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CAN A MARRIED WOMAN BE PARTNER WITH HER HUSBAND?

It has recently been held by two Divisional Courts that under the Married Women's Property Act (R.S.O. c. 149) it is possible for a married woman to carry on business in partnership with her husband: *Reid v. Norwick*, 13 O.W.N. 482; *Faye v. Roumegous*, 14 O.W.N. 50, and see *Gibson v. Le Temps*, 8 O.L.R. 707. This conclusion is arrived at on the ground that a married woman is now able to enter into contracts as if she were a *feme sole*. The words of the Act, s. 4 (2), are as follows:—"A married woman shall be capable of entering into and rendering herself liable in respect of and to the extent of her separate property on *any contract*, and of suing and being sued in either contract or in court or otherwise in all respects as if she were a *feme sole*, and her husband need not be joined with her as plaintiff or defendant or be made a party to any action or other legal proceeding brought by or against her; and any damages recovered by her in any such action or proceeding shall be her separate property, and any damages or costs recovered against her in any such action or proceeding shall be payable out of her separate property and not otherwise.

It has been contended, however, and we think with some reason, that the powers conferred by the section just quoted must be read in connection with a subsequent section of the Act, viz., s. 7, which is as follows: "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, or gained or acquired by her in the exercise of any literary, artistic,