

in favour of the mortgagee, in effect acknowledging the indebtedness as a personal obligation, but retaining the title in himself. On default the mortgagee may recover judgment on the obligation and bring the property to sale at the hands of the sheriff, and is entitled to be paid the amount of the hypothec as a preferred claim out of the proceeds of the sale.

(2) The Quebec law on the subject of married women is also peculiar. Unless husband and wife have made a contract before marriage, they are held by the law to be in community, which means that a partnership is deemed to be established between them, each member being entitled to a half interest. The husband is regarded as the head of the community or as the managing partner of the firm, and may deal with the property according to his own discretion.

Ante-nuptial contracts are quite usual and almost any form of settlement may be made, and a woman's private estate secured to her thereby. Even where such a contract exists, a married woman is subject to a legal disability which does not prevail in the other provinces. As a rule, she requires the authorization of her husband in all business transactions. A wife's mortgage of her separate property is void both as to the debt contracted and as to the disposition if it is in any way for her husband's purposes. Ignorance on the part of the lender that the money was borrowed for the husband's purposes is of no avail and the burden is on him to prove that it was not so borrowed. *Trust & Loan v. Gauthier*, [1904] A.C. 94. In the other provinces, speaking generally, a married woman is capable of dealing with, and contracting in respect to, her property.

(3) Another class of persons who in Quebec are under disability to contract is that of "interdicts," that is, persons who are placed under restrictions by the court on account of prodigality, drunkenness, etc., and who cannot contract without the assistance of curators appointed by the court on the advice of a family council.

(4) In Quebec, as in France and other countries under the civil law, the notarial system prevails. The notary is an im-