

the contrary decision in *Pelton Bros. v. Harrison* (1891), 2 Q.B. 422, is frankly recognized. Moreover in any question upon the Married Women's Property Act the opinion of this learned judge is entitled to exceptional weight as he appears to have been engaged as counsel in almost every case bearing upon the Act that has come before the courts in recent years. The property made liable by the Act is "separate property." Can a feme's property be said to be such where the coverture has ceased? While the property in the question before Cozens-Hardy, J., was not separate property by virtue of the Act but by reason of a settlement to the feme's separate use, no distinction between the two classes of property can be suggested to render his argument inapplicable to the case of separate property under the Act, and Cozens-Hardy, J., makes it clear that he intends his observations to bear no such limitation. In his opinion property settled to the separate use of a woman does not cease to be separate estate upon her becoming discovert. He points out that in *Tullett v. Armstrong*, 1 Beav. 1, 4 M. & C. 390, Lord Langdale treated the separate use as "suspended" and having no operation while the woman is discovert, though it is capable of arising upon the happening of a marriage, and that Lord Cottenham expressly negatived the idea that a new separate estate arises on the second marriage, and asserted that the old separate estate continued through the second coverture. "There are authorities which speak of that which was separate estate still being separate estate after the husband's death: See *Pike v. Fitzgibbon*, 14 Ch. D. 837; 17 Ch. D. 454. The judgment of Mallins, V.-C., as varied by the Court of Appeal, is given in Seton, 5th ed. p. 757. It declares that such of the separate property of the widow as was immediately before the death of her husband and at this present date is vested in her, excluding any separate property which during coverture she was restrained from anticipating, was chargeable with the payment of the amount due to the plaintiffs. There are also authorities which speak of that which was separate estate being still separate estate after the wife's death; see *Heatley v. Thomas*, 15 Ves. 596, where the decree directed an account of the separate estate of the deceased lady against her executors; and *London Chartered Bank of Australia v. Lempriere*. I may point out that s. 23 of the Act of 1882 treats a married woman's separate estate as something which may vest in her executors: see *Surman v. Wharton* (1891), 1 Q.B. 491. It