

*without delivering to the prothonotary and registrar the declaration therein mentioned, is not intended to apply to cases where a married woman is carrying on a petty business, with a stock of the value of a few dollars only.*

The judgment inscribed in Review was rendered by the Superior Court (Loranger, J.), Sept. 30, 1882.

The action was brought under Article 981, C. C. P., against Dame Antoinette Prudhomme, of Longueuil, wife of Oscar Marion, cook, for the penalty of \$200, for failure to make the declaration as *marchande publique* required by the article above mentioned.

The defence was that the defendant was a poor woman endeavouring to support herself and four children, and merely kept a small fruit store, with a stock worth not more than \$5 or \$6; and that the present action was instituted maliciously by the plaintiff, and for the purpose of revenging himself for the loss of a suit.

The Court below dismissed the action, the reasons being as follows:—

“*Considérant que la défenderesse faisait le commerce seul et pour son propre compte sous le nom de “O. Marion,” et qu’elle n’était pas obligée de faire enregistrer la déclaration exigée pour le cas de sociétés;*

“*Considérant que le commerce tenu par la défenderesse n’est pas contemplé par les dispositions de la loi qui exige la production et l’enregistrement d’une déclaration;*

“*Considérant que l’action du demandeur est mal fondée;*

“*La Cour déboute la dite action avec dépens, &c.”*

RAINVILLE, J., said this appeared to be one of the cases where the maxim *de minimis non curat lex* might be applied. The defendant had a small fruit and candy shop, the value of the stock being only \$10 or \$12. It was not the intention that the law which made registration compulsory on the part of married women trading, under a penalty of \$200, should apply to such cases.

Judgment confirmed without costs.

J. P. Cooke, for plaintiff.

Pelletier & Jodoin, for defendant.

### CHANGES IN ENGLISH LAW.

The London Standard of Jan. 3, notices as follows two important changes in English law:—

Among the many legal reforms which became law on the 1st. inst., that of which the working effect will be most anxiously watched is the Married Women's Property Act, 1882. No piece of domestic legislation in modern times has ever effected such a sweeping change as this statute. It is not too much to say that it affects the whole community, since it alters the relationship between husband and wife, and does away with many of those old maxims of the Common Law which have hitherto been regarded as sacred. At Common Law a married woman had formerly no existence apart from her husband. She was incapable of acquiring, holding, or disposing, by will or otherwise, of any real or personal property whatever. She could neither sue nor be sued upon contracts entered into by her, for they were absolutely void; and it was her husband only who was liable for torts committed by her during marriage, or who could claim damages for torts committed against her. According to the doctrine of the common law, indeed, a woman's individuality became absolutely effaced by marriage, and she possessed, practically, no rights, and no liabilities. The courts of Equity, however, in order to protect the wife, invented the doctrine of separate estate, and from time to time various Acts were passed by which it was provided that any property could be settled upon a woman for her sole and separate use, and in such a manner that it should be absolutely protected from any interference on the part of her husband, whether with or without her connivance. Similarly, she was entitled, in certain cases, to dispose of her property by deed or will; her wages or earnings in any employment or trade in which she was engaged apart from her husband were declared to be her own property. She could effect an insurance upon her own life or the life of her husband for her separate use; she could maintain action in her own name for the recovery of her separate estate. Such, amongst others, were the rights of married women until Monday last, when the new statute came into operation. By this Act a wife acquires an absolute and uncontrolled power of acquiring, holding, disposing, or dealing with