

CORRESPONDENCE.

follow as a corollary to the proposition of Sir Anthony Hart. And from what other authority does it appear?

It would appear, from the enactment of Magna Charta, that the heir was bound to assign the dower within the forty days; this time being expressly allowed for the proceedings. But if (from the consent of the widow to a voluntary assignment of the land being withheld, or other obstacles being placed in the way, making it necessary to call in the aid of the sheriff, or if from other causes intervening not chargeable to the heir or terre-tenant), the forty days expire before assignment, then, I apprehend, her right to possession ceased to exist; and Sir Anthony Hart's forcible remarks, as explained by Sir W. Page Wood, would no doubt apply; her possession then being one which the law did not recognize; and eviction *by the shoulders* might be the proper mode of proceeding.

Peculiarly applicable are the remarks of Sir J. B. Robinson, C.J., in *Doe McKenny v. Johnson*, 4 U. C. Q. B., 208. She is "entitled as we may assume, to remain on the estate on which her husband died, as his widow, for a limited period under her right of quarantine, but *staying without right* beyond that period, her dower being * * not yet assigned to her."

The weight of authority would then appear to be in favour of the view that she has no *estate* till assignment.

E. D. A.

Toronto, July 1877.

Query for Ontario Law Makers.

TO THE EDITOR OF THE LAW JOURNAL :

The following may be found at page 212 of Dwarries' Treatise on Statutes, with reference to the interpretation of obscure passages :

"But when the intention of a testator 'is, as is expressed in one of the old 'cases, *cæca et sicca*, and senseless, and

"cannot be known, the Courts find out "for him the very last intention he was "likely to have entertained when he sat "down to make a will, viz. : that he "meant to die intestate; and the will is "made void."

Is not this fairly applicable to section 11 of the Public School Amendment Act of Ontario, of last session, as respects Union sections in existence at the time of the passing of the Act?

Yours,
W.

FERGUS, July 12th, 1877.

TO THE EDITOR OF THE LAW JOURNAL :

DEAR SIR,—I send you the enclosed advertisement, clipped from a recent number of the *Toronto Globe*, thinking it sufficiently unique to call your attention to it.

LEGAL PROFESSION.—There is a good opening for a clever lawyer, Sault Ste. Marie, Algoma, as there is no lawyer at said place but the Crown Attorney; must be a Reformer; a bonus will be given the first year. John Kelly, M.D., or to William Turner, Merchant.

The bonus idea is certainly original, but what it is for does not appear with sufficient clearness; is it for the amount of cleverness to be displayed, and is that amount to be in proportion to the bonus, or is it in payment for the Reform principles to be advocated by the acceptor of the advertisers' offer? I do not know whether this advertisement will strike you as it has done me, but it looks as if they wanted law laid on like gas or water; but the intention is clearly good and in strict accord with public policy, being evidently for the purpose of abolishing a *monopoly* in Sault St. Marie

Yours truly,
BARRISTER.

[We have some indistinct remembrance of having passed through the metropolis of Algoma on a fishing expedition last summer. Our attention was drawn to the fact that there was a store there, and possibly William Turner, merchant, was