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liberty. *State v. Parsons* (1913) 153 Wis. 20, 139 N. W. 825; *State v. Tincher* (1914) 258 Mo. 1, 166 S. W. 1028.

Another objection that has been raised in analogous cases is that an act such as the juvenile court act, by conferring upon a special court the power to deal with a certain class of cases, limits and impairs the jurisdiction given to the courts of general jurisdiction by the state constitution; but this question has been decided in the negative. *De May v. Liberty Foundry Co.* (Mo. 1931) 37 S. W. (2d) 640. H. H. G., '33.

REAL PROPERTY—DOWER RIGHTS—NECESSITY OF JOINDER OF HUSBAND IN A DEED OF CONVEYANCE.—In an action of ejectment brought by the grantee of the deceased wife of defendant, the defense was that under the statute abolishing tenancy by the curtesy and granting in lieu thereof a right in the widower to the same share in the deceased wife's real estate as the law provides for the widow in the real estate of her deceased husband, it was necessary for the husband to join in his wife's deed of conveyance. *Held*, that such statutory provision does not change the prior interpretation of the Married Woman's Act, R. S. Mo. (1929) secs. 2998 and 3003, to the effect that the husband need not join in the deed of conveyance where the wife conveys property owned in her own right. *Scott v. Scott et al.* (1930) 324 Mo. 1055, 26 S. W. (2d) 598.

Prior to 1889, Missouri followed the common-law rule that a husband's right of curtesy would not be prejudiced by a deed of conveyance of the real estate owned by the wife in her own right in the event that the husband were not joined in the deed. *Clay v. Mayr* (1898) 144 Mo. 376, 46 S. W. 157; *Kennedy v. Koopman* (1901) 166 Mo. 87, 65 S. W. 1020. In 1889 the Missouri Legislature enacted the Married Woman's Act, noted above, which provided that "a married woman shall be deemed a *femme sole* so far as to enable her to carry on and transact business on her own account, to contract and be contracted with, to sue and be sued, and to enforce and have enforced against her property such judgment as may be rendered for or against her, and may sue and be sued at law or in equity, with or without her husband being joined as a party." Whether a wife, owning property in her own right might, without joining her husband, convey title unincumbered by curtesy right first arose in *Brook v. Barker* (1921) 287 Mo. 13, 228 S. W. 805, where the court held the husband's joinder unnecessary. The ruling was based chiefly upon a prior decision rendered in *Bank v. Hageluken* (1901) 165 Mo. 443, 65 S. W. 728, and upon subsequent decisions which cited the *Hageluken* case with approval, such as *Riggs v. Price* (1919) 277 Mo. 333, 210 S. W. 420; *Kirkpatrick v. Pease* (1907) 202 Mo. 471, 101 S. W. 651; *First National Bank v. Kirby* (1916) 269 Mo. 285, 190 S. W. 597. The court in the *Hageluken* case, above, states the view of the Missouri courts with reference to the statute, that its effect is to confer on a married woman the legal estate in her land in as full and complete manner and degree as if she were a *femme sole*.

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The contention of the defendant in the principal case is that since the statute abolishing tenancy by the curtesy gives the widower the same right in real estate as his wife would have had in his estate, and since the wife's right cannot be affected by a conveyance of the husband alone, R. S. Mo. (1929) sec. 318, it necessarily follows that the husband's right cannot be prejudiced by a conveyance of the wife alone. To hold otherwise would be to assert in the wife a greater estate in the husband's realty than he would have in the wife's realty. But the court held that the only effect of the statute was to change the character and quantum of interest a husband takes in the lands which his wife owned at the date of her death, and that it does not attempt to modify or take away the right given a married woman by the Married Woman's Act to dispose of the whole title to her separate real estate without joinder of her husband in the deed of conveyance. But the Married Woman's Act did not expressly give the right to the wife to convey her property without joinder. *Brook v. Barker*, above. The net effect, therefore, is that the decision in the principal case is reached by building an assumption on an assumption.

Kentucky, Iowa and Illinois have statutes similar to the one here in issue. *Combs v. Ezell* (Ky. 1930) 24 S. W. (2d) 301, holds that the husband's joinder is necessary, but the decision is predicated upon an express statute to that effect. Ky. Stat. (Carroll, 1922) sec. 2128. In Illinois, the issue is settled also by an additional statute requiring such joinder. R. S. Ill. (Cahill, 1929) c. 41 sec. 16. In Iowa the point does not seem to have been settled by an adjudicated case. H. K. M., '33.

TRADEMARKS—ASSIGNABILITY—NECESSITY OF DISCLOSURE OF SECRET PROCESS.—The question of whether the assignment of a trademark is valid when the secret process of manufacture is not also assigned was decided for the first time in this country in *Mulhens & Kropff, Inc. v. Ferd. Muelhens, Inc.* (C. C. A. 2, 1930) 43 F. (2d) 937, *rev'g* (D. C. S. D. N. Y. 1929) 38 F. (2d) 287; motion to make more specific denied (C. C. A. 2, 1931) 48 F. (2d) 206; *certiorari* denied (1931) 51 S. Ct. 84.

Kropff and Ferd. Muelhens had been partners in selling in this country products manufactured by Muelhens in Germany, in accordance with a secret recipe known only to Muelhens, and sold under the trademark "4711." A dissolution of the partnership was occasioned by the World War, and the Alien Property Custodian, under authority of the *Trading With the Enemy Act* [40 Stat. 411 (1917) 50 U. S. C. A. sec. 30, 6] sold the interest of Ferd. Muelhens to Kropff, who manufactured very similar products under the old name of Mulhens & Kropff, now a corporation, and sold them under the mark "4711" with the statement that they were made according to the secret process. After the War, Ferd. Muelhens, Inc., was organized as selling agent of the German house, and it, too, sold its products in this country under the mark "4711," advertising Mulhens & Kropff's claim to the formula to be false. In an action by Mulhens & Kropff, Inc.,

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