

**THE MANITOBA  
LAW JOURNAL.  
VOLUME I**

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**JOHN S. EWART**

**THE MANITOBA  
LAW JOURNAL.  
VOLUME I**



THE MANITOBA  
LAW JOURNAL

EDITED BY  
JOHN S. EWART,  
ONE OF HER MAJESTY'S COUNSEL.

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VOLUME I

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## INDEX TO JOURNAL.

	PAGE.
Advertising . . . . .	63, 79
Arguing <i>v.</i> Wrangling . . . . .	56
Bad case, How to argue a . . . . .	168
Beguiling the Court . . . . .	184
Blasphemous libels . . . . .	81
Bribing a member of parliament . . . . .	71
Briefs for two counsel . . . . .	143
British Columbia Law Reports . . . . .	184
Burning and burying . . . . .	135
Bullying barristers . . . . .	65
Byles, Late Sir John . . . . .	59
Codification . . . . .	153, 163
Commissioners . . . . .	160
Communications . . . . .	32, 79
Conveyancers . . . . .	138
Conveyancing . . . . .	184
Decisions, Important . . . . .	10
Definiteness . . . . .	49
Distress . . . . .	33
Enquiry . . . . .	49
Entering records . . . . .	179
Equity orders . . . . .	144
Fees of special examiners . . . . .	142
Flogging at the gaol . . . . .	176

	PAGE.
Hodge, Regina <i>v.</i> . . . . .	97
How to argue a bad case . . . . .	168
Howell on Naturalization . . . . .	183
Important decisions . . . . .	10
Judges . . . . .	16, 46, 78
Judges' salaries . . . . .	140, 185
Judicature Act . . . . .	27, 58
Judicial capacity . . . . .	160
Judicial work . . . . .	43
Legislation, Recent . . . . .	91
Libels, Blasphemous . . . . .	81
Liquor License question . . . . .	17
Manitoba Law Reports . . . . .	110
Married women . . . . .	1, 117
Misrepresentation . . . . .	49
More judges . . . . .	16, 46
Mortgaged premises, Sale of . . . . .	161
Orders in equity . . . . .	144
Paraphernalia . . . . .	129
Professional morality . . . . .	7
Prisoners and their counsel, Statements by . . . . .	103
Punishment . . . . .	145
Queen's Counsel . . . . .	96, 177
Recent legislation . . . . .	91
Regina <i>v.</i> Hodge . . . . .	97
Registry Act . . . . .	180
Reviews . . . . .	48, 64, 120, 128

