reason why the judgment in *re Hall*, which was delivered on 4th September, 1882, should appear on page 373, while the judgment in *Bank of B. N. A.* v. *Eddy*, which was delivered on 11th July, 1882, appears on page 396, but it is not apparent. With respect to this matter, we understand there is a very proper rule of the Law Courts that cases are to be reported as soon as ready, without regard to the date of the judgments. Reasons may sometimes arise which delay the reports of special cases, as, for instance, difficulties in getting a sight of the briefs or papers, or the judge's note-book, or, perhaps, the original judgments may be wanted for use in the Master's office, and generally no evil results from judgments being reported out of the order of their date, if they are always prepared by the date of their delivery.

CURRENT CASES IN ONTARIO.

WHEN our note in our last issue, respecting the case of *Johnston* v. *Oliver*, was written we had not had the advantage of perusing the judgments delivered by the learned judges in that case. Since then the case, we are glad to see (although only disposed of on the 30th June, 1883), has already appeared in the authorised reports (2 O. R. 26). The point which we discussed in our note was thus dealt with by Mr. Justice Armour with his accustomed clearness. He says: "The only further question is, whether the widow being in possession of the land, and being entitled to dower in the land, she ought not to be held to have been in possession of one undivided third part of the land as dowress, the result of such a holding being that the title of the heirs at law to such one undivided third would not be extinguished. It seems anomalous that if the widow had been proceeded against by the heirs-at-law before their title was extinguished an account of the rents and profits of the land received by her, she would have been entitled to retain one-third of the rents and profits as having been received by her *qua dowress*, and yet during all the time during which these rents and profits were accruing her possession of the land was ripening into a title under the Real Property Limitation Act, on the ground that she was in possession not as dowress, but as a wrong-doer." And he proceeds to say that to an action of ejectment by the heirs-at-law it would be no *defence* to the action that she was entitled to dower. It may be that the claim for dower is no defence to an action of ejectment by the heir, as is stated by the learned judge, but certainly none of the cases cited by him in support of the proposition can, we think, be considered very conclusive. None of them are directly in point; but in *Carrick* v. *Smith*, 34 U. C. R. 389, which was not referred to, we find Wilson, C. J., although expressing doubt as to the validity of the defence, nevertheless, did allow the defendant, who claimed as lessee of a dowress before assignment of dower, to set up her equitable title to possession as dowress as a defence in an action of ejectment brought against him by the heir. The case ultimately went against the defendant on the facts, so that there was really no decision on the merits of the defence (see 35 U. C. R. 348). So far as it goes, however, it affords support to the view that a widow in possession before assignment would be entitled under the system of pleading which has prevailed since The Administration of Justice Act to set up her right as dowress as a defence *pro tanto*; and certainly it is a defence which, we think, the Court should favour and endeavour to give effect on the ground of natural justice.

The learned judge seems to think the equitable rule which relieves a widow in possession before assignment of dower from accounting to the heir for more than two-thirds of the rents and profits, creates an anomaly, but it is fairly open to question whether the anomaly is not one of the learned judge's own creation; and whether, following out the equitable principle which is established with regard to rents and