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NOTES.

STATE LAWS IN FEDERAL COURTS OF EQUITY.—The supremacy of federal over State jurisprudence seems to have been extended by a recent case in the Circuit Court of Appeals. *James v. Gray* (1904) 131 Fed. 401. By the Massachusetts Enabling Acts a married woman may contract with reference to her separate estate as if sole, but, in the words of the statute, "she shall not be authorized hereby to make contracts with her husband." Conceding that under the Massachusetts decisions on this statute a contract between a married woman and her husband with reference to her separate estate could not be enforced in equity, the federal court finds that under the rules of general equity jurisprudence such a contract could be enforced, and it holds that these rules must govern in a federal court, notwithstanding the Massachusetts adjudications.

When our federal judiciary was created the circuit courts were given the powers of the courts of Kings Bench and of Chancery in England at the time the Constitution was adopted, and in trials at common law the laws of the several States were made rules of decision by the creating statute, except in cases where they would not apply or were in conflict with the Constitution, treaties or statutes of the United States. 1 U. S. Rev. Stat. § 721. State statutes affecting equity in its concurrent jurisdiction were early held to have no effect on the federal courts, *Robinson v. Campbell* (1818) 3 Wheat. 212, and the proposition that remedies and procedure in these courts cannot be controlled by State laws has been frequently affirmed in subsequent cases. *Kirby v. Railroad* (1886) 120 U. S. 130. In many of these cases, though the decisions were on questions of remedy, the language has been broad enough to indicate freedom from control in the original jurisdiction of federal equity courts as well; *U. S. v. Howland* (1819) 4 Wheat. 108, 115; *Brine v. Insurance Co.* (1877) 96 U. S. 627, but, in *Meade v. Beale* (1850) Taney 393, it was