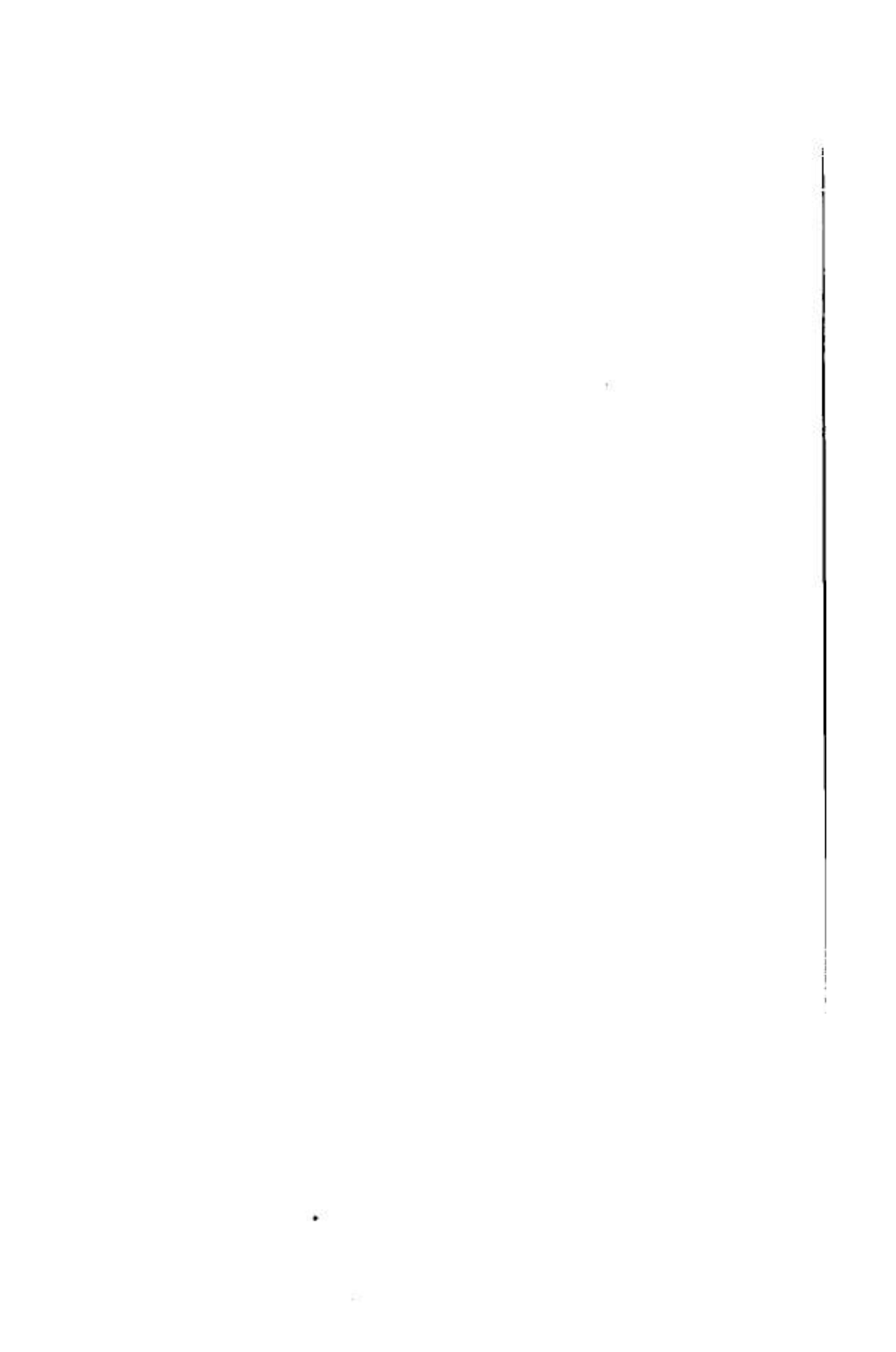


INDEX TO JOURNAL.

iii

	PAGE.
Rows in court . . . . .	70
Sale of mortgaged premises . . . . .	161
Smith, Mr. Justice . . . . .	112
Special Examiners' fees . . . . .	142
Statements by prisoners and their counsel . . . . .	103
Statutes . . . . .	8
Term and Vacation.—Their origin . . . . .	113
Torrens system . . . . .	39
Vacation and Term.—Their origin . . . . .	113
Winnipeg Legal Club . . . . .	175
Wrangling, Arguing <i>v.</i> . . . .	56





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MARRIED WOMEN.

IN modern legislation relating to the property of married women, the phrase "as if she were a *feme sole*" frequently recurs. Are these words to be construed strictly, as meaning absolutely that which they imply, with all their logical consequences, or are they to be taken as illustrative, merely, of the position which it was intended to describe, and not, in effect, declarative that wherever conjugal rights interfere with the rights of property the latter must prevail.

Mr. Justice Armour, in the now celebrated case of *Clark v. Creighton*, 45 U. C. R. 514, takes the language as he finds it, and throws the responsibility upon the Legislature. In a somewhat racy and sarcastic dissenting judgment, he says: "The avowed object of the Legislature, in passing an Act, as made known to the public by the discussion that takes place upon the Bill in its passage through the Legislative Assembly, and the intention of the Legislature, in passing the same Act, as extracted by judicial process, are often widely different. This process as applied to the ninth section, produced this—that when the Legislature there said that any married woman might be sued or proceeded against, it did not intend that any married woman might be sued or proceeded against, but only that any married woman who had separate estate, and that separate estate only of a particular quality, might be sued or proceeded