

THE DOMINION AND THE EMPIRE—ENFORCEMENT OF MARRIED WOMAN'S CONTRACT.

ment, Mr. Todd declares (p. 459) to be essential to the efficiency and stability of parliamentary institutions; and he enforces this remark in a striking manner by a reference to the American constitution. He says:—

“The framers of the American constitution deemed it necessary in the interest of the nation to entrust large powers to the President, including a right to veto the legislation of Congress, unless, upon reconsideration, two-thirds of both Houses should require the passing of a measure of which the President had disapproved.

“In view of the more extended powers which are practically confided to a parliamentary ministry able to command a majority in the popular chamber, it is evident that some restraint upon their actions is needful to counteract possible corruption or abuse. This restraint is afforded by the vigilant oversight of the sovereign or her representative.”

And he goes on to remark that in a British colony the representative of the Crown is usually a man of special qualifications for his exalted office.

But notwithstanding the importance of maintaining the lawful authority of the Sovereign, Mr. Todd warns us (p. 19) that:—

“Practically, ever since the commencement of the Reform movement, in 1830, the constitutional monarchy of England has been in danger, through the onward progress of democratic ideas, of being converted into a purely ministerial oligarchy; to the detriment not only of the personal rights of the Crown in the body politic, but also of those vital interests therein which are of national concern, and which it is the peculiar province of the sovereign to conserve.”

And there is a further circumstance pointed out by Mr. Todd, besides the progress of democratic ideas, which renders it the more difficult for the proper constitutional value of the Crown to be appreciated. He remarks (p. 23) that—

“From the secrecy which properly enshrines the intercourse between the Crown and its advisers, it rarely happens that the opinions or conduct of the sovereign in governmental matters becomes known to the public at large. Accordingly, those functions of the Crown which are most beneficial in their operation are apt to be

undervalued; because, whilst strictly constitutional, they are hidden from the public eye.”

What these functions are, in the view of the author, we propose now to set out somewhat more specifically; and we would desire, if space allows, to add some remarks upon Imperial control over self-governing Colonies generally.

(To be continued.)

ENFORCEMENT OF MARRIED WOMAN'S CONTRACT REGARDING HER RIGHT TO DOWER.

A new point in the law regarding married women has been decided by Vice-Chancellor Proudfoot in the case of *Loughead v. Stubbs*, 27 Grant, 387. But we are inclined to think that it was not so fully argued or so maturely considered in some respects as its importance demands. The husband was the owner of land, his wife having an inchoate right of dower therein, and he and she both entered into an agreement in writing to sell the land to the plaintiff for a price less than the amount of incumbrances. The excess of such incumbrances the husband was to pay and he was to convey in fee free of all liens or charges. The purchaser filed his bill against the husband alone, praying for specific performance, and the defendant demurred on the ground that his wife was a necessary party defendant. The date of the transaction was in February, 1880; the date of the marriage is not given. The Judge held, that as the husband did not alone contract to sell, but united with his wife in the agreement, it was a joint agreement to convey, and that all parties liable to convey must be joined; and that the husband should not be put to the risk of having to abate the purchase money, and therefore his wife should be a defendant. On these grounds the demurrer was allowed.