O., c. 123.) That section provides that "*every member of any partnership*" who fails to comply with the requirements of the Act shall forfeit a penalty of \$100. The Act of last session inserts after the word "partnership,"—the words "or other person required to register a declaration under the provisions of this Act."

Chapter 14 is entitled an Act to further provide for the Release of Dower of Married Women in certain cases, and supplements and interprets certain sections of the Act respecting dower (R. S. O., c. 126). Sec. 1 of the new Act empowers an owner of land to apply for a Judge's order enabling him to *mortgage* his land free from dower, notwithstanding the dissent of his wife, where his wife has been living apart from him for two years under such circumstances as by law disentitled her to alimony, and thus this section extends the provisions of R. S. O., c. 126, sec. 10., as added to by 41 Vict., c. 8, sec. 13, to the case of mortgages as well as sales. But it may be worth while to remark that there does not appear anything in the Act of last session extending to mortgages *mutatis mutandis* the amendment introduced into R. S. O., c. 126, sec. 10, by 43 Vict., c. 14, sec. 4., viz: that the said section shall apply to any case in which an agreement for sale had been made, a conveyance executed by the husband before the passing of the Act and part of the purchase money retained by the purchaser on account of dower, or an indemnity given against such dower.

Sec. 2 of chapter 14 enlarges the powers given to a Judge under R. S. O., c. 126, secs. 8 and 9, of making an order barring dower on the sale of land, notwithstanding non-concurrence of the wife, in cases where she is of unsound mind and confined in an asylum, by extending a similar power to cases where, though not so confined, the gaol surgeon of the district where she re-

sides, and another medical man to be named by the Judge, duly certify that they have personally examined such married woman and believe her to be insane, and where the said Judge certifies to the same effect. There appears, however, to be this difference, that where the application is made to a County Court Judge, under R. S. O., c. 126, secs. 8, 9, it is to be made to the Judge of the county where the owner of the land resides, whereas, applications under sec. 2 of the Act of last session are in such cases to be made to the Judge of the County Court where the woman resides. There is also a further restriction, viz., that the examination and certificates, in cases under the said section, must be made and granted within one calendar month, and the application must be made within one month of the day upon which the last of such examinations took place.

Sec. 3 then goes on to extend sec. 2 and R. S. O., c. 126, sec. 8, so as to make them apply to mortgages as well as sales. Sec. 4 provides for subsequent orders of the same kind as those authorized by R. S. O., c. 126, sec. 8, 9, and by secs. 2, 3 of the Act under review, and provides that the Judge may afterwards make orders in respect of other sales or mortgages on the like evidence, or on any other evidence which may satisfy him, of the continued insanity of the married woman. Sec. 5, then, does for this Act, and for R. S. O., c. 126, sec. 10, what 43 Vict. c. 14, sec. 4, does for R. S. O., c. 126, sec. 9, viz., extends their application to any case where any person owns or has the right to sell or mortgage (whether as trustee or otherwise) land which is subject to the dower of a lunatic, whether such dower is inchoate or complete, and whether the person applying is or is not the husband of the lunatic. Sec. 6 and last then provides, as does R. S. O., c. 126, sec. 10, that secs. 6, 7, 8 and 10 of the Married Woman's Real Estate Act, (R. S. O., c. 127), shall apply to orders made under this Act.

It will thus be seen that the principal effect