

to the argument, that there was nothing said merely for effect, and that there was nothing of that most aggravating form of prolixity, vain repetition.

RUSTICUS.

MARRIED WOMEN'S PROPERTY ACT.

When the Royal assent is given to the new Married Women's Property Act now before the British Parliament, an end will be put, as the *Law Times* tells us, to the "extraordinary position which *Re Harkness and Allsopp's Contract*, 74 L. T. Rep. 652; (1896) 2 Ch. 358, eleven years ago disclosed. Previously to the new Act a married woman could convey her own property, if it was acquired or she was married after the coming into operation of the Married Women's Property Act, 1882, as a feme sole; but if she was a trustee, even if one of many trustees, her husband had to join, and, in the case of freeholds, the deed be acknowledged by her. There were exceptions to this rule, some statutory, and some made by the judges in order to avoid the absurdity of the strict interpretation of the law. As the Act is retrospective, *Re Harkness and Allsopp's Contract* and all the curious learning which was founded on it can now happily be dismissed to the limbo of things to be forgotten."

An amendment similar to that now proposed to be made in England would seem to be required, also, in Ontario. The enabling section of the Married Women's Real Estate Act (R. S. O. c. 165, s. 3), would appear to apply only to a married woman's beneficial interest in real estate. Even as regards personal property held in trust, except as to such as comes within section 10 of R. S. O. c. 163, there would still seem to be a necessity for the husband's concurrence. This as above said is an absurdity. The Law Department of Ontario might with advantage look into this matter.

We notice that for some unexplained reason the English Act is not to come into force until January 1, 1908. It is not clear why there should be this delay. Possibly it may be thought more convenient, as a matter of remembrance, that the change should be made at the beginning of the year.