

advised so to do, in the proper division of the High Court, against the wife for restitution of conjugal rights, and he can, out of his own property (for I understand from Mr. Ince that he carries on a large business) provide a house for the wife and ask her to reside there." What a husband who is not carrying on a large business, can do, the Judge does not say. The motion was appealed, and the order affirmed, on the unsatisfactory ground "that the husband was proposing to go to the house, not for the purpose of associating with his wife, as a husband, but for the purpose of using the house as a house," and the Judges expressly reserved their opinion upon the abstract question. Cotton, L. J., said, "The question raised here is one of the very utmost importance, and it must not be supposed, by my concurring in what is the view of the other members of the court, that the injunction should not be disturbed; that I look with the slightest favor on the contention of the plaintiff's counsel that there is a right, in the case of a married woman being entitled to a house for her separate use, that she should come to a court of equity to restrain her husband at her will and pleasure from entering there. I shall not decide the question now in any way, because the opinion of the court, in which I concur, is, that under the circumstances of the case, it would not be desirable to discharge this injunction. But, in my opinion, it will have to be seriously considered whether there is, in the creation of a court of equity—which separate estate is—anything which would entitle a wife to exclude her husband from the place where she is residing and from coming there to exercise the rights he has of a husband. Undoubtedly, Courts of Equity have said that, where property is settled to the separate use of a married woman, she is, as regards that property, to be considered as if she were a *feme sole*. That is so; and, as regards protecting the property against the interference by the husband, if he wishes to deal with it as his property, and to deprive his wife of the property in it, then, undoubtedly, courts of equity do interfere, and it is their duty so to do; but where it is not interference with the property, assuming it is the property of the wife,