

THE MARRIED WOMAN'S PROPERTY ACT.

territory to that Province not included in the Manitoba Boundary Act. From this it would appear that either the boundaries set out in the Dominion Act have been varied, without Imperial or Dominion or Local legislation, or a new judicial interpretation has been given to the statutory expression, "*due north line*," by which such a line may not be a straight line, but may be given partly a due north course, and partly an irregular easterly course through rivers and lakes, "until it reaches a line drawn due north from" a place some hundred miles to the east of that named in the statute, and which the Lords of the Judicial Committee solemnly declare "forms the boundary eastward of the Province of Manitoba"—the statute to the contrary notwithstanding.

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THE MARRIED WOMAN'S PRO-
PERTY ACT, 1884.

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On the 1st July the Act passed at the last session of the Ontario Legislature, making further changes in the law regulating the rights of married women to their property, to which we adverted in our last issue, came into operation.

The Act is based as we have said mainly on the Imperial Statute 45 & 46 Vict. c. 75: it has however, some features peculiar to itself, and as it is an Act of great importance some further observation regarding its provisions and the changes it has wrought may be useful.

This Act repeals the R. S. O. chap. 125, and in effect considerably enlarges the rights of married women in respect to their property. The first section provides that a married woman shall, in accordance with the provisions of the Act, be capable of acquiring, holding, and disposing, by will or otherwise, of any real or personal property, as her separate property

in the same manner as if she were a *feme sole*, without the intervention of any trustee. It moreover provides that she may "make herself liable in respect of, and to the extent of her separate property" on any contract; that every contract of a married woman shall be deemed to be made with respect to, and to bind her separate property, unless the contrary is shown; and moreover, that her separate property shall be bound which she may have at the date of the contract, or which she may at any time thereafter acquire.

By giving to the married woman the power not only of holding, but also of disposing, of her property, it would seem that the difficulty formerly found in the way of holding that separate property held under the Statute is not so completely her separate estate as property settled to her separate use has been removed. (See *Royal Canadian Bank v. Mitchell*, 14 Gr. 412.)

The Act, however, it will be observed still limits the liability of a married woman in respect of her contracts to her separate property, and she is still apparently relieved from any personal liability thereon, and her contracts can consequently only be enforced by judgment against her separate property. The absurd result which was reached in *Pike v. Fitzgibbon*, 17 Ch. D. 454, to the effect that, under the former Act, only the property that she had at the date of the contract, and might still have at the date of judgment, could be made liable for the satisfaction of the contracts of a married woman, we are glad to see has been corrected by the present Act.

How far it is expedient to limit the liability of a married woman on her contracts, to the extent of her separate property, we think is open to doubt. Freedom from liability to arrest might no doubt be conceded; but beyond that we do not see why a married woman should not in all other respects incur the same personal