

his. Equity, however, deeming this unjust, was accustomed to declare that certain property of a married woman was her separate estate and with regard to it treated her as a *feme sole*. Down to the commencement of the Married Woman's Acts the doctrine of separate estate was unknown to courts of law. After much difference of opinion it was (in Ontario) determined that the effect of those Acts was to introduce into courts of law the equity doctrine of separate estate; and that although the statutes declare that a married woman is to be liable as a *feme sole*, they only mean that she is to be liable as a married woman used to be in a court of equity.

In passing we would like to suggest that, in any case, the form of judgment in use in Ontario in actions against a married woman is unfair to the plaintiffs. The form gives execution against all the separate estate which the defendant had at the time the debt or liability was incurred and which is yet undisposed of. We submit, with all the deference due to that superior Province, from which we must expect for all time to import our judicial ability, that the plaintiff is entitled as against the defendant to a charge upon all the separate property which she had at the time when the debt or liability was incurred whether it has subsequently been disposed of or not; and that the plaintiff is then at liberty to contest priorities, upon the ground of notice of his charge or otherwise, with the persons who have acquired interests subsequent in point of time to his.

*Wishart v. McManus*, for Manitoba, relieves the law of all incongruities and inconsistencies. If a married woman contracts she is liable as if she were a *feme sole*—that is, judgment may be obtained, and execution issued, against her personally. This is extremely satisfactory, and we are not sure that we are not much indebted for the result to the able arguments of the members of the bar who were engaged in the case, one of whom received special compliment from the court. The Ontario bar should really look into these questions a little more thoroughly. Judges will go wrong unless assisted by debate.