

The mortgagor might probably have moved against it on the ground of irregularity, but that a stranger to a suit has any right to complain of irregularities which do not affect him is a novel doctrine.

HUSBAND'S LIABILITY FOR HIS WIFE'S TORTS.

In an article on this subject in the *London Law Times*, the writer speaks at some length as to the right of a husband to inflict corporal punishment upon his wife. After giving some history as to this right he remarks that he does not desire to encourage any husband to revive the so-called privilege, which, indeed, would be a hopeless task. He then continues:—

“Generally speaking, a wife could not commit a tort in the eye of the law, or, to put it in another way, any tort she committed as against third parties was a tort committed by her husband. There is, of course, abundant authority for this proposition. Let the reader refer to the judgment of Sir George Jessel, when Master of the Rolls, in the case of *Wainford v. Heyl* (33 L.T. Rep. 155; 20 Eq. 321). This, of course, relates primarily to torts committed during coverture. But the point to observe is that this liability of the husband is a joint liability. He is jointly responsible with his wife to the person against whom she has committed the tort.

When the Married Women's Property Act, 1882, was passed, questions arose whether this joint liability was affected by the Act. Up to the passing of that Act the wife had no property which was not her husband's except her separate estate under the doctrine of equity, her paraphernalia, and certain things secured to her under previous statutes. The effect of the Act of 1882 was to secure to her, as it were, a statutory separate estate. Wherefore, it was suggested, her statutory separate estate was a fund for discharging her liabilities, whether in tort or contract. To put such a construction on the Act would be, as was pointed out by Mr. Justice Mathew in the important case of *Seroka v. Kattenberg* (54 L.T. Rep. 649; 17 Q.B. Div. 177, at p.