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DIARY FOR NOVEMBER.

1. Thurs... All Saints' Day.
3. Sat.... Draper, C.J., died, 1877.
4. Sun.... *Twenty-fourth Sunday after Trinity.*
5. Mon.... Sir J. Colborne, Lieut.-Governor U.C., 1838.
6. Tues.... First Intermediate Examination.
7. Wed.... First Intermediate Examination.
8. Thurs... Second Intermediate Examination.
9. Fri.... Prince of Wales born, 1841. Second Intermediate Examination.
11. Sun.... *Twenty-fifth Sunday after Trinity.*
13. Tues.... Ct. of App. sitt. begin. Examination for Certificate of Fitness.
14. Wed.... Examination for Call.

TORONTO, NOV. 1, 1883.

The English Married Women's Property Act, 1882, has been decided by Mr. Justice Chitty, not only to have secured to married women separate rights of property, but, also, to have enlarged their capacity for acquiring property. Formerly the rule was that if a gift were made to a husband and wife and a third person, the property was divisible into moieties, the husband and wife taking only half, and the third person the other half of the subject of the gift. This rule was based on the principle that "the husband and wife are all one person in law," Co. Lit. p. 187. The act, however, appears to have effectually displaced this old time theory; and a husband and wife are, in England, no longer one, but two, as regards right of property; and according to Mr. Justice Chitty's decision in *Re March Manden v. Harris*, 49 L. T. N. S. 168, under such a gift the husband and wife now take one third each, and the third person the other third. It does not appear that the reasoning adopted by Mr. Justice Chitty in coming to this conclusion can be made applicable to the construction of the Married Women's Property Act, of this Province, the phraseology of which does not appear to be

as wide as that of the English Act. By the English Act a married woman is declared to 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." A comparison of these words with those used in the R. S. O. c. 125, will show that they give much more ample rights. The words in the Revised Statutes are "may have, hold and enjoy all her real estate, whether belonging to her before marriage, or acquired by her by inheritance, devise or gift, &c., or in any other way after marriage, free, &c., in as full and ample a manner as if she continued *sole* and unmarried," s. 3; see also ss. 2, 4 and 5. None of these sections say in terms that she may acquire property as a *feme sole*, but simply in effect provide that having acquired it as a married woman may acquire property, she may hold and enjoy it as a *feme sole*.

REDEMPTION.

A case of some importance, regarding the law of mortgages, was recently disposed of by the Divisional Court of the Chancery Division. We refer to *Martin v. Miles*, ante p. 316. The action was one for redemption. It appears that the defendant, Miles, was the mortgagee of one Cameron, against whom a judgment and final order of foreclosure had been obtained. Prior to the foreclosure, however, Cameron had leased the mortgaged property to Martin, who was not made a party to the foreclosure proceedings, and who, as such lessee, now brought the present action to redeem the mortgage, notwithstanding