good cause shown, even after proof of due publication of his intention is made. *State ex rel. Ramsey v. Green* (Mo. App. 1929) 17 S. W. (2d) 629.

At common law the general rule was that the probate court had no power, in the absence of statutory authorization, to accept the resignation of an administrator once duly appointed and qualified. *Flinn v. Chase* (N. Y. 1847) 4 Denio 85. But even at common law there were cases which held that though there might be no statute allowing an administrator to resign, yet the acceptance of his resignation by the probate court amounts to a revocation of his authority. *Marsh v. The People* (1853) 15 Ill. 284; *Trumble v. Williams* (1885) 18 Neb. 144; *Tulburt v. Hollar* (1889) 102 N. C. 406. See also 2 Woerner, THE AMERICAN LAW OF ADMINISTRATION (3rd ed. 1923) 886. Such cases lend further plausibility to the views of the principal case and apparently minimize the importance of statutory authorization of the procedure permitted in that case. H. H. G., '33.

JUVENILE COURTS—CONSTITUTIONALITY—DENIAL OF RIGHT OF APPEAL.—Petitioner, a minor under 18 years of age, was committed to the Iowa Industrial School for Boys, after a hearing before a district judge without a jury, in accordance with provisions of Iowa Code (1927) cs. 179-180, secs. 3605-3657. It was contended that the statute which provided for no appeal, constituted a denial of due process of law. The contention was rejected. *Wissenburg v. Bradley* (1929) 209 Iowa 813, 227 N. W. 136. Rehearing denied, judgment modified (Iowa 1929) 229 N. W. 205.

The right of appeal was unknown at common law, being purely a creature of statute. *State v. Olsen* (1917) 180 Iowa 97, 162 N. W. 781; *Davidson v. Commonwealth* (1917) 174 Ky. 789, 192 S. W. 846; *State v. Thayer* (1900) 158 Mo. 36, 58 S. W. 12. It is not a constitutional right and is wholly within the power of the legislature to grant or deny, in either civil or criminal cases. *Applebaum v. U. S.* (C. C. A. 7, 1921) 274 F. 43; *Marlow v. Commonwealth* (1911) 142 Ky. 106, 133 S. W. 1137; *Andrews v. Swartz* (1895) 156 U. S. 272; *McKane v. Dwiston* (1894) 153 U. S. 684.

In *Ex parte Januszewski* (D. C. S. D. Ohio 1911) 196 F. 123, the petitioner, a boy 14 years of age, alleged that he was unlawfully imprisoned in the Boys' Industrial School and asked to be discharged on a writ of habeas corpus. It was held the federal court could not adjudge the Juvenile Act [Ohio Gen. Code (Page, 1926) secs. 1639-1683], regulating the control of delinquent children, invalid because it contained no provision for appeal. The quasi-criminal nature of juvenile court proceedings has been outweighed, in this connection, by the fact that the judgment is not one of imprisonment, but merely a provision of the government, standing in *loco parentis*, for the protection, correction, and care of the child. *Marlow v. Commonwealth, supra.* It is not necessary for the right of appeal to be granted to juvenile delinquents, even though it is granted to criminals. The state in its capacity of *parens patriae* may, without violation of the guaranty of due process of law, restrain delinquent, incorrigible, and homeless children of their

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*.