

against; nor did it intend that any married woman so having such separate estate of such a particular quality might be sued or proceeded against, but only that such separate estate of such a particular quality might be proceeded against; *and that when the Legislature there used the words, 'as if she were unmarried,' it did not intend to use those words, and that the section should be read as if they were struck out.*"

It is apparent, however, that an Act which provides that a married woman may enjoy her property, as if she were sole and unmarried, cannot relieve her of all the troubles (if any) pertaining to her married condition. If she be allied to a brute, the statute cannot make her joyful—in short does not divorce her. If, then, the family mansion belong to the wife, can she insist upon enjoying it as if she were sole and unmarried, and can she, for that purpose, invoke the assistance of the law to keep her husband off the premises? If she were unmarried she could enjoy her property as she pleased, and have such company as she chose to select. Does the statute, in effect, permit a married woman to do the same thing? If the language is to be taken absolutely, it does.

The point arose in the case of *Symonds v. Hallett*, reported in the issue of the *English Law Times* of the 1st December. A motion was made for an injunction, restraining the husband of the plaintiff from entering upon, or taking or continuing in, possession of the house in which the plaintiff resided, and which had been settled to her separate use. Mr. Justice Chitty granted the injunction. He said: "It appears to me I shall be acting in accordance with several decisions, which are founded on this, that the Court protects the married woman in the enjoyment of her separate estate, not only against the husband's creditors, but against the husband himself. It was said the effect would be that the order would operate as a divorce *a mensa et thoro*; and that in no case had the Court carried a trust for separate use to that extent. . . . The husband will be entitled, at once, to take proceedings, if he is