

or scientific skill. Every woman married on or after the first day of July, 1884, shall also be entitled to have and hold and dispose of as her separate property all other real and personal property belonging to her at the time of marriage or acquired by or devolving upon her after marriage."

As to s. 4 (2) it may be noticed although apparently dealing with the power to enter into contracts generally seems by its very terms to exclude contracts by married women with their own husbands, because it proceeds to say (presumably with reference to the kind of contracts intended) that her husband need not be joined with her as plaintiff or defendant or be made party to any action or other legal proceeding brought by or against her; and it may be well asked how could any action or a contract made by a married woman with her husband be enforced by her without making her husband a party? Do not the concluding words of s. 4 (2) plainly limit the kind of contracts which are referred to in the prior part of the section to contracts with persons other than her husband? The section removes the common law restraint as to such contracts, but it is questionable whether, having regard to the concluding words, it enables any woman to enter into a contract with her husband. The ultimate test which the section proposes as the limit of her power to contract is that of a *feme sole*, but it is obvious that a *feme sole*, having no husband, has consequently no power to contract with a person standing to her in the relation of her husband; consequently on that ground also the section appears to fall short of giving a married woman any power to contract with her husband. But admitting that she has power to enter into a partnership contract, the 4th section does not empower her to hold the earnings resulting from such a contract; and resort must be had to s. 7 (1) above referred to, but that section expressly excludes her right to hold as separate property the earnings of any trade or business in which her husband has a proprietary interest; which would, we should think, exclude all profits derived from a business carried on by a married woman in partnership with her husband. We cannot but think, therefore, if the question were carried further it might very possibly receive a different answer.