MARRIED WOMEN'S PROPERTY.

The recent case of *Reid* v. *Morwick*, 42 O.L.R. 224, involved a question which, with all due respect to the Appellate Division, does not appear to us to have been satisfactorily answered. The plaintiff was the execution creditor of a man who it appeared, according to the finding of the majority of the Court, carried on a business in partnership with his wife. The wife's claim to be the sole owner of the business was rejected by the majority of the Court, Maclaren, Magee and Ferguson, JJ.A. (Hodgins, J.A., and Clute, J., dissenting). The conclusion being reached that the business was the partnership business of the husband and wife, it became necessary to determine the effect of section 7 of the Married Women's Property Act. That section provides *inter alia* that: "Every married woman, whether married before or after the passing of this Act, shall have and hold as her separate property, and may dispose of as such, the wages, earnings, money and property gained or acquired by her in any employment, trade or occupation in which she is engaged or which she carries on and in which her husband has no proprietary interest . . . ." This section it will be seen deals specifically with "wages, earnings, money and property gained or acquired" by any married woman "in any trade or occupation in which she is engaged or which she carries on and in which her husband has no proprietary interest." This Act it must be remembered is an alteration of the common law and in so far as the Act does not alter the common law the common law must still govern the rights of property of married women. The section above quoted seems expressly to exclude wages, earnings, money and property gained or acquired by a married woman in a business in which her husband has any proprietary interest, and the proper conclusion would seem to be that if a married woman carries on a business in partnership with her husband then no part of the gains and profits of the business are made the separate property of the wife, and therefore they are governed by the common law and are therefore the sole property of the husband. This conclusion it may be observed does not affect the separate property which the wife may put into such a business by way of