

the District Court in an interpleader issue. *Ibister v. Sullivan*, 418.

### DOWER.

1. *Equity of redemption—Surplus after sale under mortgage—Husband and wife—Bar of dower—Payment into Court—R. S. O. 1887, ch. 133, sec. 7.*—Where one mortgaged certain lands in fee, his wife joining to bar dower, and subsequently in his life time conveyed away his equity of redemption, and the mortgagees afterwards sold under the power of sale and had a surplus in their hands, which they desired to pay into Court under R. S. O. 1887, ch. 133, sec. 7.

*Held*, reversing the decision of the Master in Chambers, that they should be allowed to do so, in view of the conflict of opinion and decision as to sections 5 and 8 of R. S. O. 1887, ch. 133, entitled an Act respecting Dower

There is a sharp distinction made in those sections between the wife's dower in the legal estate which she has barred in a mortgage for her husband's benefit, and as to which her rights accrue, or rather enlarge to their original extent the moment a sale is had for the purpose of satisfying the mortgage, and the dower which is given by sec. 1 in respect of a mere equitable estate; for by that section such equitable dower arises and attaches at the time of the husband's death and not before, and *non constat* that the widow had no claim to the surplus moneys in this case.

*Smart v. Sorenson*, 9 O. R. 640, considered. *Re James Croskery*, 207.

*Mortgage—Prior registration—Merger—Surety.*—See **REGISTRY LAWS**, 1.

### EASEMENT.

*Way—Appurtenant—Part ownership—Restriction of user.*—See **WAY**, 1.

### EJECTMENT.

1. *Res judicata—Judgment by default of appearance—Divisional Court, jurisdiction of—Direct appeal from Master in Chambers.*—Since the Ontario Judicature Act, a judgment recovered in an action of ejectment by default of appearance will sustain a defence of *res judicata* to an action subsequently brought by the defendant to try the same question.

*Cochrane v. Hamilton Provident and Loan Society*, 15 O. R. 138, followed.

A Divisional Court has no jurisdiction to hear an appeal direct from the Master in Chambers, or a substantive motion to set aside a judgment by default of appearance. *Ball v. Cathcart*, 525.

### ELECTIONS.

*Municipal—Corrupt practices—Bribery by agents—Presumption as to candidate's intention—Gifts by candidate—Payments to canvassers.*—See **MUNICIPAL CORPORATIONS**, 7.

### ESTATE BY CURTESY.

*Real estate acquired before 1872—Conveyance by wife alone.*—See **HUSBAND AND WIFE**, 2.

### ESTOPPEL.

1. *Estoppel by record—Fraudulent mortgage—Foreclosure judgment*

1. *Chattel—Part ownership—Foreclosure judgment*