The Courts, on the other hand, seem loth to admit married women to full equality with their husbands in matters of guardianship. In *Mastin* v. *Mastin*, 15 P.R. 177, it was held that a married woman ought not to be appointed by the Court to the office of next friend or guardian ad litem "because she cannot be made answerable in costs." In so deciding the Court followed *Thynne* v. *St. Maur*, 34 Chy. D. 465. In delivering judgment in that case Chitty J. said: "Before the passing of the Married Women's Property Act, 1882, it was the established practice that a married woman could not fill the office of next friend or guardian ad litem and the rule appears to have been founded on the incompetence of married women to sue and to be sued, and to be answerable in costs. Now the Married Women's Property Act has not made a married woman a feme sole for all purposes, but has rendered her capable of suing and being sued in matters relating to her personally. To grant the application would be a dangerous innovation, as a married woman, as far as I can see, would not be responsible for the costs of an improper action or liable to pay those of an improper defence, or at most would only be responsible for such costs to the extent of her separate estate."

In re McQueen, 23 Gr. 191, a mother, being a widow, had by her will attempted to appoint her sister, a married woman, to be the guardian of her infant children. On an issue between the aunt and the paternal grandfather of the infants, Proudfoot, V.C., followed *Re Kaye*, L R. Chy. 387, in which the appointment of a married woman by the Surrogate Court was reversed on the sole ground that "the appointment of a married woman raised a difficulty in the the way of supporting the order that was insurmountable." No authorities were cited either by counsel or by the Court in *Re Kaye*.

In view of the fact that the Ontario Legislature has gone about as far as it is possible for language to go in the direction of relieving married women from disabilities, it is rather anomalous that the Courts should refuse to appoint her to an office for which she must often be better qualified than a stranger in blood. This being the case it is worth while to analyze the four cases upon which the present interpretation of the law in Ontario is founded.

The *McQueen* case and the *Mastin* case simply followed the English cases cited, so that, subject to any distinction which may be drawn between our Married Women's Property Act and that of England, nothing further need be said about the Ontario authorities referred to. As to the *Kaye* case there can be no doubt that it