

money furnished her from time to time by her husband from his wages and other sources, will be required to convey a half interest therein to her husband, where the money was given her for the express purpose of being invested in land for their joint benefit, share and share alike.

J. H. Senkler, K.C., for plaintiff, respondent. *R. M. MacDonald*, for defendant, appellant.

ANNOTATION ON THE ABOVE CASE.

1. *Wife having custody or control of husband's money.*

Under sec. 10 of the Imperial Married Woman's Property Act of 1882 (45 & 46 Vict. ch. 75), where any investment is made by a wife in her own name with money belonging to her husband without his consent, any Judge of the High or County Court may order the investment and dividends, or any part thereof, transferred or paid to the husband: 16 Halsbury's Laws 404. And any savings of a married woman made while living with her husband, from the proceeds of his business, or from an allowance by him for housekeeping expenses, dress or the like, belongs to the husband, although invested in the name of the wife, unless it appears that he intended that such savings should belong to the wife as a gift from him: 16 Halsbury's Laws 358; *Bruneau v. Lefairre*, 34 Que. S.C. 173; *Barrack v. McCulloch*, 3 Kay & J. 110. So savings made by a wife, from money remitted unconditionally to her by her absent husband, above the maintenance of the family, and deposited by her in bank in her own name, belong to her husband on a separation between them taking place: *Birkett v. Birkett*, 98 L.T. 540. And where a married woman sold chattels belonging to her husband, who was of unsound mind, although not so found, and applied the proceeds to her own use, on the death of her husband his representative is entitled to recover the proceeds of such sale from the wife's executor: *Re Williams, Williams v. Stratton*, 50 L.J.Ch. 495. The general rule in the United States, as shewn in the annotation to the case of *Ford Lumber & Mfg. Co. v. Curd*, 43 Lawyers' Reports Annotated 685, is that money saved by the wife in managing the home of husband and wife belongs to the husband; and that, in general, property purchased by the wife therewith, belong to the husband, and may be reached by his creditors.

But a married woman will be entitled to savings made by her from a household allowance, etc., if it appears that her husband intended that she should take it as a gift: 16 Halsbury's Laws 358. Thus, where a married man permits his wife to have for her separate use the profits from butter, eggs, etc., beyond what was used in the family, and the husband borrows a portion of the wife's savings, she may prove the claim against his estate, especially where there is no deficiency of assets: *Slanning v. Style*, 3 P.W. 337. And where a married woman is permitted by her husband to retain two guineas from every tenant who renewed a lease with