

REVIEWS: WOMAN BEFORE THE LAW.

esting study, as it shews by plain gradation "remedial process of law and the method by which law is shaped and directed by enlightened thought." But this is so only up to a certain point, for many of the reforms in the law relating to the property of married women, which have been attempted in Canada as well as in England, are subject to the objection that it is difficult to trace in them any comprehensive or intelligible principle. It must always be so when Acts of Parliament are passed not so much because they are needed, as because the introducers of them feel the need of doing something in the way of legislation, whether needed or not. We are not aware that at any time there was in England any general demand for most of these amendments. We are certain that at no time was there any such general demand in this country, except to provide for cases of drunken husbands. The danger of needless and sweeping legislation is, that it will do more harm than good. Legislators, in their desire to protect the property of the wife, encourage the fraud of the husband. Under such legislation many wives will acquire property that of right belongs to the husband's creditors. To all the world the husband is the head of the house; to the inquisitive who have unsatisfied judgments it will be shown that the wife is "the better man of the two." The butcher, or baker, or hotel-keeper who furnishes husband and wife with the necessities of life on the supposed credit of the husband, may, after a time, find that they have been sustaining two lives, one of which is of little pecuniary value, and the other of much pecuniary but no available value. This is well illustrated by a case of *Bromley v. Norton* 21 W. R. 155, referred to in Mr. Griffith's work. Mr. and Mrs. Bromley boarded three months at the Hotel D'Angleterre, a fashionable hotel at Baden Baden. They had their family with them, and lived in the best of style. At the end of three months Mr. Bromley left the hotel suddenly, owing a balance of £400. Mrs. Bromley and the children would have followed the lead, but were detained by the hotel-keeper under some local law. A further debt was in the meantime incurred. Mrs. Bromley, who was possessed of separate property, gave an undertaking to pay the debt, and she and the little Bromleys

were released to follow the head of the House of Bromley. A bill filed in England to charge Mrs. Bromley's separate estate was dismissed. Vice-Chancellor Malins, in dismissing the bill, said "when a married woman is separate from her husband, the Court would consider that she was contracting upon the strength of her separate estate. But there is no case where, when the husband and wife are living together, it presumes that there is an intention to resort to a separate estate. The landlord was bound to know that it was not her debt, and she only said it was her debt in order to escape from dues."

But whether recent legislation has or has not been useful on the whole (and in some respects it undoubtedly has), it is nevertheless the duty of the profession to master it as far as they may, of the Courts to interpret it, and authors to expound it.

Mr Proffat divides his work thus: The former status of women; the legal conditions of marriage; the personal rights and disabilities of the wife; rights of property, real and personal; dowry; the reciprocal rights and duties of mother and children and divorce. The writer treats his subject in a very lucid manner, and fulfils his hope of giving to "readers outside of the legal profession a reliable summary of the law, free from the usual technicalities," while it is so far treated in a legal point of view as to afford much assistance to the law student.

Mr. Griffith commences his book with a dissertation on the equitable doctrine of separate estate—the germ of recent legislation for the protection of the property of married women. He traces this creature of equity from its birth to its present growth, showing the expansions from time to time made. We have read this dissertation with pleasure and profit. It is the best essay we have read on the subject treated. It is followed by the Married Women's Property Act, 1870 (33 & 34 Vic. cap. 93), with very full notes of decided cases. The Married Women's Property Act of 1870, Amendment Act, 1874 (37 & 38 Vic. cap. 50) is handled in like manner. In the appendix will be found reports of several leading cases as to the property of married women, and some useful forms. Among the latter are a bill to charge the separate estate of a sale made by creditors holding her note