

ence ripened and their store of knowledge so well filled, they cannot, we think, truly say that they are quite as able for the continued strain necessary for the conduct of a long trial as they once were; and we therefore the more applaud the enactment which gives to those who are thereby presumed to be failing (whether they think so or not) a pension equal to the salary previously enjoyed. That this provision should be made is a simple matter of justice; and is of right, and not of favour, especially in view of the small emoluments given to our judges. It may be hoped also that, to a limited extent, at least, it may be an inducement to the best men at the Bar to accept judicial appointments and so sustain the high character of our judiciary.

LIABILITY OF HUSBAND FOR HIS WIFE'S TORT.

Under the Married Women's Property Act, (R.S.O. c. 163) s. 17, a husband is liable for the wrongs committed by his wife before or after marriage "to the extent of all property whatsoever belonging to his wife which he shall have acquired or become entitled to from or through his wife, after deducting any payments made by him or any sums for which judgment may have been *bonâ fide* recorded against him in any legal proceeding in respect of any such debts, contracts, or wages, for or in respect of which his wife is liable." But this section also provides that "nothing in this Act contained shall operate to increase or diminish the liability of any husband married before the first day of July, 1884, for or in respect of any such debt or other liability of his wife aforesaid."

While, therefore, the liability of husbands married after the 1st July, 1884, in respect of debts committed by their wives before or after marriage is limited to the property of the wife received by the husband and remaining in his hands as above mentioned, the liability of husbands married before that date is governed by the law as it stood prior to 1st July, 1884.

The course of legislation in regard to married women has not been strictly logical or consistent in England, as Mr. Indermaur has pointed out in a paper published in a recent number of the *English Law Times*, neither has it been so in Ontario where we have followed more or less exactly in the wake of English legislation. It has been lacking in a broad and comprehensive view of the subject and has been characterized by timidity which has